



**Colorado  
Legislative  
Council  
Staff**

**HB16-1262**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated February 25, 2016)

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

**Drafting Number:** LLS 16-0417  
**Prime Sponsor(s):** Rep. Williams  
Sen. Cooke

**Date:** March 21, 2016  
**Bill Status:** Senate Judiciary  
**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** LAW ENFORCEMENT BACKGROUND CHECK EMPLOYMENT WAIVER

<b>Fiscal Impact Summary</b>	<b>FY 2015-2016</b> <i>(current fiscal year)</i>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b>			
<b>State Expenditures</b>	Minimal workload increase.		
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing minimal workload increase.			

**Summary of Legislation**

This **reengrossed** bill requires that each candidate for a peace officer position execute a waiver. The waiver allows a hiring state or local law enforcement agency or the Department of Revenue to obtain all records about that candidate from another law enforcement or governmental agency. The hiring agency, including higher education law enforcement agencies, public transit law enforcement agencies, and the Department of Revenue, must submit the waiver to each applicable prior employer at least 21 days before making a decision. A law enforcement agency or government agency must respond to the records request within 21 days of receiving the waiver. Exceptions are provided if the agency is prohibited from providing the disclosure due to a binding nondisclosure agreement to which it is a party, provided that agreement is executed prior to the passage of House Bill 16-1262. The state or local law enforcement agency or other government agency is not liable for complying with the waiver requirements or participating in an official oral interview with an investigator regarding the candidate.

The bill defines a state or local law enforcement agency to include the Colorado State Patrol, the Colorado Bureau of Investigation, a county sheriff's office, a municipal police department, the Division of Parks and Wildlife within the Department of Natural Resources, or a town marshal's office.

The bill also expands the authority of the Peace Officer Standards and Training (POST) Board to deny POST certification to a person who has entered into a deferred judgment, deferred prosecution, diversion agreement, or deferred adjudication, including a juvenile adjudication, for any felony or misdemeanor prohibited under current law if it determines that certification is not in the public interest.

## State Expenditures

Overall, beginning in the current fiscal year, FY 2015-16, this bill increases workload by a minimal amount. State agencies that are defined as state and local law enforcement agencies may incur a minimal amount of workload to both request personnel files and to respond to waiver requests from other agencies. In addition, the POST Board may have a minimal increase in workload to determine whether an applicant for POST certification should be denied as a result of the changes required by HB16-1262. These increases are minimal and do not require an adjustment in appropriations for any state agency.

## Local Government Impact

Similar to the state, local law enforcement agencies will be required to both request personnel files and to respond to such requests. This increase in workload is assumed to be minimal.

## Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State and Local Government Contacts

Corrections	Counties	Information Technology
Judicial	Labor	Law
Municipalities	Natural Resources	Personnel
Public Safety	Revenue	Sheriffs