



The fine penalty for a class 4 felony ranges from \$2,000 to \$500,000 and the fine penalty for a class 5 felony is between \$1,000 and \$100,000. The fine penalty for a class 1 misdemeanor is \$500 to \$5,000 and the fine penalty for a class 2 misdemeanor is a fine of \$250 to \$1,000. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined. The fiscal note assumes that any reduction in fine penalties will be less than \$5,000 per year.

**State Expenditures**

Overall, this bill is expected to alter workload beginning in FY 2014-15 and will reduce state expenditures by \$85,936 in FY 2015-16. The cost savings are in the DOC.

**Assumptions.** Of the 135 people convicted of a stalking charge in FY 2012-13, 31 persons were sentenced to the DOC and six cases met the conditions of HB14-1131. Two of these cases had additional, more serious charges and would still be incarcerated in the absence of the bill. The fiscal note assumes that four less people will be sentenced to the DOC each year. Depending on the circumstances of the case, these individuals will be sentenced for either a class 1 or a class 2 misdemeanor, which could affect workload for the Judicial Department's probation division, or local governments. These impacts are discussed more fully below.

**Five-Year Fiscal Impact on Correctional Facilities**

This bill is anticipated to reduce state General Fund expenditures by an estimated \$85,936 per year beginning in FY 2015-16 for the DOC. This increase assumes four offenders will not serve an average length of stay of 38.0 months in the DOC. Offenders placed in a private contract prison cost the state about \$58.86 per offender per day, including the current daily rate of \$53.74 and an estimated \$5.12 per offender per day for medical care provided by the DOC. No impact is expected in the first year because of the estimated time for criminal filing, trial, disposition, and sentencing. Table 1 shows the estimated cost of the bill over the next five fiscal years.

<b>Table 1. Five-Year Fiscal Impact On Correctional Facilities</b>				
<b>Fiscal Year</b>	<b>Inmate Bed Impact</b>	<b>Construction Cost</b>	<b>Operating Cost</b>	<b>Total Cost</b>
FY 2014-15	0.0	\$0	\$0	\$0
FY 2015-16	(4.0)	\$0	(\$85,936)	(\$85,936)
FY 2016-17	(4.0)	\$0	(\$85,936)	(\$85,936)
FY 2017-18	(4.0)	\$0	(\$85,936)	(\$85,936)
FY 2018-19	(0.7)	\$0	(\$14,323)	(\$14,323)
<b>Total</b>			(\$272,129)	(\$272,129)

**Judicial Department.** The Judicial Department is affected by this bill in two ways. First, trial courts may experience a decrease in workload as a result of cases being prosecuted as a misdemeanor rather than a felony. Second, workload in the probation division could increase if persons convicted of a class 1 or class 2 misdemeanor are sentenced to probation. The fiscal note assumes the reduction and increase in workload are minimal.

**Local Government Impact**

This bill impacts local governments by creating the new basis for the crime of harassment which is either a class 1 or a class 2 misdemeanor. The penalty for a class 1 misdemeanor is 6 to 18 months in a county jail, a fine of \$500 to \$5,000, or both. The penalty for a class 2 misdemeanor is 3 to 12 months in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails at a daily rate of \$51.45 to house state inmates. Based on the estimated number of people that will no longer be incarcerated in a state prison, it is assumed that the impact of this bill will be up to four persons per year could be incarcerated in a county jail. In addition, if cases are prosecuted in the City and County of Denver, revenue and workload will increase by a minimal amount.

**Comparable Crime**

Pursuant to Section 2-2-322 (2.5), C.R.S., 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. As discussed in the Background section above, there are about six convictions per year of the behavior prohibited by HB14-1131, prosecuted as the crime of stalking. As of this writing, no gender or minority data was available.

**Effective Date**

The bill takes effect July 1, 2014, and applies to offenses committed on or after this date.

**State and Local Government Contacts**

Counties  
Municipalities

District Attorneys  
Public Safety

Judicial  
Sheriffs