



**Legislative Council Staff**  
*Nonpartisan Services for Colorado's Legislature*

***Fiscal Note  
Memorandum***

April 23, 2024

**TO:** Members of the House Judiciary Committee

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**SUBJECT:** Fiscal Assessment of Proposed Amendments **HB1460\_L.001, L.002, L.003, L.004, and L.005.**

This memorandum is an assessment of the fiscal impact of the attached proposed amendments L.001, L.002, L.003, L.004, and L.005 to House Bill 24-1460. This fiscal assessment is for the impact of the bill with inclusion of these amendments only. Any other added amendment could influence the fiscal impact.

### **Summary of Proposed Amendments**

**L.001.** The amendment removes the bill's clarification that patterns and practices investigations may also be related to deprivation of rights by a peace officer against another peace officer. It also requires footage involving an officer-involved shooting to be released unedited at no cost to the requester with 45 days.

**L.002.** The amendment removes the class 2 misdemeanor for a peace officer that fails to report a misconduct allegation. The amendment also limits the requirement to investigate "misconduct, criminal conduct, or other unprofessional conduct" to "unlawful conduct." Finally, the amendment removes the private right of action and the waived statutory immunities and limitations of damages, and allows the POST Board to revoke an officer's POST certification for failing to investigate.

**L.003.** The amendment allows the Attorney General to add and remove peace officers from the POST database as a result of audit findings.

**L.004.** The amendment expands the list of actions that constitute retaliation against a whistleblower. It allows an individual to file a civil rights complaint if an agency retaliates, and removes the private right of action and the waived statutory immunities and limitations of damages.



**L.005.** Increases the amount of time a law enforcement agency must retain all reports and related investigation documentation from three years to ten years, or the length of the officer's employment, whichever is longer.

### **Fiscal Impact of Amendment**

By removing the private right of action and the waiving of governmental immunity and limitations of damages, the amendments remove the state expenditure impact of up to \$1.0 million in FY 2025-26 and future years.

In addition, by designating failure to investigate or retaliating against a whistleblower as discrimination, the bill increases workload to the Division of Civil Rights in the Department of Regulatory Agencies (DORA). The fiscal note assumes that law enforcement agencies already investigate unlawful conduct and will follow the law. Therefore, the fiscal note assumes additional complaints will be minimal and no change in appropriations is required.

Lastly, by extending the period of time that records of investigations must be retained, costs may increase for state agencies employing law enforcement officers. Actual costs will vary depending on current retention schedules and will likely increase over time. It is assumed these costs will be addressed through the annual budget process as needed.

### **Bill's Revised Fiscal Impact with Amendment**

#### **State Expenditures**

With the adoption of the above amendments, the bill will increase workload for the POST Board and the Colorado Civil Rights Division to conduct additional investigations. The bill may also increase litigation and document retention costs, which can be addressed through the annual budget process. As discussed in the published fiscal note, workload will increase to the extent that state agencies employing law enforcement officers are not currently conducting investigations of unlawful conduct that are now mandated by the bill. No change in appropriation is needed for any state agency.

#### **Local Government Impact**

Similar to the state impacts above, costs to local law enforcement agencies will increase to the extent there are additional civil rights cases or other litigation, and to retain investigatory documents involving law enforcement officers for longer. Workload will also increase to conduct additional investigations if a local agency is not currently investigating complaints of unlawful conduct by law enforcement officers.