



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated March 8, 2021)

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<b>Drafting Number:</b>	LLS 21-0740	<b>Date:</b>	April 14, 2021
<b>Prime Sponsors:</b>	Rep. Bacon Sen. Gonzales	<b>Bill Status:</b>	House Appropriations
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**Bill Topic:** EYEWITNESS IDENTIFICATION SHOWUP REGULATIONS

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<b>Summary of Fiscal Impact:</b>	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill creates new procedures and data collection requirements when eyewitness identification is used in a criminal investigation. It will increase state and local government workloads in FY 2021-22.

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**Appropriation Summary:** No appropriation is required.

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**Fiscal Note Status:** The revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

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## Summary of Legislation

Under current law, any law enforcement agency that uses eyewitness evidence as a technique in a criminal investigation must have adopted written policies that meet statutory specifications. Effective November 15, 2021, the bill requires that law enforcement agencies ensure that their policies meet additional requirements, including a recommended set of policies developed by the Attorney General, the Colorado District Attorneys' Council, a representative of law enforcement, and a representative of the State Public Defender Office. Beginning January 1, 2022, the bill requires law enforcement agencies using eyewitness evidence to comply with new requirements. Beginning January 1, 2023, the bill requires specified data to be reported to the Division of Criminal Justice.

## State Expenditures

In FY 2021-22, the bill will increase workload in the Department of Law, the Office of the State Public Defender, the Judicial Department, and state law enforcement agencies. No change in appropriations is required for any agency.

**State legal entities.** The Attorney General and the Office of the State Public Defender will work to update policies and procedures related to eyewitness evidence.

**Judicial Department.** The trial courts will make a specific finding regarding eyewitness evidence; however, this is expected to occur infrequently.

**State law enforcement agencies.** If state law enforcement agencies use eyewitness evidence, workload will increase to update policies and provide reporting. Workload will also increase for the Division of Criminal Justice in the Department of Public Safety to accept this reporting.

## Local Government

Similar to the state, local law enforcement agencies and district attorneys will have a workload increase to comply with the provisions of the bill, and the Denver County Court will make specific findings regarding eyewitness evidence.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed. It applies to eyewitness evidence collected on or after January 1, 2022.

## State and Local Government Contacts

Counties  
Law  
Sheriffs

District Attorneys  
Municipalities

Judicial  
Public Safety