



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1123: PREVENT SEXUAL ABUSE IN JAILS

Prime Sponsors:

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Fiscal note status: This fiscal note reflects the introduced bill.

Summary Information

Overview. The bill establishes requirements around strip searches, jail surveillance, and sexual assault prevention in local detention facilities.

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

- State Expenditures
- Local Government

Appropriations. For FY 2026-27, the bill requires an appropriation of \$38,916 to the Department of Law.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$46,886	\$46,886
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.3 FTE	0.3 FTE

Fund sources for these impacts are shown in the tables below.

Table 1A
State Expenditures

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$0	\$0
Cash Funds	\$38,916	\$38,916
Federal Funds	\$0	\$0
Centrally Appropriated	\$7,970	\$7,970
Total Expenditures	\$46,886	\$46,886
Total FTE	0.3 FTE	0.3 FTE

Summary of Legislation

The bill establishes requirements around strip searches, jail surveillance, and sexual assault prevention in local detention facilities. The bill also establishes whistleblower protections for staff at local detention facilities around reporting sexual assault and requires the Jail Standards Committee to establish guidelines for a third-party audit of local detention facilities.

Strip Searches

First, the bill prohibits strip searches prior to arraignment unless there is a reasonable belief that the individual is concealing a weapon or a controlled substance, is a parolee or a Department of Corrections (CDOC) inmate, or is arrested for driving under the influence of drugs. To perform a strip search, two officers must determine there is a reasonable belief for these factors, and the strip search must be documented in a report. Body-worn cameras must not be activated when other forms of recording or surveillance are available. In addition, defendants cannot copy, photograph, duplicate, or otherwise reproduce a strip search video recording unless the defendant shows that the prosecuting attorney does not provide ample opportunity for inspection, viewing, and examination by a defense witness. Finally, detention facilities must report to the General Assembly and the Attorney General on the number of strip searches performed.

Jail Surveillance

Next, videos from jail surveillance of areas where prisoners are nude must:

- remain in a secure location with restricted access;
- not be uploaded to a cloud-based electronic service;
- not be viewed remotely;
- only be accessed at the law enforcement agency; and
- not be copied or redistributed without a court order.

Sexual Assault Prevention

The bill requires jails to develop policies and procedures related to sexual assault prevention and designate a Prison Rape Elimination Act (PREA) coordinator. If an officer is found by the Peace Officer Standards and Training Board (POST) to have committed sexual assault in a local detention facility, the board must permanently revoke the peace officer's certification.

Whistleblower Protections

The bill prohibits a local detention facility from retaliating against staff because a staff member discloses information in good faith to the proper supervising authority of suspected, alleged, or witnessed sexual assault in the local detention facility. The bill creates a private right of action for whistleblowers who experience retaliation.

Jail Standards Committee

Finally, during the 2026 interim, the bill requires the Legislative Oversight Committee Concerning Jail Standards to develop guidelines for identifying qualified third parties to audit local detention facility and to review jail policies related to sexual abuse.

Background and Assumptions

The Department of Law reports that over the last year, five peace officers have been investigated or charged with crimes similar to the conduct described in the bill. Because the bill creates a lower legal standard, it is assumed that an additional ten individuals per year will be subject to revocation. Of those ten individuals, the fiscal note assumes that five will pursue a hearing before revocation, and the other five will voluntarily revoke their certification without a hearing.

State Expenditures

The bill increases state expenditures in the Department of Law by \$47,000 per year starting in FY 2026-27. These costs, paid from the POST Cash Fund, are summarized in Table 2 and discussed below. The bill also minimally affects workload in the Judicial and Legislative Departments.

Department of Law

Starting in FY 2026-27, the department requires 0.3 FTE special agent to review, investigate, write up, and attend additional revocation hearings, as outlined in the Background and Assumptions section. On average, staff spend 20 hours on cases that do not go to a hearing and 80 hours on cases that go to a hearing. First-year staffing costs assume a July 1, 2026, start date.

Table 2
State Expenditures
Department of Law

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$38,916	\$38,916
Centrally Appropriated Costs	\$7,970	\$7,970
Total Costs	\$46,886	\$46,886
Total FTE	0.3 FTE	0.3 FTE

Judicial Department

Workload in the trial courts and offices that represent indigent offenders may increase to the extent there are additional hearings on access to strip search footage. The fiscal note assumes that district attorneys will provide access to footage to defense counsel, therefore, these hearings will be rare.

Legislative Department

In FY 2026-27 only, workload to the Legislative Oversight Committee Concerning Colorado Jail Standards will increase to develop standards for third-party auditors of jail policies. Currently, the committee is authorized to meet four times in 2026, therefore, this work can be accomplished within existing resources.

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in Table 2 above.

Local Government

County Jails

Expenditures to county jails will increase to ensure that surveillance footage is stored as required by bill, to update policies and procedures to prevent sexual assault, to contract with a third-party auditor, and to assign a PREA coordinator. In addition, litigation costs may increase to the extent there are additional complaints of whistleblower retaliations.

District Attorneys

Costs to local district attorney offices may increase to the extent additional programming is required for e-discovery systems to block inadvertent transmission from body-worn cameras. It is assumed that county jails will ensure that strip search footage is not available on e-discovery systems. Similar to the state, district attorney workload will minimally increase to the extent there are additional hearings related to access to strip search footage.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2026-27, the bill requires an appropriation of \$38,916 from the POST Cash Fund to the Department of Law, and 0.3 FTE.

State and Local Government Contacts

Corrections	Legislative Council Staff
Counties	Municipalities
District Attorneys	Natural Resources
Higher Education	Public Safety
Judicial	Revenue
Law	Sheriffs

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).