



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

FISCAL NOTE

Drafting Number: LLS 18-1208 Date: April 24, 2018
Prime Sponsors: Rep. Pabon; Lontine Bill Status: House SVMA
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Bill Topic: PROTECT CONSTITUTIONAL RIGHTS COLORADO RESIDENTS

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

This bill prohibits local law enforcement from enforcing civil immigration on behalf of the federal Immigration and Customs Enforcement without a federal warrant. It also directs the Department of Human Services to develop policies concerning immigration enforcement in public spaces.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: Preliminary fiscal impact. The fiscal note reflects the introduced bill. While all agencies were canvassed for the fiscal note, not all agencies responded within the required time frames.

Summary of Legislation

This bill prohibits local law enforcement from enforcing civil immigration on behalf of the federal Immigration and Customs Enforcement agency (ICE) without a federal warrant. It also directs the Department of Human Services (DHS) to develop policies concerning immigration enforcement in public spaces.

No detainers for civil immigration enforcement. This bill prohibits county law enforcement agencies from detaining a person for ICE or providing nonpublic personal information about a person to ICE without a federal warrant.

Advisement of rights. If ICE makes a request to interview an individual in local law enforcement custody, the law enforcement agency is required to advise that individual of the request and to provide a written advisement of basic rights in his or her's language of choice.

Amharic. If the individual does not speak one of these languages, the agency must use a professional translation service to read the advisement to the individual. If the individual consents to an interview with ICE, he or she must affirm this consent by signing the advisement. Every individual who is the subject of a detainer request from ICE must be provided the advisement again upon his or her release from jail.

Policies concerning immigration enforcement in public spaces. The Department of Human Services, in consultation with appropriate stakeholders, is required to develop and publish model policies for public schools, state-funded colleges and universities, public libraries, public health facilities, shelters, courthouses, probation offices, and entities providing court-ordered classes by June 1, 2019. The policies must limit immigration enforcement on those premises and require a valid federal warrant to provide assistance with immigration enforcement. The stakeholder process must include at least two meetings.

All public schools, public libraries, state-funded colleges and universities, public health facilities, shelters, and courthouses must adopt the model policies or an equivalent policy by September 1, 2019. All probation offices and entities providing court-ordered classes may choose to adopt the model policy or its equivalent.

State Expenditures

In FY 2018-19 only, the bill increases workload for the Departments of Human Services and Public Health and Environment, institutions of higher education, and the Judicial Department to collaborate with other stakeholders, develop model policies, and adopt policies within the required time frames. This workload increase can be accomplished within the existing appropriations of each state agency or institution of higher education.

Local Government and School Districts

In FY 2018-19 only, the bill increases workload for counties that operate public libraries, courthouses, public health facilities, and shelters, as well as school districts, to collaborate with other stakeholders, develop model policies, and adopt policies within the required time frames.

Beginning in the current FY 2017-18, the bill also decreases county revenue, workload, and costs associated with enforcing immigration matters in cases where ICE does not have a federal warrant. For instance, the bill could result in reduced law enforcement efforts to enforce immigration policies, as well as holding fewer individuals in county jail as a result of ICE requests. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. Beginning in the current FY 2017-18, workload and costs increase to provide the required advisements and to hire translation services where needed. These impacts have not been estimated.

Effective Date

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

State and Local Government Contacts

Corrections
Higher Education
Judicial
Sheriffs

Counties
Human Services
Public Health and Environment

Education
Information Technology
School Districts