



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated April 4, 2023)

Drafting Number: LLS 23-0156 **Date:** April 24, 2023
Prime Sponsors: Sen. Fields; Gonzales **Bill Status:** House Judiciary
Rep. Epps; Weissman **Fiscal Analyst:** Clayton Mayfield | 303-866-5851
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Bill Topic: **SEARCH WARRANT PROCEDURES**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill establishes limitations and requirements for warrants executed by law enforcement officers. Starting in the current FY 2022-23, the bill may minimally increase state and local workload.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

The bill establishes limitations and requirements for search warrants executed by law enforcement officers. First, the bill requires that no-knock warrants only be issued when there is a credible threat to the life of a person. Second, unless the court authorizes a no-knock warrant or there is a life-threatening emergency, the bill requires officers to perform the following actions regarding search warrants:

- execute the warrant between 7 a.m. and 7 p.m.;
- readily identify themselves as a law enforcement officer;
- wear and activate a body-worn camera;
- knock and announce presence;
- allow a reasonable amount of time for occupants to arrive at the door; and
- delay entry when the officer reasonably believes an occupant is moving to open the door.

Finally, the bill requires the last four actions listed above be performed for warrantless entries of dwellings unless the officer is working undercover, there is a life threatening emergency, or the officer is in hot pursuit of a fleeing suspect.

State Expenditures

The bill may result in additional trial court workload in the Judicial Department for additional time spent by judges reviewing and making decisions on applications for search warrants made by law enforcement agencies; however, since judges already review and decide on applications for search warrants, any workload increase is minimal and no change in appropriations is required. In addition, workload to the Peace Officer Standards and Training Board in the Department of Law will increase to update training on the new requirements on search warrants. This workload can be accomplished within existing appropriations.

Local Government

Under current law, district attorneys are required to review applications for no-knock warrants to ensure they meet legal sufficiency. By adding an additional requirement for issuance of no-knock warrants, workload may minimally increase for district attorney offices to ensure no-knock warrant applications meet the requirements listed in the bill. Overall, the number of warrant applications is expected to stay the same, and any increase will be minimal. In addition, workload for sheriff offices and local police departments may increase to ensure department procedures comply with the requirements of the bill.

Effective Date

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

State and Local Government Contacts

Denver County Courts
Law
Sheriffs

District Attorneys
Police Chiefs

Judicial
Public Safety