



**Colorado  
Legislative  
Council  
Staff**

**HB16-1464**

**FISCAL NOTE**

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

**Drafting Number:** LLS 16-0777

**Date:** May 4, 2016

**Prime Sponsor(s):** Rep. Pabon

**Bill Status:** House Local Government

Sen. Martinez Humenik

**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** CIVIL ACTION FOR TAKING NEWSPAPERS

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
<b>State Revenue</b>		Potential minimal increase.
<b>State Expenditures</b>		Minimal workload increase.
<b>TABOR Impact</b>		Potential minimal increase.
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing potential minimal revenue and workload increase.		

### Summary of Legislation

This bill grants newspaper publishers, advertisers, and readers the right to pursue civil action against a person who steals newspapers or who interferes with newspaper distribution.

In any civil action brought under the bill,

- a prevailing plaintiff is entitled to actual damages;
- a prevailing publisher is entitled to a civil penalty of ten dollars for each newspaper obtained illegally; and
- the prevailing party is entitled to attorneys fees and costs.

### Background

Under current law, obtaining or exerting unauthorized control over more than five newspapers is an unclassified misdemeanor. For cases involving 100 or fewer newspapers, the offense is punishable by a fine of up to \$1,000; for cases involving more than 100 but fewer than 500 newspapers, the offense is punishable by a fine of up to \$2,500. For cases involving 500 or more newspapers, the offense is punishable by a fine of up to \$5,000. In the last three years, no one has been charged with or convicted of this offense.

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## **State Revenue**

Beginning in FY 2016-17, this bill may increase state cash fund revenue from fees by a minimal amount. Parties to a private civil action must pay filing fees for bringing suit in trial courts. To the extent that the bill results in civil action, cash fund revenue may increase. The fiscal note assumes that any increase will be minimal.

## **TABOR Impact**

This bill may increase state cash fund revenue from fees, which may increase the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. No TABOR impact is expected in FY 2016-17.

## **State Expenditures**

Beginning in FY 2016-17, this bill may increase workload by a minimal amount in the Judicial Department to hear civil cases concerning newspaper theft. No increase in appropriations is required.

## **Effective Date**

The bill takes effect July 1, 2016, and applies to offenses committed on or after this date.

## **State and Local Government Contacts**

Information Technology      Judicial