



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 26-070: BAN GOV ACCESS HISTORICAL LOCATION INFO DATABASE

Prime Sponsors:

Sen. Amabile; Zamora Wilson
Rep. Zokaie; Nguyen

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Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill places restrictions on the ability of state and local governments to access a database that reveals historical location information data, and limits how long that information may be stored.

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

- State Expenditures
- Local Government

Appropriations. For FY 2026-27, the bill requires appropriations of \$1.8 million to the Judicial Department, the Department of Public Safety, and the Department of Personnel and Administration. See State Appropriations section.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$1,989,633	\$1,498,431
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	10.4 FTE	12.5 FTE

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

Table 1A
State Expenditures

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	\$1,754,527	\$1,215,702
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$235,106	\$282,729
Total Expenditures	\$1,989,633	\$1,498,431
Total FTE	10.4 FTE	12.5 FTE

Summary of Legislation

The bill prohibits a state or local agency or government official from accessing a database that reveals an individual's or vehicle's historical location information, with exceptions including a valid warrant, the express consent of the individual, or parking and traffic enforcement. The bill prevents an agency that collects historical location information from sharing this information with third parties or government agencies outside its jurisdiction, subject to certain exceptions. Any access to this data by a nongovernmental third party must be limited in scope and only used to resolve an identified malfunction or defect.

The bill requires a government entity that collects historical location information to adopt a policy to maintain compliance with the bill. This policy must ensure that historical location information is unreadable to an unauthorized user, a government official receives supervisor permission before accessing this information, and a record is created for each time this information is accessed. These records must be audited by a supervisor every 90 days.

The bill also prevents historical location information from being retained for more than four days after the data was collected, with exceptions including valid warrants and active criminal investigations.

State Expenditures

The bill increases state expenditures by about \$2.0 million in FY 2026-27 and \$1.5 million in FY 2027-28 and future years. These costs are paid from the General Fund and will be incurred in the Judicial Department, the Department of Public Safety, and the Department of Personnel and Administration. These costs are shown in Table 2 and described in the sections below.

Table 2
State Expenditures
All Departments

Department	Budget Year FY 2026-27	Out Year FY 2027-28
Judicial Department	\$1,206,602	\$893,847
Department of Public Safety	\$348,565	\$348,821
Department of Personnel and Administration	\$434,466	\$255,763
Total Costs	\$1,989,633	\$1,498,431

Judicial Department

The department requires about \$1.2 million in 2026-27 and \$894,000 in FY 2027-28 and future years to address impacts to the trial courts. There may also be significant costs related to the department's case management and reporting systems. These impacts are shown in Table 2A and described below.

Assumptions

Trial courts in the Judicial Department will experience an increase in warrant and court-order requests seeking judicial authorization to access historical location information databases.

In FY 2024-25, the trial courts entered 155,000 warrant-related event codes statewide. Assuming the bill results in a 1 percent increase in the number of warrants, there will be approximately 1,550 additional warrant or court-order requests, with workload evenly split between county and district courts.

In FY 2024-25, trial courts also recorded about 330,000 hearings and 600,000 records-related requests and redaction activity. Assuming the bill will raise new evidentiary issues and records-related processing by 1 percent for each of these court-related events, this results in 9,300 new hearings and court activities.

Trial Courts

Judicial Officers and Support Staff

Based on the assumptions discussed above, the department requires 1.7 FTE annually for judicial officers to address impacts to the trial courts. These impacts include an increase in warrant and court-order requests, pretrial motions and hearings challenging statutory compliance, and requests for certain disclosures of information. Per Judicial Department common policies, each judicial officer requires three support staff, which includes a court reporter, judicial clerk, and law clerk. This equates to an additional 4.8 FTE court staff annually, for a total of 5.4 FTE in FY 2026-27 and 6.5 FTE in FY 2027-28 and future years.

Operating and Capital Outlay Costs

Court judicial officers require additional operating costs that differ from standard state employees. These include costs for a law library (\$2,000), robes and cleaning (\$1,500), and travel (\$1,300). This staff also requires capital outlay costs of about \$465,000 in FY 2026-27 only, which includes courthouse infrastructure and maintenance, AV costs, and necessary furniture.

Case Management and Reporting Systems

The fiscal note assumes the bill is not intended to apply to the Judicial Department's case management and reporting systems. However, if the bill does apply to these systems, it would have a significant impact on core functions of the department, including court operations, probation services, and information technology.

Table 2A
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$593,360	\$715,976
Operating Expenses	\$14,080	\$17,024
Capital Outlay Costs	\$465,670	\$0
Centrally Appropriated Costs	\$133,492	\$160,847
Total Costs	\$1,206,602	\$893,847
Total FTE	5.4 FTE	6.5 FTE

Department of Public Safety

The CBI requires new staff and technology upgrades to achieve compliance with the bill. These costs are shown in Table 2B and described below.

Assumptions

The Colorado Bureau of Investigation (CBI) in the Department of Public Safety (CDPS) uses historical location data in most of its investigations, including data collected from facial recognition systems, license plate readers, and drones, among other surveillance technology. In almost all its cases, the CBI works in partnership with local law enforcement agencies. The bill imposes restrictions on CBI's ability to collect, store, and use historical location data, as well as its ability to collaborate with local law enforcement. The fiscal note assumes that incoming requests will require manual screening to identify and redact historical location information.

Staff

The CBI requires 3.0 FTE beginning in FY 2026-27 to audit cases and ensure compliance with the bill, manually screen all incoming records requests to identify and redact certain historical location information, oversee policy enforcement, and provide centralized authorization for data access. The CBI also requires \$100,000 annually for audit and compliance software to log user access and supervisor approvals across CDPS systems, plus \$5,000 to four separate vendors each in FY 2026-27 to reconfigure certain systems.

Table 2B
State Expenditures
Department of Public Safety

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$153,809	\$184,335
Operating Expenses	\$3,200	\$3,840
Capital Outlay Costs	\$21,000	\$0
Software Costs	\$100,000	\$100,000
Programming Costs	\$20,000	\$0
Centrally Appropriated Costs	\$50,556	\$60,646
Total Costs	\$348,565	\$348,821
Total FTE	2.5 FTE	3.0 FTE

Department of Personnel and Administration

The DPA requires full-time and contractor staff to help the state fleet program reach compliance under the bill. Costs are shown in Table 2C and described below.

Assumptions

The Department of Personal and Administration (DPA) currently manages about 7,000 vehicles in the state fleet program, of which about 5,550 generate the historical location information outlined in this legislation. The bill impacts tracking devices and data collection used by certain fire prevention activities, fleet electrification and safety programs, and the state central fuel card management program, among other programs. The fiscal note assumes programs that collect historical information data while using the state fleet would leave the DPA noncompliant with the bill, and therefore the DPA requires staff and resources to create a new data management system.

Staff

The DPA requires 1.0 FTE beginning in FY 2026-27 for an administrator to lead the transition from the current data management system to a data-access management solution that is compliant with the bill, plus 2.0 FTE of supporting staff, who will focus on revising the central fuel card management program. Staff will also support agency compliance and auditing procedures.

Contractor Costs

The DPA requires a contractor in FY 2026-27 for a one-time fee of \$200,000 to assist the DPA with ensuring all technological and tracking systems in the state fleet are compliant with the bill. This cost is based on fees paid for other recent consulting projects concerning the state fleet.

Table 2C
State Expenditures
Department of Personnel and Administration

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$159,208	\$190,687
Operating Expenses	\$3,200	\$3,840
Capital Outlay Costs	\$21,000	\$0
Contractor Costs	\$200,000	\$0
Centrally Appropriated Costs	\$51,058	\$61,237
Total Costs	\$434,466	\$255,763
Total FTE	2.5 FTE	3.0 FTE

Other State Agencies

The bill could impact or impose costs on any additional state agencies that obtain, use, or store historical location information. The fiscal note will be updated if additional impacts are identified.

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 and supplemental employee retirement payments, are shown in the tables above.

Local Government

Similar to the state, the bill impacts local governments that collect, use, or store historical location information, and restricts how local governments and law enforcement agencies can share this information with other jurisdictions. These impacts may impose significant costs on certain local governments to maintain compliance with the bill.

Technical Note

The bill may be interpreted to impact the Judicial Department's case management and reporting systems. The fiscal note assumes this is not the intent, and that a forthcoming amendment will make this clarification.

Effective Date

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

State Appropriations

For FY 2026-27, the bill requires the following General Fund appropriations:

- \$1,073,110 to the Judicial Department, and 5.4 FTE;
- \$298,009 to the Department of Public Safety, and 2.5 FTE; and,
- \$383,408 to the Department of Personnel and Administration, and 2.5 FTE.

Departmental Difference

The Judicial Department estimates the bill requires about \$64 million and 592 FTE annually beginning in FY 2026-27 based on the assumption that the bill has a significant impact on the core functions of the department, including court operations, probation services, and information technology. The fiscal note assumes the bill is not intended to apply to the department's case management and reporting systems, and does not include these costs.

State and Local Government Contacts

Counties	Municipalities
District Attorneys	Personnel
Information Technology	Public Defender
Judicial	Public Safety
Law	Sheriffs
Local Affairs	