

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 15-0873
Prime Sponsor(s): Rep. Saine
 Sen. Newell

Date: April 13, 2015
Bill Status: House Judiciary
Fiscal Analyst: Lauren Schreier (303-866-3523)

BILL TOPIC: CRIMES OF DECEPTION AND LYING IN BIRTH CERTIFICATES

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue Cash Funds	<u>up to \$5,000</u> up to \$5,000	<u>up to \$5,000</u> up to \$5,000
State Expenditures	Potential workload increase. See State Expenditures section.	
FTE Position Change		
TABOR Set Aside	up to \$5,000	up to \$5,000
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

The bill creates a class 2 misdemeanor for any birth parent that intentionally omits material information concerning his or her personal data in the preparation of a birth certificate. Material information includes the name of a birth parent, the birth date of a birth parent, the mother's maiden name prior to a first marriage, if applicable, and the place and birth of a birth parent. If a birth parent intentionally omits material information for the purpose of obtaining or creating identification documents to assist in human trafficking, the birth parent commits a class 1 misdemeanor.

The bill creates a crime of submitting false information for the preparation of a birth certificate if a person knowingly:

- creates a false record for use in the preparation of an original birth certificate or an amended birth certificate;
- supplies false information about material information, knowingly submits the wrong name of a birth parent, or knowingly submits a fictitious name of a birth parent for use in the preparation of an original birth certificate or any amended birth certificate; or
- directs another person to supply false information about material information, to submit the wrong name of a birth parent, or to submit a fictitious name of a birth parent for use in the preparation of an original birth certificate or an amended birth certificate.

The bill also requires the state registrar of vital statistics within the Department of Public Health and Environment (DPHE) to include a statement on birth certificate applications specifying that omitting or knowingly submitting false information on a birth certificate is a misdemeanor.

State Revenue

Beginning in FY 2015-16, this bill is anticipated to increase state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 1 misdemeanor is \$500 to \$5,000 and the fine penalty for a class 2 misdemeanor is \$250 to \$1,000. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of fines imposed in 2014, the fiscal note assumes that any revenue generated is likely to be less than \$5,000.

TABOR Impact

This bill increases state revenue from fines, which will increase the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

State Expenditures

The bill may increase workload in some state agencies, as described below.

Judicial Department. The bill may increase workload in the trial courts and probation by a minimal amount. The trial courts may experience an increase in the number of cases filed under the new crimes created in the bill. However, the fiscal note assumes that any trial court caseload increase is minimal and can be addressed within existing appropriations.

Office of the State Public Defender and the Office of the Alternate Defense Counsel. The bill may increase workload or costs for the Office of the State Public Defender and Office of Alternate Defense Counsel, to provide representation for any persons deemed to be indigent. The fiscal note assumes any such increases are minimal and will not require an increase in appropriations for any agency within the Judicial Department.

Department of Public Health and Environment (DPHE). The bill requires the state registrar of vital statistics within the DPHE to amend birth certificates to include a statement on birth certificate applications specifying that omitting or knowingly submitting false information on a birth certificate is a misdemeanor. This will increase workload within the DPHE by a minimal amount, but can be accomplished within existing appropriations.

Local Government Impact

This bill will affect local governments in several ways, as discussed below.

Misdemeanor offenses in county courts. First, the bill may increase workload for district attorneys to prosecute any new offenses under the bill. Second, to the extent that this bill increases misdemeanor convictions and offenders are sentenced to jail, costs will increase. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. The fiscal note assumes that any potential misdemeanor convictions will be minimal.

Denver County Court. The bill results in an increase in workload for the Denver County Court, managed and funded by the City and County of Denver. The court will try misdemeanor cases under the bill where a birth parent or another person intentionally omits material information in the preparation of an original birth certificate. Probation services in the Denver County Court may also experience a minimal increase in workload and revenue to supervise persons convicted under the bill.

Comparable Crimes

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. The bill creates a new offense and the fiscal note provides information concerning an existing crime of intentionally submitting false information to a hospital. As of March 2015, in the past five years there were 41 cases with at least one conviction for submitting false information during submission to a hospital. Of the 41 offenders, the following demographics apply:

- 19 are male, 22 are female; and
- 31 are Caucasian, 6 are Hispanic/Latino, and 4 are African-American.

The fiscal note assumes that under this bill there will be 5 to 10 cases per year.

Effective Date

The bill takes effect July 1, 2015, and applies to offenses committed on or after this date.

State and Local Government Contacts

Judicial Department
Corrections

Counties
District Attorneys

Public Health and Environment
Law