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Fiscal Note

Drafting Number: LLS 23-0017 Date: February 8, 2023
Prime Sponsors: Rep. Kipp; Armagost Bill Status: House Judiciary
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Bill Topic: FEDERAL AUTHORIZE FIREARMS FOR DACA PEACE OFFICERS

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

The bill requires the Peace Officer Standards and Training Board to seek authorization from the U.S. Attorney General to allow deferred action status immigrants to possess firearms for the purpose of peace officer employment. Conditional upon federal approval, the bill increases state and local expenditures in FY 2023-24 only.

Appropriation Summary: For FY 2023-24, the bill requires an appropriation of \$15,819 to the Department of Law.

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

Table 1
State Fiscal Impacts Under HB 23-1143

Table with 3 columns: Category, Budget Year FY 2023-24, and Out Year FY 2024-25. Rows include Revenue, Expenditures (Cash Funds, Centrally Appropriated, Total Expenditures, Total FTE), Transfers, and Other Budget Impacts.

Summary of Legislation

The bill requires the Peace Officer Standards and Training (POST) Board in the Department of Law to seek authorization from the U.S. Attorney General to waive federal prohibitions on:

- an eligible immigrant possessing a firearm and ammunition as a peace officer; and
- an eligible immigrant being issued a firearm and ammunition by law enforcement.

If a waiver is granted, then the POST board must notify every law enforcement agency in the state within 30 days and law enforcement agencies must amend policies consistent with the waiver within 30 days of receiving the notice. Revised policies must be submitted to and approved by the POST Board.

Eligible immigrants are defined as persons who maintain valid deferred action status with the Immigration and Naturalization Service.

Assumptions

This fiscal note assumes that the federal waiver will be granted, with implementation in FY 2023-24.

State Expenditures

In FY 2023-24, the bill increases expenditures in the Department of Law by about \$20,000 and 0.2 FTE from the POST Cash Fund. The POST Board requires 0.2 FTE to communicate with law enforcement agencies about the waiver, review policies for consistency with the waiver and provide feedback, and manage any changes in guidance or requirements, as shown in Table 2. The waiver submission can be accomplished within existing resources.

Table 2
Expenditures Under HB 23-1143

	FY 2023-24	FY 2024-25
Department of Law		
Personal Services	\$15,819	-
Centrally Appropriated Costs ¹	\$3,685	-
Total Cost	\$19,504	-
Total FTE	0.2 FTE	-

¹ Centrally appropriated costs are not included in the bill's appropriation.

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 include employee insurance and supplemental employee retirement payments, are shown in Table 2.

Local Government

If a federal waiver is granted, local law enforcement agencies will experience an increase in workload to revise their policies and rules for consistency with the waiver.

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 2023-24, the bill requires an appropriation of \$15,819 from the POST Cash Fund to the Department of Law, and 0.2 FTE.

State and Local Government Contacts

Labor

Law

Public Safety