



Legislative
Council Staff

Nonpartisan Services for Colorado's Legislature

HB 18-1417

**FINAL
FISCAL NOTE**

Drafting Number: LLS 18-1208
Prime Sponsors: Rep. Pabon; Lontine

Date: June 8, 2018
Bill Status: Deemed Lost
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Bill Topic: PROTECT CONSTITUTIONAL RIGHTS COLORADO RESIDENTS

**Summary of
Fiscal Impact:**

- State Revenue
- State Expenditure
- State Transfer
- TABOR Refund
- Local Government
- Statutory Public Entity

This bill prohibits local law enforcement from enforcing civil immigration on behalf of the federal Immigration and Customs Enforcement without a federal warrant. It also directs the Department of Human Services to develop policies concerning immigration enforcement in public spaces. The bill increases state and local government workload to develop immigration policies in FY 2018-19, but reduces local government revenue and costs on an ongoing basis as a result of reduced civil immigration enforcement actions. Costs are also increased as of FY 2018-19 to provide an advisement of rights.

**Appropriation
Summary:** No appropriation is required.

**Fiscal Note
Status:** The fiscal note reflects the introduced bill.

Summary of Legislation

This bill prohibits local law enforcement from enforcing civil immigration on behalf of the federal Immigration and Customs Enforcement agency (ICE) without a federal warrant. It also directs the Department of Human Services (DHS) to develop policies concerning immigration enforcement in public spaces.

No detainers for civil immigration enforcement. This bill prohibits county law enforcement agencies from detaining a person for ICE or providing nonpublic personal information about a person to ICE without a federal warrant. A city, county, or local law enforcement agency may not renew an existing contract or enter into a new contract, including an intergovernmental service and basic ordering agreement, to house or detain noncitizens for purposes of civil immigration custody.

Advisement of rights. If ICE makes a request to interview an individual in local law enforcement custody, the law enforcement agency is required to advise that individual of the request and to provide a written advisement of basic rights in his or her's language of choice. The written advisement must be available in English, Spanish, Chinese, Vietnamese, Korean, and Amharic. If the individual does not speak one of these languages, the agency must use a professional translation service to read the advisement to the individual. If the individual consents

to an interview with ICE, he or she must affirm this consent by signing the advisement. Every individual who is the subject of a detainer request from ICE must be provided the advisement again upon his or her release from jail.

Policies concerning immigration enforcement in public spaces. The Department of Human Services, in consultation with appropriate stakeholders, is required to develop and publish model policies for public schools, state-funded colleges and universities, public libraries, public health facilities, shelters, courthouses, probation offices, and entities providing court-ordered classes by June 1, 2019. The policies must limit immigration enforcement on those premises and require a valid federal warrant to provide assistance with immigration enforcement. The stakeholder process must include at least two meetings.

All public schools, public libraries, state-funded colleges and universities, public health facilities, shelters, and courthouses must adopt the model policies or an equivalent policy by September 1, 2019. All probation offices and entities providing court-ordered classes may choose to adopt the model policy or its equivalent.

State Expenditures

In FY 2018-19 only, the bill increases workload for the Departments of Human Services and Public Health and Environment, institutions of higher education, and the Judicial Department to collaborate with other stakeholders, develop model policies, and adopt policies within the required time frames. This workload increase can be accomplished within the existing appropriations of each state agency or institution of higher education.

Local Government and School Districts

In FY 2018-19 only, the bill increases workload for counties that operate public libraries, courthouses, public health facilities, and shelters, as well as school districts, to collaborate with other stakeholders, develop model policies, and adopt policies within the required time frames.

Beginning in the current FY 2017-18, the bill also decreases county revenue, workload, and costs associated with enforcing immigration matters in cases where ICE does not have a federal warrant. For instance, the bill could result in reduced law enforcement efforts to enforce immigration policies, as well as holding fewer individuals in county jail as a result of ICE requests. Estimated costs to house an offender in a county jail vary from \$53 to \$114 per day. Beginning in the current FY 2017-18, workload and costs increase to provide the required advisements and to hire translation services where needed. These impacts have not been estimated.

Effective Date

The bill was deemed lost on May 9, 2018.

State and Local Government Contacts

Corrections
Education
Human Services
Judicial
School Districts

Counties
Higher Education
Information Technology
Public Health And Environment
Sheriffs