



**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 is reflects the reengrossed bill.

**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, and more.

**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 a decrease in appropriations totaling \$60,936 in the Department of Labor and Employment and the Department of Personnel and Administration. See the State Appropriations section for additional detail on appropriations currently included in the bill.

**Table 1**  
**State Fiscal Impacts**

Type of Impact <sup>1</sup>	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	-\$72,140	-\$72,140
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	-0.7 FTE	-0.7 FTE

<sup>1</sup> Fund sources for these impacts are shown in the tables below.

**Table 1A**  
**State Expenditures**

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	-\$5,816	-\$5,816
Cash Funds	-\$54,900	-\$54,900
Federal Funds	\$0	\$0
Centrally Appropriated	-\$11,424	-\$11,424
<b>Total Expenditures</b>	<b>-\$72,140</b>	<b>-\$72,140</b>
<b>Total FTE</b>	<b>-0.7 FTE</b>	<b>-0.7 FTE</b>

## 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.

## 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.

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.

## Written Records and Reporting

The bill repeals requirements for state agencies to retain a written record with specific information when a third party makes a request for personal identifying information as well as the requirement to submit information to the Governor's Office quarterly on these requests.

## 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, publicly supported libraries and their employees from collecting certain personal identifying information, except as required by law or to perform the entity's function.

By September 1, 2025, these public entities must also adopt, implement, and make available policies that include:

- procedures to provide personal identifying information to federal immigration enforcement authorities related to an enrolled child or student, medical patient, or an individual's family; and
- procedures to grant federal authorities access to areas of the property that are not accessible to the public, unless the authority holds a federal warrant.

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, health care facilities, and publicly supported libraries 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.

The bill also requires detention facilities to designate an exit point to use for the purpose of transferring an individual out of custody to a federal immigration authority. The delay of an individual's release from custody for the purpose of transferring to federal authorities constitutes a new, warrantless arrest.

### *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.

### *Prohibition of Civil Arrest*

Current law prohibits the civil arrest of a person at a courthouse. The bill expands this prohibition to behavioral health facilities, psychiatric hospitals, detention centers, and other facilities run by the Department of Human Services (CDHS).

## **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 processing a consumer's geolocation data without consent.

## Background

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[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

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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

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The bill impacts state expenditures across all state agencies in several ways. Starting in FY 2025-26, state expenditures in the Department of Labor and Employment (CDLE) and the Department of Personnel and Administration (DPA) will decrease by about \$72,000, paid from the Employment Support Fund and General Fund. Workload will minimally decrease across all state agencies from repealing personal identifying information tracking and reporting, and will also minimally increase for multiple other state agencies to implement the remaining provisions of the bill.

**Table 2**  
**State Expenditures**  
**All Agencies**

<b>Department</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Department of Labor and Employment	-\$64,797	-\$64,797
Department of Personnel and Administration	-\$7,343	-\$7,343
<b>Total</b>	<b>-\$72,140</b>	<b>-\$72,140</b>

### **Department of Labor and Employment**

Starting in FY 2025-26, the bill decreases expenditures in the CDLE by about \$65,000 and 0.6 FTE Policy Advisor IV. These costs, identified and appropriated through SB 21-131, represent the amount required by the Unemployment Insurance Division to track record requests and report to the Governor's Office on a quarterly basis. Of this amount, about \$11,000 is for ongoing software licensing.

**Table 2A**  
**State Expenditures**  
**Department of Labor and Employment**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	-\$43,070	-\$43,070
Operating Expenses	-\$810	-\$810
Software Licensing	-\$11,020	-\$11,020
Centrally Appropriated Costs	-\$9,897	-\$9,897
<b>Total Costs</b>	<b>-\$64,797</b>	<b>-\$64,797</b>
<b>Total FTE</b>	<b>-0.6 FTE</b>	<b>-0.6 FTE</b>

### **Department of Personnel and Administration**

Starting in FY 2025-26, the bill decreases expenditures in the DPA by about \$4,700 and 0.1 FTE Program Assistant II. These costs, identified and appropriated through SB 21-131, represent the amount required by the Office of the State Archives to track record requests and report to the Governor's Office on a quarterly basis.

**Table 2C**  
**State Expenditures**  
**Department of Personnel and Administration**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	-\$3,393	-\$3,393
Centrally Appropriated Costs	-\$1,307	-\$1,307
<b>Total Costs</b>	<b>-\$4,700</b>	<b>-\$4,700</b>
<b>Total FTE</b>	<b>-0.1 FTE</b>	<b>-0.1 FTE</b>

## **Other Agency Impacts**

### **Requirements for Personal Identifying Information**

Workload for judicial and legislative agencies will minimally increase to update rules and processes that comply with personal identifying information restrictions. This workload is expected to be minimal and no change in appropriations is required.

Additionally, workload in the principal state departments will minimally decrease to stop tracking written record requests and reporting to the Governor's Office. Workload in the Governor's Office will similarly decrease to stop reviewing these reports and submitting them to the General Assembly. Other than the two agencies discussed above (CDLE and DPA), no change to appropriations is required from this reduction in workload.

### **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, and Revenue 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.

Workload in the Departments of Human Services, Health Care Policy and Financing, and Public Health and Environment will increase to update rules, establish procedures, and train staff on civil arrest prohibitions in department-run facilities. This workload can be accomplished within existing appropriations.

## Affidavits

Workload in the Departments of Higher Education 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 Department of Higher Education 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 if they 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 litigation and risk management costs is expected to be minimal.

## 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 may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs, are shown in the tables above.

## Local Government and Special Districts

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Starting in FY 2025-26, workload and costs for local governments and the Regional Transit District will increase to adopt policies and train staff on personal identifying information requests and interactions with federal immigration authorities. 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**

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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 be minimal and no additional appropriation is required.

## **School Districts**

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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.

## **Departmental Difference**

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### **Department of Public Safety**

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.

### **Department of Personnel and Administration**

The DPA interprets the reengrossed bill to include the State Archives as a "publicly supported library," which requires the retention of the department's current 0.1 FTE for workload related to written record requests. Additionally, the DPA assumes that the bill makes the State Archives liable for providing personal identifying information as a publicly supported library and estimates about \$1.1 million in risk management and liability costs from 45 claims per year.

The fiscal note does not include these impacts for two reasons:

- the State Archives do not fit the definition of "publicly supported library" as outlined in current law; and

- current law already prohibits state agencies from disclosing certain information to federal immigration authorities; therefore, any liability created by the interpretation of the State Archives as a publicly supported library already applies to the entity as a subdivision of DPA.

## **Effective Date**

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

## **State Appropriations**

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Currently, the bill includes an increase in General Fund appropriations totaling \$171,346 to the Judicial Department and the Governor's Office for FY 2025-26. Based on amendments adopted after the Senate Appropriations Committee, this increase in appropriations is no longer required. Instead, for FY 2025-26, the bill requires the following changes in appropriations:

- a decrease of \$54,900 from the Employment Support Fund to the Department of Labor and Employment, and a reduction of 0.6 FTE; and
- a decrease of \$5,816 from the General Fund to the Department of Personnel and Administration, and a reduction of 0.1 FTE.

## **All State Agencies**

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All State Agencies

All Local/Non-State Agencies