



**Colorado
Legislative
Council
Staff**

HB17-1028

FISCAL NOTE

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0189
Prime Sponsor(s): Rep. Willett
 Sen. Gardner

Date: January 20, 2017
Bill Status: House Judiciary
Fiscal Analyst: Erin Reynolds (303-866-4146)

BILL TOPIC: UNIFORM UNSWORN DECLARATIONS ACT INCLUDE DOMESTIC

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue	<u><\$5,000</u>	<u><\$5,000</u>
Cash Funds	5,000	5,000
State Expenditures	Minimal workload increase.	
TABOR Impact	<\$5,000	<\$5,000
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal state revenue and workload increase.		

Summary of Legislation

The bill, **recommended by the Colorado Commission on Uniform State Laws**, expands the state's Uniform Unsworn Foreign Declarations Act, which allows the use of foreign unsworn declarations in a variety of situations, to include domestic unsworn declarations.

Background

Colorado Commission on Uniform State Laws. The Colorado Commission on Uniform State Laws is charged with working with the national Uniform Law Commission (ULC) to promote uniformity in state laws where uniformity may be deemed desirable and practicable. This is achieved by developing proposed uniform legislation through the ULC that can be adopted by the various state legislatures. Colorado's commissioners are required to be attorneys admitted to practice law in Colorado. Members include six attorneys appointed or reappointed by joint resolution of the General Assembly; any Colorado citizen who is elected as a life member of the ULC (after twenty years of membership); and the Director of the Office of Legislative legal Services, or the Director's designee. The Office of Legislative Legal Services provides assistance to the legislative members of the Colorado Commission in their efforts to enact legislation regarding uniform acts. House Bill 09-1190 established the state's Uniform Unsworn Foreign Declarations Act to harmonize state law with federal law, and was also recommended by the Colorado Commission on Uniform State Laws.

Comparable Crime

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. House Bill 17-1028 expands the penalty of perjury to individuals making unsworn domestic declarations. In the past three years, there have been 16 first degree perjury cases and 119 second degree perjury cases; however, there have been no penalties for perjury issued under the Unsworn Foreign Declarations Act. First degree perjury is a class 4 felony punishable by 2 to 6 years in prison, \$2,000 to \$500,000 in fines, or both. Second degree perjury is a class 1 misdemeanor punishable by 6 to 18 months in jail, \$500 to \$5,000 in fines, or both.

State Revenue

Beginning in FY 2017-18, this bill is anticipated to increase state cash fund revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on no prior penalties being issued under the Unsworn Foreign Declarations Act, the assumption that individuals making sworn statements under the penalty of perjury will tell the truth to avoid placing themselves in legal jeopardy, and the low number of criminal fines imposed in 2016 generally, the fiscal note assumes that any revenue generated is likely to be less than \$5,000. The bill may also increase state cash fund revenue from court and administrative fees.

TABOR Impact

This bill may minimally increase state cash fund revenue from fines, which will minimally increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. Since the bill minimally increases the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will minimally decrease by an identical amount.

State Expenditures

Beginning in FY 2017-18, this bill may minimally increase workload for the Judicial Department and could increase workload and costs in the Department of Corrections.

Judicial Department. Workload may increase in the trial courts and probation division of the Judicial Department if there are additional perjury cases as a result of this bill. This increase can be accomplished within existing appropriations.

Department of Corrections. To the extent that this bill increases the number of persons sentenced to the DOC, costs will increase. Should additional convictions occur, the fiscal note assumes the DOC will request additional appropriations through the annual budget process.

Local Government Impact

County court expenditures. The bill may increase workload for district attorneys to prosecute any new misdemeanor offenses under the bill. In addition, to the extent that this bill increases misdemeanor convictions and offenders are sentenced to jail, costs will increase. Under current law, a court may sentence an offender to jail for a class 1 misdemeanor for a period of between 6 and 18 months. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. The fiscal note assumes that the impact of this bill on county courts will be negligible.

These same attorney and jail impacts apply to Denver County Court, which is managed and funded by Denver City and County. Probation services in the Denver County Courts may also experience a negligible increase in workload to supervise persons convicted under the bill.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed. It applies to conduct occurring on or after this date.

State and Local Government Contacts

County Clerks
Law

Information Technology
Secretary of State

Judicial