



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0135	<b>Date:</b>	May 1, 2023
<b>Prime Sponsors:</b>	Rep. deGruy Kennedy	<b>Bill Status:</b>	House Judiciary
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**Bill Topic:** MISUSE OF PUBLIC SAFETY ANSWERING POINT

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**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue	<input 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 creates a civil infraction for various behaviors that disrupt public safety answering point facilities. The bill will increase state revenue and state and local expenditures on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The fiscal note reflects the introduced bill.

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## Summary of Legislation

A public safety answering point (PSAP) is a facility that processes emergency and non-emergency calls, such as a 9-1-1 call. The bill creates a civil infraction for engaging in certain behaviors that disrupt operations of the PSAP. These behaviors include:

- communicating with the PSAP for non-emergency reasons after being instructed to stop;
- knowingly making a false report to a PSAP representative;
- knowingly obstructing the administration of the PSAP; and
- intimidating or harassing a PSAP representative.

PSAPs may issue written warnings for any behaviors listed above. Regardless of whether a warning is issued, a conviction of any of these behaviors is subject to a fine of no more than \$100. Civil infractions may be waived if the PSAP representative or local law enforcement believes that the behavior is related to a behavioral health issue and may make a referral to a health resource in lieu of issuing the infraction.

## 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. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

**Prior conviction data and assumptions.** This bill creates the new offense of misusing a PSAP, a civil infraction. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of false reporting as a comparable crime. From FY 2019-20 to FY 2021-22, 138 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, 110 were male, 27 were female, and 1 did not have a gender identified. Demographically, 104 were White, 18 were Black/African American, 9 were Hispanic, 2 were Asian, 3 were American Indian, and 2 did not have a race identified. This fiscal note assumes that at least 40 individuals will be convicted of this new civil infraction annually.

## State Revenue

The bill will increase state revenue to various cash funds in the Judicial Department by a minimal amount. Based on the comparable crime analysis above, any fee revenue from the civil infraction in the bill is assumed to be minimal.

## State Expenditures

The bill will minimally increase workload for trial courts in the Judicial Department on an ongoing basis. No change in appropriations is required.

## Local Government

Local law enforcement agencies may see an increase in workload to make referrals to behavioral health agencies and process civil infractions. In addition, workload to PSAPs will increase to issue warnings and to report any disruptive behaviors. This additional workload is expected to be minimal.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed. The bill applies to offenses committed after the effective date.

## State and Local Government Contacts

Judicial