



**Colorado
Legislative
Council
Staff**

SB17-281

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 17-1023 **Date:** August 10, 2017
Prime Sponsor(s): Sen. Neville T.; Marble **Bill Status:** Postponed Indefinitely
 Rep. Williams D.; **Fiscal Analyst:** Amanda Hayden (303-866-4918)
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BILL TOPIC: HOLD COLORADO GOVT ACCOUNTABLE SANCTUARY JURISDICTIONS

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue		
State Expenditures	Workload increase.	
Appropriation Required: None.		
Future Year Impacts: Ongoing increase in workload.		

NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This bill prohibits sanctuary jurisdiction policies, defined as any policy that restrict public officials or employees from sending to or receiving from federal immigration authorities information regarding an individual's immigration status. It also prohibits jurisdictions from restricting the maintenance or exchange of such information and from encouraging the physical harboring of an alien in violation of federal law. The governing body of all jurisdictions within the state must provide written notice to each elected official, employee, and law enforcement officer of his or her duty to comply with federal immigration law.

On or before July 1, 2018, and each year thereafter, all jurisdictions must submit a written report affirming their compliance with federal immigration law to the Department of Public Safety (DPS). DPS must indicate to the state controller any jurisdictions that fail to provide timely reports. On or before September 1, 2018, and each year thereafter, DPS must compile the compliance reports and submit an annual report to the General Assembly and the state controller, who must withhold state funds from any jurisdiction not in compliance beginning in FY 2018-19. DPS must publish on its website Colorado-specific information provided by the federal government about jurisdictions that release aliens from their custody. The bill removes immunity from civil liability for public entities if an illegal alien who established residency in a what is determined to be a sanctuary jurisdiction is convicted of a crime that caused a plaintiff injury.

Background

Current federal law prohibits state and local governments from enacting laws that limit communication with federal authorities about the immigration status of any individual. Federal agencies are solely responsible for enforcing immigration policy; however, state and local law enforcement agencies can choose to participate in cooperative agreements with federal agencies aimed at facilitating the deportation of undocumented immigrants.

State Expenditures

Beginning in FY 2017-18, this bill increases workload for several state agencies, as discussed below.

Judicial Department. To the extent that the bill increases civil cases where individuals sue state or local government entities claiming they are sanctuary jurisdictions, workload for trial courts will increase. The fiscal note assumes that any increase in workload related to civil actions can be accomplished within existing appropriations.

Department of Public Safety. DPS must compile and present annual reports to the General Assembly from all jurisdictions in the state. This increase in workload can be accomplished within existing appropriations.

Department of Law (DOL). The DOL may be required to provide legal representation to a state entity facing civil action. Should the court rule against the state in any civil proceeding and require the state to pay penalties, expenditures may increase. The fiscal note assumes that the state complies with federal immigration law and that any increase in workload or costs related to these scenarios will be minimal. Should the DOL require additional appropriations, it will request them through the annual budget process.

Other state agencies. The bill requires the governing body of each jurisdiction in the state to provide notice to all employees of the requirement to cooperate with federal immigration law and requires each jurisdiction to submit a report to DPS regarding its compliance. The fiscal note assumes a minimal increase in workload as executive, legislative, and judicial branch agencies provide notice to all employees and submit reports to DPS. Workload may also increase for state agencies that contract with or otherwise provide funding to local governments, such as the Colorado Department of Public Health and Environment and the Department of Health Care Policy and Financing. If the bill compels these agencies to withhold funding from local jurisdictions found to be noncompliant with federal immigration law, the agencies may have to amend contracts or determine new procedures as it relates to funding for those jurisdictions. The fiscal note assumes that any increase in workload requiring additional appropriations will be addressed through the annual budget process.

Local Government, Statutory Public Entity, and School District Impact

This bill increases workload for local governments, statutory public entities, and school districts, as described below. These entities may also have reduced revenue and increased costs in certain situations. These impacts are described below.

All local government entities. This bill requires all political subdivisions of the state, including school districts, to report to DPS that they are in compliance with federal law. To the extent that a local government, statutory public entity, or school district is found to be a sanctuary jurisdiction, the state may withhold funding for that entity, leading to a potentially substantial reduction in revenue. The precise impact to local governments associated with these provisions will vary across jurisdictions and has not been estimated for this analysis. In addition, local governments may face additional civil actions if they are found to have created a sanctuary jurisdiction and certain criminal activities by undocumented immigrants occur in their jurisdiction. This may increase legal costs, court fees, or civil penalties under the bill. The fiscal impact will depend upon the number of lawsuits filed and the outcome of those cases and has not been estimated.

Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on May 3, 2017.

State and Local Government Contacts

All State Agencies
Judicial
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