



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 17, 2022)

Drafting Number:	LLS 22-0312	Date:	February 28, 2022
Prime Sponsors:	Rep. Boesenecker; Larson Sen. Ginal	Bill Status:	Senate Second Reading
		Fiscal Analyst:	Matt Bishop 303-866-4796 Matt.Bishop@state.co.us

Bill Topic: **PRIVACY PROTECTIONS FOR PROTECTED PERSONS**

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill expands the list of people who may request to have personal information removed from government websites in certain circumstances. The bill increases state and local workload, and potentially increases revenue and expenditures, on an ongoing basis beginning in the current FY 2021-22.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the reengrossed bill, as amended by the Senate Health and Human Services Committee.

Summary of Legislation

Current law forbids a person from publishing on the internet the personal information of a protected person if the information's dissemination poses an imminent and serious threat. The bill requires any protected person submit their name and home address when requesting that a government official remove personal information from records on the internet, and adds the following individuals to the definition of protected person:

- a local government's code enforcement officer;
- a child representative;
- a health-care worker;
- an officer or agent of the state bureau of animal protection;
- an animal control officer; and
- an Office of the Respondent Parents' Counsel staff member or contractor.

The bill also specifies that these protections for protected people do not prohibit access to records by certain individuals in real estate matters and it permits county officials to assess a fee to provide access.

Comparable Crime Analysis

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 creates a new factual basis for an existing crime. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data and assumptions. This bill creates a new factual basis for the existing offense of publicly sharing personal information, a class 1 misdemeanor, by including the personal information of a code enforcement officer. From FY 2018-19 to FY 2020-21, zero offenders have been sentenced and convicted for this offense; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Beginning in the current FY 2021-22, the bill will minimally increase workload in state agencies and may minimally increase state revenue and expenditures in the Judicial Department.

State agencies. To the extent that a code enforcement officer contacts a state department to remove personal information from records published online, workload for that department will increase. The fiscal note assumes that these cases will be rare and any increase in workload will be minimal.

Judicial Department. Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, are assumed to be minimal and no change in appropriations is required.

Local Government

Beginning in the current FY 2021-22, the bill is expected to increase workload in local governments should code enforcement officers request that an office remove personal information from records published to its website. Workload and revenue may increase if exempt parties seek access to records and if counties assess a fee for providing such access.

Violations will fall under the jurisdiction of local peace officers and District Attorney offices. Similar to the state, due to the small number of expected convictions, the associated workload is expected to be minimal. District attorney offices and county jails are funded by counties.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties
District Attorneys

County Assessors
Judicial