



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 21-0315	Date:	September 8, 2021
Prime Sponsors:	Sen. Cooke; Ginal Rep. Bird; Carver	Bill Status:	Signed into Law
		Fiscal Analyst:	Erin Reynolds 303-866-4146 Erin.Reynolds@state.co.us

Bill Topic: **POLICIES FOR PEACE OFFICER CREDIBILITY DISCLOSURES**

Summary of Fiscal Impact:

<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 the Peace Officer Credibility Disclosure Notification Committee tasked with developing a statewide model for peace officer credibility disclosure notifications. The bill will increase state and local workload on an ongoing basis, and may increase state expenditures.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the enacted bill.

Summary of Legislation

The bill creates the Peace Officer Credibility Disclosure Notification Committee, tasked with developing a statewide model for peace officer credibility disclosure notifications by December 1, 2021. The statewide model must include policies and procedures that law enforcement agencies and district attorney's offices are required to adopt and implement on or before January 1, 2022.

The committee's policies and procedures must include:

- the circumstances that trigger a law enforcement agency to promptly notify a district attorney if a peace officer's credibility is called into question by a sustained finding;
- the circumstances that trigger a law enforcement agency's obligation to notify a district attorney when a peace officer's credibility is called into question by a criminal or administrative investigation;
- a process for district attorneys to follow for receiving credibility disclosure notifications and maintaining a current record of all credibility disclosure notifications; and
- a process for district attorneys to timely notify a defense attorney or defendant of credibility disclosure notification records and to remove any records when appropriate and lawful.

The bill requires district attorneys to review the committee's policies and procedures at least every four years to ensure compliance with controlling federal and state case law, as well as the Colorado Rules of Criminal Procedure. The bill also requires a district attorney to make available to the public the committee's policies and procedures.

Subject to available appropriations, the bill requires the Peace Officer Standards and Training (POST) Board in the Department of Law to create and maintain a database, in a searchable format to be published on its website, containing information related to a peace officer's actions that resulted in a credibility disclosure notification.

State Expenditures

The bill will increase workload in the Department of Law, the Department of Public Safety, and agencies employing peace officers, as discussed below.

Department of Law. Subject to available appropriations, the department may modify its current vendor contract to address the POST database requirements created by the bill. Costs are initially estimated at \$280,000 for one-time database modifications, with \$125,000 ongoing for expanded database support.

Department of Public Safety. The department may require administrative support to implement the notification processes and perform the additional reporting requirements under the bill. Actual costs will depend on the findings of the committee, and will be addressed through the annual budget process.

Other state agencies employing peace officers. Other state agencies that employ peace officers, which include the departments of Corrections, Human Services, Natural Resources, and Revenue, as well as institutions of higher education, will have an increase in workload to notify district attorney's offices whenever a peace officer is involved in an internal or criminal investigation. This workload can be accomplished within existing appropriations.

Local Government

The bill will increase workload for district attorney's offices and local governments that employ peace officers. Both district attorneys and local law enforcement agencies, including county sheriffs, town marshals, and municipal police departments, will modify procedures regarding peace officer credibility disclosures based on the committee's determinations. In addition, workload will increase for these entities to participate in the Peace Officer Creditability Disclosure Notification Committee.

Effective Date

The bill was signed into law by the Governor on July 2, 2021, and it took effect September 7, 2021.

State and Local Government Contacts

Corrections
Education
Information Technology
Natural Resources
Revenue

Counties
Higher Education
Law
Public Safety
School Districts

District Attorneys
Human Services
Municipalities
RTD
Sheriffs