



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1246: LIMIT PEACE OFFICER PARTISAN POLITICAL ACTIVITIES

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**Prime Sponsors:**

Rep. Marshall

**Fiscal Analyst:**

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**Fiscal note status:** The fiscal note reflects the introduced bill.

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### Summary Information

**Overview.** The bill limits the political activities of certain county peace officers.

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

- Minimal State Revenue
- Minimal State Workload
- TABOR Refunds
- Local Government
- School Districts

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

<b>Type of Impact</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
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

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The bill designates certain peace officers as "covered peace officers" and prohibits them from using public resources on campaigning for or against the nomination or election of a candidate, or engaging in partisan political activity while in uniform, with exceptions.

A covered peace officer is defined as a peace officer who is both:

- a public official or an employee of a political subdivision of the state; and
- who is required to be P.O.S.T. board certified pursuant to Section 16-2.5-102, C.R.S.

Violators commit a civil infraction, are subject to a penalty of up to \$1,000, and may be dismissed from service. An individual may file an affidavit with the district attorney to report a violation, which the district attorney must promptly investigate. The Attorney General may also file and prosecute complaints under the bill.

## Background and Assumptions

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Political subdivisions of the state include local governments, school districts, special districts, and similar entities. Political subdivision roles included in Section 16-2.5-102, C.R.S., are:

- a chief of police;
- a police officer;
- a sheriff;
- an undersheriff;
- a deputy sheriff;
- a town marshal;
- a deputy town marshal;
- a reserve police officer;
- a reserve deputy sheriff;
- a reserve deputy town marshal;
- a public transit officer; and
- a municipal court marshal.

## Comparable Crime Analysis

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Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

## Prior Conviction Data and Assumptions

This bill creates the new offense of covered peace officers using public resources for campaigning or engaging in partisan activity while in uniform, a civil infraction. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of a deputy county clerk and recorder or Department of Revenue employee influencing party affiliation during the registration process, a class 2 misdemeanor, as a comparable crime. From FY 2021-22 to FY 2023-24, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue

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State revenue may increase from fines when covered peace officers fail to comply with the bill's restrictions on political activity, and from civil case filing fees. This revenue is subject to TABOR. The fiscal note assumes that employees will generally follow the law, and any revenue will be minimal.

## State Expenditures

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The bill increases workload for the Attorney General to pursue complaints under the bill. It is assumed that the Department of Law will prioritize this work within existing resources. The bill may also minimally increase workload for the trial courts in the Judicial Department to hear any cases brought under the bill.

## Local Governments and School Districts

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Beginning in FY 2025-26, workload will increase for local governments, including special districts such as the Regional Transportation District, and school districts employing covered peace officers to notify staff of changes in policies and enforce regulations. This workload is expected to be minimal.

District attorneys will have additional workload and costs to receive complaints, investigate, and prosecute violations under the bill. This workload is expected to be minimal.

## Effective Date

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The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State and Local Government Contacts

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Counties	Municipalities
District Attorneys	Police Chiefs
Judicial	Sheriffs
Law	