



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 25-276: PROTECT CIVIL RIGHTS IMMIGRATION STATUS

Prime Sponsors:

Sen. Gonzales J.; Weissman
Rep. Velasco; Garcia

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Fiscal note status: This revised fiscal note reflects the introduced bill, as amended by the Senate State, Veterans, and Military Affairs Committee.

Summary Information

Overview. The bill modifies state immigration laws to apply certain requirements to political subdivisions and make changes regarding engagement with federal immigration authorities, court petitions, affidavits, and consumer protections.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- State Expenditures
- Local Government
- Statutory Public Entity
- School Districts

Appropriations. For FY 2025-26, the bill requires appropriations totaling \$205,553 to multiple state agencies. See State Appropriations section.

**Table 1
State Fiscal Impacts**

Type of Impact ¹	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$250,214	\$207,014
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	2.4 FTE	2.4 FTE

¹ Fund sources for these impacts are shown in the tables below.

**Table 1A
State Expenditures**

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27
General Fund	\$205,553	\$162,353
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$44,661	\$44,661
Total Expenditures	\$250,214	\$207,014
Total FTE	2.4 FTE	2.4 FTE

Summary of Legislation

The bill modifies state immigration laws to apply certain requirements to political subdivisions and make changes regarding engagement with federal immigration authorities, court petitions, affidavits, and consumer protections.

Expanded Requirements for Personal Identifying Information

In connection with state law protecting personal identifying information, the bill defines a political subdivision as a governing subdivision of the state, including a county, municipality, board, commission, institution, department, or agency, and makes other changes, as outlined below.

Disclosure of Personal Identifying Information

Current law prohibits a state agency from disclosing personal identifying information or requesting information related to an individual's immigration status, unless required by federal or state law. The bill extends these provisions to political subdivisions, the judicial branch, and the legislative branch, and includes information related to student visa sponsorships and student aid for institutions of higher education. Information disclosed prior to June 30, 2025, is exempt from these requirements.

Written Records and Reporting

Current law requires state agencies to retain a written record with specific information when a third party makes a request for personal identifying information and to submit information to the Governor's Office quarterly on these requests. The bill extends this requirement to political subdivisions, the judicial branch, the legislative branch and adds the Attorney General's Office as a recipient of these quarterly reports. The reports must include the following information:

- the request;
- the date of the request;
- whether the request was granted or denied;
- the name and title of the state agency or political subdivision employee who granted or denied the request;
- the purpose of the request;
- the identity of the requestor, including a federal agency;
- why the request was granted or denied; and
- an attestation that none of the requests were granted for any purpose prohibited by law.

Requests for purposes of determining a person's eligibility for Medicaid, CHP+, or other government-funded healthcare programs are exempt from these requirements.

The Attorney General's Office is also required to make its model certification form available to political subdivisions.

Civil Liability

Under current law, state agency employees are liable for violating personal information disclosure and written record retention requirements. The bill extends this liability to political subdivision employees, as well as judicial and legislative branch employees. Civil penalties collected as a result of these violations must be credited to the Immigration Legal Defense Fund in the Colorado Department of Labor and Employment.

Engagement with Federal Immigration Authority

Access to Information and Property

The bill prohibits public child care centers, schools, local education providers, institutions of higher education, health care facilities, and their employees from collecting or providing personal identifying information to federal immigration enforcement authorities related to an enrolled child or student, medical patient, or an individual's family. Records may be released for subpoenas, orders, or warrants issued by a federal judge, or with explicit consent.

Additionally, these public entities may not grant federal authorities access to areas of the property that are not accessible to the public, unless the authority holds a federal warrant. Policies that align with these requirements must be adopted and made available by September 1, 2025.

The bill prohibits the State Board of Education from waiving any requirements for public or charter schools related to these federal immigration enforcement policies.

Civil Liability

Public child care centers, schools, local education providers, institutions of higher education, and health care facilities that violate these provisions are subject to an injunction and are liable for civil penalties up to \$50,000, which must be credited into the Immigration Legal Defense Fund.

State Enforcement of Civil Immigration Law

Detainer Requests

The bill stipulates that a jail or law enforcement officer may not delay a defendant's release because of a federal request for a civil immigration detainer. The continued detainment of an individual who has posted bond on the basis of a civil immigration detainer constitutes a new, warrantless arrest. Further, law enforcement officers are prohibited from requesting a private citizen to assist in the arrest of an individual on the basis of a civil immigration detainer.

Disclosure of Personal Identifying Information

Current law prohibits a probation officer or employee from disclosing personal information about an individual to federal immigration authorities. The bill extends these provisions to pretrial officers and employees.

Access to Property

The bill prohibits a law enforcement officer or employee of a detention center from allowing federal immigration authorities access to part of the detention facility that is not accessible to the public without a warrant or order.

Detention Centers

Current law prohibits state and local governments from entering into or renewing contracts with the federal government regarding immigration detention facilities or collaborating with private entities that operate such centers. The bill makes all contracts subject to these provisions, regardless of whether it involves payments.

Military Forces Entering Colorado

The bill prohibits a military force from another state, territory, or district from entering Colorado without the permission of the Governor, unless they are acting at the order of the federal government.

Court Petitions

Current law allows a noncitizen defendant to challenge an unconstitutionally entered guilty plea for certain class 1 and 2 misdemeanors or municipal offenses under circumstances related to adverse immigration consequences. The bill expands the relief to class 3 misdemeanors, traffic misdemeanors, and petty offenses.

Affidavits

Current law requires a student seeking in-state tuition, or an individual seeking an identification document, who does not have lawful immigration status to submit an affidavit stating that they have applied, or will apply, for lawful presence. The bill repeals these affidavits and requires any previously collected data to be managed in accordance with a data privacy policy.

For students participating in the College Opportunity Fund Program, the bill directs the Department of Higher Education to adopt a data privacy policy for the management of any documentation related to a student's immigration status.

Colorado Consumer Protection Act

The bill prohibits a controller from collecting personal data beyond what is reasonable, necessary, and proportionate to provide a product or service requested by a consumer.

Background

[Senate Bill 21-131](#) established protections for personal identifying information collected and maintained by state agencies related to federal immigration enforcement authorities. However, the judicial and legislative branches are currently exempt from these provisions. For additional information on current state and federal immigration laws, see this [issue brief](#) published by the Legislative Council Staff on September 25, 2024.

State Revenue

Starting in FY 2025-26, the bill may increase state revenue from civil penalties and court filing fees by a minimal amount.

Civil Penalties

A state agency or political subdivision employee, public child care center, school, local education provider, institution of higher education, or health care facility that is not compliant with the reporting requirements of the bill is subject to a civil penalty of up to \$50,000 per violation. This revenue is classified as a damage award and is not subject to TABOR, and any penalties collected as a result are credited into the Immigration Legal Defense Fund. Given the uncertainty about the number of cases that may be pursued by the Attorney General and district attorneys, as well as a wide range in potential penalty amounts, the fiscal note cannot estimate an exact impact of these civil penalties. However, the fiscal note assumes a rate of compliance and therefore, any revenue is assumed to be minimal.

Filing Fees

The bill may increase revenue to the Judicial Department from an increase in civil case filings. Revenue from filing fees is subject to TABOR. Due to the assumed high rate of compliance, any revenue from filing fees are assumed to be minimal.

State Expenditures

The bill increases state expenditures in the Judicial Department, independent judicial agencies, and the Governor’s Office by about \$250,000 in FY 2025-26 and \$207,000 in future years. These costs, which are paid from the General Fund, are described below. Workload will also minimally increase for multiple other state agencies.

**Table 2
 State Expenditures
 All Agencies**

Department	Budget Year FY 2025-26	Out Year FY 2026-27
Judicial Department	\$184,640	\$171,440
Independent Judicial Agencies	\$35,840	\$5,840
Governor’s Office	\$29,734	\$29,734
Total	\$250,214	\$207,014

Judicial Department

Expenditures in the Judicial Department will increase by about \$185,000 in FY 2025-26 and \$171,000 in future years, paid from the General Fund and shown below in Table 2A.

**Table 2A
 State Expenditures
 Judicial Department**

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Personal Services	\$131,652	\$131,652
Operating Expenses	\$1,900	\$1,900
Capital Outlay Costs	\$14,000	\$800
Centrally Appropriated Costs	\$37,088	\$37,088
Total Costs	\$184,640	\$171,440
Total FTE	2.0 FTE	2.0 FTE

Trial Courts

Starting in FY 2025-26, trial courts in the Judicial Department require 2.0 FTE court clerk to develop new reporting and documentation standards to comply with personal identifying information restrictions, track and report requests for information from third parties, and report to the Governor’s and Attorney General’s Office on a quarterly basis. It is estimated that trial courts process at least 50,000 case-related information requests from third parties annually and that it will take about five minutes per request to compile a written record.

Additionally, workload will increase by a minimal amount to hear more motions to withdraw pleas based on immigration status, and expenditures may increase if guilty pleas are vacated and the department reimburses defendants for restitution, fines, fees, and other surcharges. Due to a wide array of possible outcomes and decisions made by independent parties, the fiscal note cannot estimate these impacts.

Other Judicial Impacts

Workload will increase in the department’s probation and information technology divisions to update rules and processes related to information disclosure, and program changes into data systems. This workload is expected to be minimal and no change in appropriations is required.

Independent Judicial Agencies

Expenditures in the Office of the Public Guardianship and the Independent Ethics Commission will increase by about \$36,000 in FY 2025-26 and \$6,000 in future years, paid from the General Fund and shown below in Table 2B.

Table 2B
State Expenditures
Independent Judicial Agencies

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Office of Public Guardianship – Systems Update	\$30,000	\$0
Independent Ethics Commission – Personal Services ¹	\$5,840	\$5,840
Total Costs	\$35,840	\$5,840
Total FTE	0.1 FTE	0.1 FTE

¹ Personal services include centrally appropriated costs.

Office of the Public Guardianship

In FY 2025-26 only, the Office of the Public Guardianship requires \$30,000 to update case management systems and training programs for compliance with personal identifying information restrictions. Workload will also minimally increase to compile written records for quarterly reporting.

Independent Ethics Commission

Beginning in FY 2025-26, the Independent Ethics Commission requires 0.1 FTE Administrative Assistant to coordinate with third-party requestors, review documents for personal identifying information, and compile written records for quarterly reporting.

Other Independent Judicial Agency Impacts

Workload in multiple judicial agencies including Bridges, the Office of the Alternate Defense Counsel, the Office of the Child’s Representative, and the Office of the State Public Defender will minimally increase to update rules and processes related to information disclosures, and maintain written records of requests for quarterly reporting. This workload is expected to be minimal and no change in appropriations is required.

Governor’s Office

Expenditures in the Governor’s Office will increase by about \$30,000 starting in FY 2025-26, paid from the General Fund and shown below in Table 2C.

**Table 2C
State Expenditures
Governor’s Office**

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Personal Services	\$23,794	\$23,794
Centrally Appropriated Costs	\$5,940	\$5,940
Total Costs	\$29,734	\$29,734
Total FTE	0.3 FTE	0.3 FTE

Office of Legal Counsel

Beginning in FY 2025-26, the Office of Legal Counsel in the Governor’s Office requires 0.3 FTE Legal Assistant to review reports from political subdivisions, judicial agencies, and legislative agencies and submit a summarized report to the General Assembly on a quarterly basis. Currently, the office reviews 22 reports from the state’s principal agencies each quarter. Reviewing and summarizing these reports is assumed to take about 30 minutes per report. The bill expands reporting requirements to 337 counties and municipalities, 12 judicial branch agencies, and 6 legislative branch agencies, which equates to about 178 hours per quarter, or 710 hours annually.

Other Agency Impacts

Expanded Requirements for Personal Identifying Information

Workload for legislative agencies will minimally increase to update rules and processes that comply with personal identifying information restrictions, and generate quarterly reports for the Governor's and Attorney General's Office. Workload will also increase in the Department of Law to review and manage reports. This is expected to be minimal and no change in appropriations is required.

Engagement with Federal Immigration Authority

Workload in the Departments of Early Childhood, Education, Health Care Policy and Financing, and Public Health and Environment, and institutions of higher education will minimally increase to update rules and adopt policies regarding the disclosure of information and property access for federal immigration authorities. This workload can be accomplished within existing appropriations.

Workload will also increase for law enforcement officers in the Departments of Corrections, Higher Education, Human Services, Law, Natural Resources, Public Safety, Revenue, and the Regional Transit District to modify procedures and rules related to detainer requests, detention centers, personal identifying information, and granting federal immigration authorities access to property. This workload can be accomplished within existing appropriations.

Affidavits

Workload in the Departments of Higher Education (CDHE) and Revenue will minimally increase in the first year to update rules regarding affidavits for in-state tuition and identification documents, and minimally decrease in future years from fewer application documents to review in the respective programs. Workload will also increase for the CDHE to establish policies for the management of documentation related to a student's immigration status. This workload is expected to be minimal and no change in appropriation is required.

Consumer Protections

Workload in the Department of Personnel and Administration and Department of Law will minimally increase for the state controller to modify current practices to ensure that only certain information is collected and to update consumer protection rules, respectively. This workload can be accomplished within existing appropriations.

State Litigation and Risk Impacts

The bill may increase litigation and risk management costs from additional lawsuits filed against state agencies and employees that violate provisions under the bill. If such cases occur, state agencies and institutions of higher education will have increased costs for legal services, provided by the Department of Law. Depending on the outcome of any cases, settlement or liability payments may be required from the Risk Management Fund in the Department of Personnel and Administration. State agencies make payments for legal services and risk management through common policy billings based on costs incurred in prior years.

The fiscal note assumes that state agencies and employees will comply with the bill; therefore, any increase in cost is expected to be minimal.

Local Government

Starting in FY 2025-26, expenditures for local governments will increase to adopt policies, train staff on personal identifying information requests and interactions with federal immigration authorities, and report written record requests to the Governor's and Attorney General's Office on a quarterly basis. Additionally, the bill makes local governments and employees liable for violations of the bill's requirements. Similar to the state risk and liability costs, legal services and settlement costs for local governments will increase to the extent that lawsuits are filed. Due to the wide array of local entities and actions taken by individuals, these costs cannot be estimated in this fiscal note. However, it is assumed that local governments and employees will comply with the bill.

Statutory Public Entity

The bill increases expenditures for statutory public entities such as Connect for Health Colorado, the Public Employee Retirement Association (PERA), and the Colorado Housing and Finance Authority (CHFA), among others, to update rules and processes that comply with personal identifying information restrictions. These costs are expected to be minimal and no additional appropriation is required.

School Districts

In addition to any liability costs (as described in the State Expenditure section above), workload for school districts will minimally increase to update rules and adopt policies regarding the disclosure of information and property access for federal immigration authorities. This workload is expected to be minimal.

Technical Note

The bill requires state agencies, including judicial and legislative agencies, to comply with personal identifying information and federal immigration engagement regulations beginning on the bill's effective date. However, the updates to agency processes and staff training required to comply with the bill are expected to take up to one year or more, depending on the agency. Therefore, some state entities may not initially be able to comply with all aspects of the bill.

Departmental Difference

The Department of Public Safety (DPS) estimates that federal funding may decrease by about \$12.1 million starting in FY 2025-26 if the federal government withholds funding as a result of the bill's implementation. Currently, DPS receives about \$12.1 million in federal funding to support approximately 55.0 FTE across five federal grant programs in the Division of Homeland Security and Emergency Management. The department assumes that the withdrawal of federal funding requires a General Fund backfill to maintain these programs.

The fiscal note does not include these impacts because there is no specific federal law or rule that would require the withholding of federal funds if the bill is implemented. Fiscal analyses only reflect the impact of legislation under current conditions. Should the federal government withhold funding as a result of this bill, or for any other reason, it is assumed that the impact on state programs and the need for General Fund backfill would be addressed through the annual budget process, if necessary.

Effective Date

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

State Appropriations

For FY 2025-26, the bill requires the following General Fund appropriations

- \$147,552 to the Judicial Department, and 2.0 FTE;
- \$30,000 to the Office of the Public Guardianship;
- \$4,207 to the Independent Ethics Commission, and 0.1 FTE; and
- \$23,794 to the Governor's Office, and 0.3 FTE

State and Local Governments Contacts

All State Agencies

All Local/Non-State Agencies