



**Colorado
Legislative
Council
Staff**

HB17-1053

FISCAL NOTE

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

Drafting Number: LLS 17-0050
Prime Sponsor(s): Rep. Landgraf

Date: January 17, 2017
Bill Status: House Judiciary
Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: WARRANT OR ORDER FOR ELECTRONIC COMMUNICATIONS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Minimal workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal workload increase.		

Summary of Legislation

This bill requires a government entity to obtain a search warrant before compelling a provider of electronic communication services to disclose the electronic communications or related information of a named person. A judge must determine that probable cause exists to search electronic communications before issuing a search warrant. The bill provides exceptions to this requirement if an emergency situation exists that involves the risk of death or serious bodily injury to the named person or someone in his or her company, and the time required to obtain a court order increases that risk. Information obtained without probable cause or in violation of other provisions of the bill may not be admitted in any subsequent criminal, civil, or administrative proceeding unless it was acquired in a separate, legal manner. The bill outlines procedures for providing notice to the parties subject to the search. It provides immunity from liability to any electronic communications service provider that complies with the bill. The Attorney General may request from the court an injunction or may bring civil action against any government entity in order to ensure compliance with the law.

State Expenditures

Beginning in FY 2017-18, this bill increases workload for trial courts within the Judicial Department by a minimal amount. Trial courts may see new requests for search warrants for electronic communications from any law enforcement agencies not already following the procedures outlined by the bill. They may also see an increase in court orders and motions related to searches of electronic communications. The bill may also increase workload for the Department of Law, as the Attorney General is charged with ensuring compliance with the law. The fiscal note assumes a high level of compliance with the provisions of the bill. Any increase in workload is expected to be minimal and does not require a change in appropriations.

Local Government Impact

This bill may increase workload for some law enforcement agencies not already following the procedures outlined by the bill. The frequency of searches of electronic communications across jurisdictions is unknown, but any increase in workload is expected to be minimal.

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 search warrants or other legal processes initiated on or after the bill's effective date.

State and Local Government Contacts

Counties
Judicial
Public Safety

District Attorneys
Law
Sheriffs

Information Technology
Municipalities