



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 21-0315 Date: March 16, 2021
Prime Sponsors: Sen. Cooke; Ginal Bill Status: Senate Judiciary
Rep. Bird; Carver Fiscal Analyst: Erin Reynolds | 303-866-4146
Erin.Reynolds@state.co.us

Bill Topic: POLICIES FOR PEACE OFFICER CREDIBILITY DISCLOSURES

- Summary of Fiscal Impact:
State Revenue (checkbox)
State Expenditure (checked)
State Transfer (checkbox)
TABOR Refund (checkbox)
Local Government (checked)
Statutory Public Entity (checkbox)

The bill requires law enforcement agencies to make certain disclosures to district attorney's offices when peace officers are under investigation. The bill increases state and local expenditures on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill requires an appropriation of \$31,147 to the Department of Public Safety.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under SB 21-174

Table with 4 columns: Category, Budget Year (FY 2021-22), and Out Year (FY 2022-23). Rows include Revenue, Expenditures (Cash Funds, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and TABOR Refund.

## Summary of Legislation

By January 1, 2022, this bill requires law enforcement agencies to notify a district attorney's office if a peace officer's credibility is called into question by an internal or criminal investigation. Each law enforcement agency and district attorney's office must implement policies and procedures for receiving, maintaining, and providing required notifications about peace officer credibility disclosures. These policies and procedures must be reviewed at least every five years.

## State Expenditures

The bill will increase state cash fund expenditures in the Department of Public Safety (DPS) by \$41,894 and 0.5 FTE in FY 2021-22 and \$34,987 and 0.5 FTE in FY 2022-23 and future fiscal years, as shown in Table 2 and detailed below. Costs are paid from the Highway Users Tax Fund.

**Table 2**  
**Expenditures Under SB 21-174**

<b>Cost Components</b>	<b>FY 2021-22</b>	<b>FY 2022-23</b>
<b>Department of Public Safety</b>		
Personal Services	\$24,272	\$24,272
Operating Expenses	\$675	\$675
Capital Outlay Costs	\$6,200	-
Centrally Appropriated Costs <sup>1</sup>	\$10,747	\$10,040
<b>Total</b>	<b>\$41,894</b>	<b>\$34,987</b>
<b>Total FTE</b>	<b>0.5 FTE</b>	<b>0.5 FTE</b>

<sup>1</sup> Centrally appropriated costs are not included in the bill's appropriation.

**Department of Public Safety.** The DPS requires 0.5 FTE Administrative Assistant to implement the notification processes and perform the additional reporting requirements under the bill. Specifically, staff will establish formal compliance and audit plans, report and monitor cases, manage database updates, and field inquiries. This workload assumes 90 internal investigations per year and 10 hours of staff time per investigation. Standard operating and capital outlay expenses are included for this staff.

**Other state agencies employing peace officers.** Other state agencies that employ peace officers, which include the departments of Corrections, Human Services, Natural Resources, and Revenue, as well as institutions of higher education, will have an increase in workload to notify district attorney's offices whenever a peace officer is involved in an internal or criminal investigation. This workload can be accomplished within existing appropriations.

## Local Government

The bill will increase workload for district attorney's offices and local governments that employ peace officers.

**District attorney's offices.** Each district attorney's office will create and implement a written policy and procedure regarding peace officer credibility disclosures. Once that is in place, district attorney workload can be accomplished within the normal course of business.

**Local governments employing peace officers.** Workload will increase for local law enforcement agencies, including county sheriffs, town marshals, and municipal police departments to provide required disclosures. Workload will vary depending on the size of the jurisdiction.

## **Effective Date**

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

## **State Appropriations**

For FY 2021-22, the bill requires an appropriation of \$31,147 and 0.5 FTE from the Department of Public Safety's "off-the-top" portion of the Highway Users Tax Fund.

## **State and Local Government Contacts**

Corrections	Counties	District Attorneys
Education	Higher Education	Human Services
Information Technology	Law	Municipalities
Natural Resources	Public Safety	RTD
Revenue	School Districts	Sheriffs