



**Colorado
Legislative
Council
Staff**

HB17-1360

FISCAL NOTE

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

Drafting Number: LLS 17-0463
Prime Sponsor(s): Rep. Pabon

Date: April 28, 2017
Bill Status: House Judiciary
Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: ALLOW CRIMINAL RECORD SEALING SUBSEQUENT OFFENSE

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue	\$31,535	\$37,667
Cash Funds	31,535	37,667
State Expenditures	Workload increase.	
TABOR Impact	\$31,535	\$37,667
Appropriation Required: None.		
Future Year Impacts: Ongoing increase in state revenue and workload.		

Summary of Legislation

The bill allows an individual to petition to seal a conviction record for a petty offense or municipal violation if:

- the individual was convicted of a single non-felony offense that did not involve domestic violence, unlawful sexual behavior, or child abuse;
- that offense occurred within three years of the date of the final disposition of all criminal proceedings against him or her, or within three years of being released from supervision related to the conviction the individual is seeking to seal, whichever is later; and
- the individual has not been convicted for a felony, misdemeanor, or misdemeanor traffic offense in the ten or more years since the final disposition of all criminal proceedings against him or her, or in the ten or more years since being released from supervision for the subsequent offense, whichever is later.

Background

Under current law, an individual can petition the district court to seal conviction records for a petty offense or a municipal violation within that judicial district if:

- the petition is filed three or more years after the date of the final disposition of all criminal proceedings against the individual, or the release of the individual from supervision for the conviction, whichever is later; and

- the defendant has not been charged or convicted for a felony, misdemeanor, or misdemeanor traffic offense in the three or more years since the date of the final disposition of or supervision related to his or her original conviction.

State Revenue

This bill will increase state cash fund revenue from fees by \$31,535 in FY 2017-18 and \$37,667 in FY 2018-19. This includes an increase in the Department of Public Safety of \$1,007 in FY 2017-18 and \$1,203 in FY 2018-19 and in the Judicial Department of \$30,528 in FY 2017-18 and by \$36,464 in FY 2018-19.

Assumptions. In FY 2015-16, 342 individuals moved to seal petty offense or municipal violation conviction records using the option available under current law. The fiscal note assumes that the bill will result in a 25 percent increase in the number of individuals who move to seal records and who pay the fee using the expanded eligibility under the bill, or 86 new cases per year. The fiscal note assumes that in half of these cases, the petitioner will move to seal records with the Colorado Bureau of Investigation (CBI), as well. Estimated revenue collected in FY 2017-18 reflects approximately 10 months of record sealing petitions.

Fee impact on individuals. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. CBI charges a fee of \$27.98 to seal criminal records. For the most part, CBI holds arrest records, though they do have some conviction records on file. The Judicial Department charges a civil filing fee of \$224 to seal most criminal records. Under current law, this type of record sealing requires petitioners to pay this \$224 fee plus an additional \$200. There may be additional cases not shown below for individuals deemed indigent who do not pay Judicial's fee. The revenue amounts shown below are estimates only, actual revenue collections will depend upon the number of petitioners who pay the fee. The table below identifies the estimated revenue impact of this bill.

Type of Fee	Current Fee	Number Affected	Total Fee Impact
Record sealing fee - CBI	\$27.98	36	\$1,007
Record sealing fee - Judicial	\$424	72	\$30,528
FY 2017-18 TOTAL			\$31,535
Record sealing fee - CBI	\$27.98	43	\$1,203
Record sealing fee - Judicial	\$424	86	\$36,464
FY 2018-19 TOTAL			\$37,667

TABOR Impact

This bill increases state cash fund revenue from fees, which will increase the amount of money required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid out of the General Fund. Since the bill 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 decrease by an identical amount.

State Expenditures

Beginning in FY 2017-18, this bill increases workload for DPS and the Judicial Department to seal additional criminal conviction records. This workload can be accomplished within existing workloads and requires no adjustment in appropriations for either agency. Any other agencies that have criminal conviction records may also see an increase in workload to seal records. To the extent that this occurs at all, the fiscal note assumes it will be minimal.

Local Government Impact

The bill increases workload for municipal courts and county courts, including the Denver County Court, to seal records. Any other local government custodians of criminal records may also see an increase in workload related to the sealing of conviction records. Any increase is assumed 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.

State and Local Government Contacts

Judicial

Municipalities

Public Safety