



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1136: PEACE OFFICER CONDUCT DATABASE

Prime Sponsors:

Rep. Clifford; Bacon

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Fiscal note status: This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

Summary Information

Overview. The bill updates what is reported to the peace officer conduct database; creates a process to correct or appeal reports in the database; and makes other changes around revocation of POST certification, waivers for past employment files, and POST certification expiration.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload
- Local Government
- Statutory Public Entity

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill updates reporting requirements for the Peace Officer's Standards and Training (POST) Board's peace officer conduct database, requires the board to create an appeals process, makes revocation discretionary, details what happens if a law enforcement agency does not disclose certain information, changes POST certification expiration, and makes the peace officer status of temporary judicial security officers permanent.

Reports to POST Database

The bill changes procedures for when a peace officer is included in the POST database. The POST Board must publish information on an officer's resignation in lieu of termination for cause. An officer is required to be in the database when a peace officer resigns or retires while under investigation, or following an incident that opens an investigation, and when charged with a crime that could result in revocation or suspension of certification.

The bill prohibits the POST Board from including information in the database provided by non-employing agencies. Law enforcement agencies providing information must certify the accuracy of the information; failure to submit accurate information may result in a fine and investigation by the district attorney. The POST Board may subpoena records when law enforcement agencies refuse to provide them, and a court that grants the subpoena may require the agency to pay related POST Board fees.

A law enforcement agency that is investigating an officer for an incident that may result in a report to the database must notify the officer of its duty to report and consequences of the reporting. An agency cannot agree to a settlement with a peace officer that includes the agency agreeing not to report to the conduct to the database.

Appeals and Corrections

The bill requires the POST Board to create an appeals process for information in the POST Board database, and to provide appeals information to peace officers who are added to the database on their website. The POST Board must give consideration to an officer's whistleblower status during the appeals process.

If a law enforcement agency determines there was an error and informs the POST Board, that entry must be removed.

POST Board Discipline

Under current law, the POST Board must permanently revoke POST certification if an officer is found civilly liable for failure to intervene in the use of unlawful force. The bill makes this revocation discretionary, and changes the level of force to excessive or unconstitutional. The bill also allows the POST Board to suspend certification for 1 year when found civilly liable for the use of unlawful force or failing to intervene in the use of unlawful force.

Waiver

Under current law, a law enforcement agency must require each candidate for an officer position who was previously hired by another law enforcement agency to execute a written waiver that authorizes previous employers to disclose the applicant's files. The bill requires this waiver to be executed upon a conditional offer of employment, instead of at the time of interview. If the law enforcement agency that previously employed the peace officer does not provide the disclosure within the bill's timelines, the POST Board may contact the agency, and if the agency does not provide the disclosure within 6 days, the POST Board is required to revoke POST Board funding to the agency or impose fines.

Temporary Peace Officer

The bill allows basic or reserve POST certification to remain valid if the officer works for a law enforcement agency in a non-peace officer role. Finally, the bill removes temporary peace officer status for judicial security personnel.

Background

According to the POST Board's [database](#) of peace officer misconduct, 53 peace officers were decertified or relinquished their certification in 2024.

State Expenditures

Starting in FY 2025-26, the bill increases workload in the Department of Law, the Judicial Department, and state agencies that employ law enforcement agencies, as described below.

Department of Law

The bill increases workload to the POST Board and the Department of Law to make necessary changes to the database, conduct any investigations or appeals, or to seek any subpoenas. This workload can be accomplished within existing resources.

Judicial Department

To the extent the Department of Law seeks subpoenas, workload in the trial courts of the department will increase. The fiscal note assumes a high degree of compliance by law enforcement agencies; therefore, any workload is assumed to be minimal.

State Agencies that Employ Law Enforcement Officers

To the extent the bill requires updates to policies, workload to the various agencies that hire law enforcement officers will increase. The fiscal note assumes state agencies will report what is required by law, and will cooperate with any investigation conducted by the POST Board; therefore, any workload increase is assumed to be minimal.

Local Government – Statutory Public Entity

The bill may increase workload to local law enforcement agencies and the Regional Transportation District. To the extent these agencies need to update policies, workload will increase. Workload will increase to cooperate with any investigation conducted by the POST Board. Finally, if an agency refuses to disclose an applicant’s file, the bill will increase costs to pay fines and may decrease any state funding to the agency. Overall, the fiscal note assumes a high degree of compliance and assumes impacts will 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
District Attorneys
Higher Education
Human Services
Judicial
Law

Municipalities
Natural Resources
Public Safety
Regional Transportation District
Revenue
Sheriffs