



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1283: PROTECTIONS REGARDING SEIZURES OF ID DOCUMENTS

Prime Sponsors:

Rep. Ricks; Joseph
Sen. Marchman

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Fiscal note status: This revised fiscal note reflects the reengrossed bill.

Summary Information

Overview. The bill prohibits employers from seizing identification cards.

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

- Minimal State Revenue
- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
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 prohibits an employer or an employer's agent from demanding, confiscating, retaining, or otherwise requiring an individual to surrender their government-issued identification (ID) card, with certain exceptions. An employer may temporarily retain the card for no more than ten hours to verify employment eligibility status and to make a copy of the card. When verifying employment eligibility, an employer must notify the individual in writing—in English and in the individual's primary language, if the employer knows the individual's primary language is not English—of the prohibitions established by the bill. The notification must be acknowledged by the individual, and the employer must retain the records.

The bill also modifies the crime of criminal possession of an identification document, a class 2 misdemeanor, to include confiscation. Individual's harmed by this offense may request that the court order the immediate return of the document and may bring civil action to recover any damages. The bill makes the crime a bias-motivated crime if certain circumstances are present, which increases the crime penalty to a class 1 misdemeanor, and makes providing or threatening to provide an individual's ID document to federal immigration authorities a bias motivated crime.

Comparable Crime Analysis

Legislative Council Staff is required to include certain analysis in the fiscal note for any bill that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. This section identifies comparable crimes and discusses assumptions on future conviction rates resulting from the bill.

Prior Conviction Data and Assumptions

This bill modifies the existing offense of criminal possession of an identification document, a class 2 misdemeanor if there is one victim, or a class 6 felony if there are multiple victims. From FY 2022-23 to FY 2024-25, 1,380 offenders have been sentenced and convicted for this existing offense, of which 914 were male, 458 were female, and 8 did not have gender identified. Demographically, 1,126 were white, 122 were Black/African-American, 87 were Hispanic, 12 were Asian, 4 were American Indian, 24 were classified as "Other," and 5 did not have race identified.

The fiscal note assumes that many of the individuals identified above are being convicted of conduct related to fraud, rather than confiscating identification. The fiscal note assumes that conduct related to unlawful confiscation of identification will be minimal; therefore, the fiscal note further assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on

criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

The bill increases workload to state agencies to develop the required notification in the language spoken by the new employee. This work can be accomplished within existing resources. In addition, to the extent the bill increases civil court filings, revenue and expenditures will increase in the Judicial Department; however, the fiscal note assumes additional filings will be minimal.

Local Government

Similar to the state, workload to local governments, including school districts, will increase to ensure employees receive required notification.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to conduct occurring on or after this date.

State and Local Government Contacts

District Attorneys	Law
Judicial	Personnel
Labor	

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](#).