



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 20-1188

FISCAL NOTE

Drafting Number: LLS 20-0912 Date: March 9, 2020
Prime Sponsors: Rep. Williams D. Bill Status: House Judiciary
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Bill Topic: PERSONS WHO ILLEGALLY REENTERED THE UNITED STATES

- Summary of Fiscal Impact: State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity

The bill requires a law enforcement officer to arrest or detain an individual subject to a civil immigration request if the individual was ordered deported or removed from the United States, convicted of improper entry or reentry, or convicted of a felony in the state. It also creates a civil remedy for victims of crimes committed by individuals who were not detained by law enforcement starting in FY 2020-21. It will increase state workload on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

Under current law, state and local law enforcement officers are prohibited from arresting or detaining an individual on the basis of a civil immigration detainer request. This bill creates an exception in cases where the individual was previously ordered deported or removed from the United States, convicted of improper entry or reentry to the United States, or convicted of a felony in the state. Law enforcement officers are required to notify U.S. Immigration and Customs Enforcement (ICE) of the individual's anticipated date and time of release and detain the individual for the period of time requested in the civil immigration detainer request. An individual need not be detained for more than 48 hours.

The bill also exempts law enforcement from the Colorado Governmental Immunity Act (CGIA) and creates a civil remedy against a law enforcement officer's employing agency if the officer does not notify ICE or detain the individual, who after release, commits a crime. The victim of the crime is entitled to compensatory damages up to specific limits in the bill. The maximum amount of compensatory damages are shown in Table 1 below. The Secretary of State's Office is required to annually adjust the damage limits in the same manner as limitations on damages for the CGIA.

Table 1
Compensatory Damage Limits Under HB 20-1188

Number of Persons Affected	Property Damage Limit	Personal Injury Limit
one	\$350,000	\$700,000
two or more*	\$990,000	\$1,980,000

**No person may recover in excess of the one person limit per occurrence.*

State Expenditures

This bill will increase workload for the Department of Public Safety to detain and arrest individuals on the basis of a civil immigration detainer request and to notify ICE of the status of the individual. Workload will increase for the Secretary of State's Office to adjust the compensatory damage limits annually. Workload also may increase for trial courts in the Judicial Department from the new civil remedy under the bill. These workload increases can be accomplished within existing appropriations.

Local Government

Like state law enforcement, local law enforcement will have an increase workload to detain and arrest individual on the basis of a civil immigration detainer request and to notify ICE of the status of the individual. There may also be costs associated with holding the individual in jail.

Effective Date

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

State and Local Government Contacts

Corrections
Information Technology
Municipalities
Public Safety
Sheriffs

Counties
Judicial
Personnel
Secretary of State

District Attorneys
Law
Public Defender