



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1123: PREVENTING SEXUAL ABUSE IN JAILS

Prime Sponsors:

Rep. Stewart K.; Mabrey
Sen. Amabile; Weissman

Fiscal Analyst:

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Fiscal note status: This revised fiscal note reflects the reengrossed bill, as amended by the Senate Judiciary Committee.

Summary Information

Overview. The bill establishes requirements around strip searches, jail surveillance, and sexual assault prevention in local detention facilities.

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 and includes an appropriation of \$38,916 to the Department of Law.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$46,886	\$46,886
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.3 FTE	0.3 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	\$0	\$0
Cash Funds	\$38,916	\$38,916
Federal Funds	\$0	\$0
Centrally Appropriated	\$7,970	\$7,970
Total Expenditures	\$46,886	\$46,886
Total FTE	0.3 FTE	0.3 FTE

Summary of Legislation

The bill establishes requirements around strip searches, jail surveillance, and sexual assault prevention in local detention facilities. The bill also establishes whistleblower protections for staff at local detention facilities around reporting sexual assault and requires the Jail Standards Committee to establish guidelines for a third-party audit of local detention facilities.

Strip Searches and Surveillance

First, strip searches are only authorized upon intake of an person to the local detention facility or when two personnel have made a determination that an inmate is concealing a weapon or a controlled substance. Body-worn cameras must be activated when conducting the search, and the person notified that the strip search is being video recorded; all other forms of surveillance are prohibited from recording a strip search.

Body-worn recordings of strip searches must be tagged as including a strip search, and sheriffs must coordinate with the body-worn camera vendor to allow video to be tagged. All footage tagged as strip searches are to be directed to and stored in a separate, secure storage system. Detention facilities must have a written policy regarding retention of strip search footage.

The bill prohibits personnel from accessing videos outside of the facility, and requires personnel to receive written approval from the sheriff before access.

Detention facilities must report to the General Assembly and the Attorney General on the number and result of each strip search performed.

Sexual Assault Prevention

The bill requires jails to develop policies and procedures related to sexual assault prevention and designate a Prison Rape Elimination Act (PREA) coordinator. If an officer is found by the Peace Officer Standards and Training Board (POST) to have committed sexual assault in a local detention facility, the board must permanently revoke the peace officer's certification.

Whistleblower Protections

The bill prohibits a local detention facility from retaliating against staff because a staff member discloses information in good faith to the proper supervising authority of suspected, alleged, or witnessed sexual assault in the local detention facility. The bill creates a private right of action for whistleblowers who experience retaliation and waives governmental immunity for those governments.

Background and Assumptions

The Department of Law reports that over the last year, five peace officers have been investigated or charged with crimes similar to the conduct described in the bill. Because the bill creates a lower legal standard, it is assumed that an additional ten individuals per year will be subject to revocation. Of those ten individuals, the fiscal note assumes that five will pursue a hearing before revocation, and the other five will voluntarily revoke their certification without a hearing.

State Expenditures

Starting in FY 2026-27, the bill increases state expenditures in the Department of Law by about \$47,000 per year. These costs, paid from the POST Cash Fund, are summarized in Table 2 and discussed below.

Table 2
State Expenditures
Department of Law

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	\$38,916	\$38,916
Centrally Appropriated Costs	\$7,970	\$7,970
Total Costs	\$46,886	\$46,886
Total FTE	0.3 FTE	0.3 FTE

Department of Law

The department requires 0.3 FTE Special Agent II to review, investigate, write up, and attend additional revocation hearings, as outlined in the Background and Assumptions section. On average, staff spend 20 hours on cases that do not go to a hearing and 80 hours on cases that go to a hearing. First-year staffing costs assume a July 1, 2026, start date.

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 Table 2 above.

Local Government

Expenditures to county jails will increase to ensure that surveillance footage is stored as required by the bill, to update policies and procedures to prevent sexual assault, to contract with a third-party auditor, and to assign a PREA coordinator. In addition, litigation and damage costs may increase to the extent there are additional complaints of whistleblower retaliations.

Effective Date

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

State Appropriations

For FY 2026-27, the bill requires and includes an appropriation of \$38,916 from the POST Cash Fund to the Department of Law, and 0.3 FTE.

State and Local Government Contacts

Counties

Municipalities

Law

Sheriffs