Colorado Legislative Council Staff

SB16-110

FISCAL NOTE

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

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Drafting Number: LLS 16-0898	**Date:** February 12, 2016
Prime Sponsor(s): Sen. Woods	**Bill Status:** Senate Judiciary
Rep. Lundeen	**Fiscal Analyst:** Kerry White (303-866-3469)

BILL TOPIC: CHILD VICTIM PRIVACY CRIMINAL JUSTICE RECORDS

Fiscal Impact Summary	FY 2015-2016 *(Current year)*	FY 2016-2017	FY 2017-2018
State Revenue			
State Expenditures	Workload increase.		
Appropriation Required: None.			
Future Year Impacts: Future workload and potential cost increases.			

Summary of Legislation

Under the bill, a criminal justice agency or custodian of criminal justice records is required to make a notation of "child victim" on any record of official action and on the file when the name is disclosed during the course of official proceedings, or when the records are requested. An exception is made when information is shared between certain state and local government agencies. The bill applies to the following crimes:

- internet sexual exploitation of a child;
- enticement of a child;
- internet luring of a child;
- soliciting for child prostitution;
- pandering of a child;
- procurement of a child;
- keeping a place of child prostitution;
- pimping of a child;
- inducement of child prostitution;
- patronizing a prostituted child;
- human trafficking of a minor for involuntary servitude or sexual servitude; and
- an attempt to commit any of the above offenses.

Assumptions

The fiscal note makes the following assumptions:

- The bill is prospective and applies to official actions and requests for records that occur on or after the bill date.

- The records that must be protected include those with a child victim's name or other identifying information and does not include records, such as arrest warrants, transport orders, or dispositions, among others, that don't identify the victim.

State Expenditures

Beginning in the current fiscal year, FY 2015-16, this bill will increase workload for the Judicial Department and the Department of Public Safety (DPS).

Department of Public Safety. DPS will be required to ensure that any records it releases comply with the bill's requirements and that any information transmitted by other law enforcement agencies for inclusion in the state's databases are in compliance. As of this writing and based on the assumptions above, this impact is not anticipated to require an increase in appropriations. If all records, not just those that will be released publically, must be flagged, computer system modifications and auditing of local government practices will be required. Should these changes be required, DPS will request additional appropriations through the annual budget process.

Judicial Department. Court staff will be required to stamp files for cases involving child victims as they are adjudicated and to comply with the bill requirements when requests for copies of records are made. These increases in workload can be accomplished within existing appropriations.

Other state agencies. Other state agencies that have peace officers or otherwise are custodians of criminal justice records are required to ensure that the child victim notation is located on any files that meet the criteria outlined under this bill prior to releasing any records to the public. Because the majority of these agencies primarily share records only with agencies exempt from this bill's requirements, this impact is assumed to be minimal.

Local Government Impact

Similar to state agencies, local law enforcement agencies and other entities that have criminal justice records are required to comply with the bill's requirements. This analysis assumes any increase in workload is minimal.

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	Human Services
Information Technology	Judicial	Municipalities
Public Safety	Sheriffs	

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit: **www.colorado.gov/fiscalnotes.**