



**Colorado  
Legislative  
Council  
Staff**

**HB16-1262**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0417  
**Prime Sponsor(s):** Rep. Williams  
Sen. Cooke

**Date:** February 25, 2016  
**Bill Status:** House Judiciary  
**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** LAW ENFORCEMENT BACKGROUND CHECK EMPLOYMENT WAIVER

<b>Fiscal Impact Summary</b>	<b>FY 2015-2016</b> <i>(current fiscal year)</i>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b>			
<b>State Expenditures</b>	Minimal workload increase.		
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing minimal workload increase.			

**Summary of Legislation**

This bill requires that each candidate for Peace Officer Standards Training (POST) certification or for a peace officer position execute a waiver. The waiver would allow the POST Board or a hiring law enforcement agency to obtain all records about that candidate from another law enforcement agency or private security company. The POST Board or hiring law enforcement agency must submit the waiver to each applicable prior employer at least 10 days before making a decision. A state or local law enforcement agency or private security company must respond to the records request within seven days of receiving the waiver.

The bill defines a state or local law enforcement agency to include the Colorado State Patrol, the Colorado Bureau of Investigation, a county sheriff's office, a municipal police department, the Division of Parks and Wildlife within the Department of Natural Resources, or a town marshal's office.

The bill also expands the authority of the POST Board to deny POST certification to a person who has entered into a deferred judgment, deferred prosecution, diversion agreement, or deferred adjudication, including a juvenile adjudication, for any felony or misdemeanor prohibited under current law.

**Background**

In addition to the state and local law enforcement agencies identified under the bill, peace officers are employed by the Departments of Corrections and Revenue, and within institutions of higher education.

## State Expenditures

Overall, beginning in the current fiscal year, FY 2015-16, this bill increases workload by a minimal amount. State agencies that are defined as state and local law enforcement agencies may incur a minimal amount of workload to both request personnel files and to respond to waiver requests from other agencies. In addition, the POST Board may have a minimal increase in workload to determine whether an applicant for POST certification should be denied as a result of the changes required by HB16-1262. These increases are minimal and do not require an adjustment in appropriations for any state agency.

## Local Government Impact

Similar to the state, local law enforcement agencies will be required to both request personnel files and to respond to such requests. This increase in workload is assumed to 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	Information Technology
Judicial	Labor	Law
Municipalities	Natural Resources	Personnel
Public Safety	Revenue	Sheriffs