



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 24-0803	Date:	May 28, 2024
Prime Sponsors:	Rep. Holtorf Sen. Baisley	Bill Status:	Postponed Indefinitely
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Bill Topic: **ENFORCEMENT OF FEDERAL IMMIGRATION LAW**

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

The bill would have modified the enforcement of federal immigration law in the state. Starting in FY 2024-25, the bill would have increased state workload and local expenditures.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: The final fiscal note reflects the introduced bill. This bill was postponed indefinitely by the House State, Civic, Military, & Veterans Affairs Committee on February 22, 2024; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill modifies the enforcement of immigration law by local peace officers, as described below, in several ways.

Local governments. The bill prohibits local governments from enacting ordinances or policies that limit or prohibit peace officers, local officials, or employees from communicating or cooperating with federal officials regarding the immigration status of individuals. Local governments must provide written notice to peace officers of their duty to cooperate with state and federal officials, and provide confirmation to the General Assembly that this notice was provided. Local governments are further required to report to the General Assembly the number of reports made to federal officials required by the bill. Local law enforcement agencies must pursue all federal money they may be entitled to for the reimbursement of costs for enforcing federal immigration laws. Failure to comply with these requirements makes local governments ineligible to receive grants administered by the Department of Local Affairs (DOLA).

Peace officers. When making a criminal arrest, peace officers who have probable cause to believe an arrestee is not legally present in the United States are required to report the individual to federal immigration authorities. If the arrestee is held at a detention facility, this duty is required for sheriffs. These requirements do not apply to individuals arrested for a suspected act of domestic violence.

State government. The bill requires the Attorney General and all appropriate state law enforcement agencies to pursue all federal money the state may be entitled to for the reimbursement of costs for enforcing federal immigration laws. Additionally, the bill repeals several parts of statute regarding current immigration enforcement and allows for civil arrest at courthouses.

State Expenditures

The bill impacts workload in the Judicial Department, the Department of Law (DOL), and the Department of Local Affairs (DOLA).

Judicial Department. The bill may generate minimal cost savings to the trial courts and Division of Probation by transferring cases from the state to the federal government. Any savings to probation are offset by the increased workload required by the repeal of current law which prohibits probation officers from reporting personal information to federal immigration officials.

Department of Law. The bill will increase workload in the DOL by requiring the Attorney General to pursue federal funding opportunities and for providing legal services to state agencies. This increase in workload is expected to be minimal, and no change in appropriations is required.

Department of Local Affairs. DOLA may receive additional technical assistance requests from local governments, and would need to ensure local governments are compliant with the bill to remain eligible for grants. This increase in workload is expected to be absorbable within current resources, and no change in appropriations is required.

Other state agencies. To the extent additional federal funds are available related to the enforcement of federal immigration laws, some state agencies with law enforcement functions may have the state share of their costs offset by federal funding. It is assumed that any necessary adjustments to appropriations will occur through the annual budget process based on available federal funds and changes to agency costs.

Local Government

Local government workload and expenditures will increase to ensure compliance with the provisions of the bill. These costs include, among other things, updating local rules and ordinances, modifying procedures and practices of law enforcement and other local agencies, providing necessary notice to peace officers and employees about the changes under the bill, and requiring local law enforcement to check with federal authorities about the immigration status of a person being arrested when probable cause exists. Additionally, local government revenue from DOLA administered grants may decrease if compliance is not established.

Effective Date

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

State and Local Government Contacts

Counties

Local Affairs

Sheriffs

Judicial

Municipalities

Law

Police Chiefs

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).