



**Colorado
Legislative
Council
Staff**

SB17-035

FISCAL NOTE

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

Drafting Number: LLS 17-0342
Prime Sponsor(s): Sen. Sonnenberg

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

BILL TOPIC: TAMPERING WITH OIL & GAS EQUIPMENT

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	See State Expenditures section.	
General Fund		
TABOR Impact	<\$5,000	<\$5,000
Appropriation Required: None.		
Future Year Impacts: Ongoing increase in state cash fund revenue and expenditures.		

Summary of Legislation

This bill adds placing another person in danger of death or serious bodily injury to the elements that comprise the crime of tampering with oil or gas gathering equipment. It also changes the penalty for this crime from a class 2 misdemeanor to a class 6 felony and states that a victim may seek all available remedies under law.

Background and 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. In the last three years, there has been one conviction, of a white male, for tampering with oil or gas gathering equipment. The penalty for a class 2 misdemeanor is 3 to 12 months in jail, a fine of \$250 to \$1,000, or both. The penalty for a class 6 felony is 12 to 18 months in prison, a \$1,000 to \$100,000 fine, 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. The fiscal note assumes that new charges and convictions are likely to be minimal under the bill, because tampering with oil or gas gathering equipment is already a crime. As the bill changes the penalty, however, state cash fund revenues may increase minimally from criminal fines and fees, as discussed below.

Criminal fines. This bill is anticipated to increase state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 6 felony is \$1,000 to \$100,000. 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 the low number of criminal fines imposed in 2016, the fiscal note assumes that any revenue generated is likely to be less than \$5,000.

Court and administrative fees. This bill may also increase state fee revenue by a minimal amount, including the \$50 per month per offender probation fee. Fees are imposed for a variety of court-related costs, which vary based on the offense and the type of court. Typical fees may include such items as drug or sex offender surcharges, genetic testing, victim compensation, late fees, and other administrative fees. Some fee revenue is shared with local governments; please refer to the Local Government Impact section for additional information.

TABOR Impact

This bill may increase state revenue from fines and fees, which may 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. TABOR refund obligations are not expected for FY 2016-17.

State Expenditures

Starting in FY 2017-18, this bill may increase workload in the Judicial Department, the Office of the State Public Defender, and the Office of the Alternate Defense Counsel. It may also increase state General Fund expenditures in the Department of Corrections, as discussed below.

Judicial Department. Because the bill makes this crime a felony rather than a misdemeanor, it may increase workload for trial courts to hear more complicated cases or cases that transfer from Denver County Court to Denver District Court. It may also increase workload for Probation Services, as offenders convicted under the bill may receive probation as a part of their sentence. Any potential increase in the courts' workload is minimal and can be accomplished within existing appropriations.

Office of the State Public Defender (OSPD). Workload and costs for the OSPD may increase in order to provide representation for new offenders. To the extent this occurs, this analysis assumes the OSPD will request additional appropriations through the annual budget process.

Office of the Alternate Defense Counsel (ADC). The ADC represents clients when the OSPD has a conflict and, therefore, may incur costs under the bill. These costs have not been estimated but are anticipated to be similar to those described for the OSPD.

Department of Corrections (DOC). Because very few offenders convicted of a class 6 felony receive prison sentences, the fiscal note assumes no impact to the DOC. However, should the bill increase the number of persons sentenced to the DOC, costs will increase. To the extent that convictions occur and offenders receive prison sentences, the fiscal note assumes the DOC will request additional appropriations through the annual budget process. For informational purposes, the current average length of stay for a class 6 felony is 11.2 months, which would cost about \$20,385 per offender.

Local Government Impact

This bill will affect local governments in several ways, as discussed below.

Criminal fine revenue. This bill is anticipated to decrease revenue by a minimal amount for the City and County of Denver. The fine penalty for a class 2 misdemeanor is \$250 to \$1,000.

County jail expenditures. To the extent that this bill decreases misdemeanor convictions, county jail costs will decrease. The cost to house an offender in county jails varies from about \$53 to \$114 per day. It is assumed that the impact of this bill will be minimal.

Denver County expenditures. The bill may result in a decrease in workload for the Denver County Court, managed and funded by the City and County of Denver. The court may try fewer misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience a minimal decrease in revenue and workload to supervise persons convicted under the bill.

Effective Date

The bill takes effect September 1, 2017, if no referendum petition is filed. It applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections
Judicial
Sheriffs

District Attorneys
Labor

Information Technology
Regulatory Agencies