



Legislative Council Staff
Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated March 16, 2021)

Drafting Number: LLS 21-0315 Date: May 25, 2021
Prime Sponsors: Sen. Cooke; Ginal Bill Status: House Judiciary
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Bill Topic: POLICIES FOR PEACE OFFICER CREDIBILITY DISCLOSURES

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

The bill creates the Peace Officer Credibility Disclosure Notification Committee tasked with developing a statewide model for peace officer credibility disclosure notifications. The bill will increase state expenditures and local workload on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill requires an appropriation of \$280,000 to the Department of Law.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Table 1
State Fiscal Impacts Under SB 21-174

		Budget Year FY 2021-22	Out Year FY 2022-23
Revenue		-	-
Expenditures	Cash Funds	\$280,000	\$125,000
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill creates the Peace Officer Credibility Disclosure Notification Committee, tasked with developing a statewide model for peace officer credibility disclosure notifications by December 1, 2021. The statewide model must include policies and procedures that law enforcement agencies and district attorney's offices are required to adopt and implement on or before January 1, 2022.

The committee's policies and procedures must include:

- the circumstances that trigger a law enforcement agency to promptly notify a district attorney if a peace officer's credibility is called into question by a sustained finding;
- the circumstances that trigger a law enforcement agency's obligation to notify a district attorney when a peace officer's credibility is called into question by a criminal or administrative investigation;
- a process for district attorneys to follow for receiving credibility disclosure notifications and maintaining a current record of all credibility disclosure notifications; and
- a process for district attorneys to timely notify a defense attorney or defendant of credibility disclosure notification records and to remove any records when appropriate and lawful.

The bill requires district attorneys to review the committee's policies and procedures at least every four years to ensure compliance with controlling federal and state case law, as well as the Colorado Rules of Criminal Procedure. The bill also requires a district attorney to make available to the public the committee's policies and procedures.

The bill requires the Peace Officer Standards and Training (POST) Board in the Department of Law to create and maintain a database, in a searchable format to be published on its website, containing information related to a peace officer's actions that resulted in a credibility disclosure notification.

State Expenditures

The bill will increase state cash fund expenditures in the Department of Law by \$280,000 in FY 2021-22 and \$125,000 in FY 2022-23 and future fiscal years, as shown in Table 2 and detailed below. Costs are paid from the POST Cash Fund.

Table 2
Expenditures Under SB 21-174

Cost Components	FY 2021-22	FY 2022-23
Department of Law		
Contract Database Modification and Support	\$280,000	\$125,000
Total	\$280,000	\$125,000

Department of Law. The department will modify its current vendor contract to address the POST database requirements created by the bill. These costs are initially estimated at \$280,000 in FY 2021-22 for one-time database modifications, and \$125,000 in FY 2022-23 and ongoing for expanded database support.

Department of Public Safety. The DPS may require administrative support to implement the notification processes and perform the additional reporting requirements under the bill. Actual costs will depend on the findings of the committee, and will be addressed through the annual budget process.

Other state agencies employing peace officers. Other state agencies that employ peace officers, which include the departments of Corrections, Human Services, Natural Resources, and Revenue, as well as institutions of higher education, will have an increase in workload to notify district attorney's offices whenever a peace officer is involved in an internal or criminal investigation. This workload can be accomplished within existing appropriations.

Local Government

The bill will increase workload for district attorney's offices and local governments that employ peace officers. Both district attorneys and local law enforcement agencies, including county sheriffs, town marshals, and municipal police departments, will modify procedures regarding peace officer credibility disclosures based on the committee's determinations. In addition, workload will increase for these entities to participate in the Peace Officer Creditability Disclosure Notification Committee.

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 2021-22, the bill requires an appropriation of \$280,000 from the POST Cash Fund to the Department of Law.

State and Local Government Contacts

Corrections	Counties	District Attorneys
Education	Higher Education	Human Services
Information Technology	Law	Municipalities
Natural Resources	Public Safety	RTD
Revenue	School Districts	Sheriffs