



Legislative
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HB 18-1273

FINAL FISCAL NOTE

Drafting Number: LLS 18-0956
Prime Sponsors: Rep. Salazar; Esgar
Sen. Merrifield

Date: May 31, 2018
Bill Status: Postponed Indefinitely
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Bill Topic: PROTECT CO RESIDENTS FROM FEDERAL GOVERNMENT OVERREACH

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Statutory Public Entity

This bill prohibits the state and its political subdivisions from assisting the federal government in providing certain information about Colorado residents until it knows the basis of the request or detaining Colorado residents on the basis of certain characteristics. The bill increases workload for state and local government agencies on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The revised fiscal note reflects the reengrossed bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This bill requires the state and its political subdivisions (local governments, schools, statutory public entities, and special districts) to determine whether a request from a federal government agency is for a legal and constitutional purpose prior to disclosing certain information about a Colorado resident. This information includes a person's race, ethnicity, national origin, immigration status, sexual orientation, gender identity, physical disability, intellectual and developmental disability, or religious affiliation (defined by the bill as inherent characteristics).

Data sharing. The bill prohibits the state or its political subdivisions from aiding or assisting the federal government in creating, maintaining, or updating a registry for the purposes of identifying Colorado residents on the basis of the above inherent characteristics. Exceptions are permitted:

- to assist the U.S. Census Bureau;
- for reporting related to investigations of a hate crime;
- for addressing bias-based delivery of government services;
- to provide information used for national statistical purposes, such as fingerprint data and national incident-based reporting data; and
- to provide information available to the public under the Colorado Open Records Act.

Physical markings. The state and its political subdivisions are also prohibited from aiding or assisting the federal government in marking or otherwise placing a physical or electronic identifier on a Colorado resident based on the above inherent characteristics.

Detention. The bill prohibits the state or its political subdivisions from aiding or assisting the federal government in interning, arresting, or detaining a person for a noncriminal offense based on the above characteristics. State or local lands or resources may not be used for the internment of persons based on the above inherent characteristics.

Background and Assumptions

Some federal programs and grants require the state or local governments to share population and demographic data with the federal government. For example, race and ethnicity data are reported to the federal government for purposes of federal student aid in postsecondary education and for the Justice Assistance Grant, for which the Department of Public Safety receives \$2.8 million per year. The fiscal note assumes that current reporting for these purposes is compliant with the requirements of House Bill 18-1273.

State Expenditures

Beginning in the current FY 2017-18, the bill may increase workload for state agencies in order to determine whether a request from a federal government agency is for a legal and constitutional purpose. The bill may also require workload to address policy changes around responding to federal detainer requests from Immigrations and Customs Enforcement (ICE) for offenders leaving the Department of Corrections. These workload impacts can be accomplished within existing department appropriations.

Local Governments, Statutory Public Entities, and School Districts

Similar to the state, workload may increase for local governments, statutory public entities, and school districts in order to determine whether a request from a federal government agency is for a legal and constitutional purpose. For sheriffs and municipalities with jails, the bill may require workload to adjust any policies concerning responding to ICE detainer requests.

Effective Date

The bill was postponed indefinitely by the Senate State, Veterans, and Military Affairs Committee on April 30, 2018.

State and Local Government Contacts

All Local and State Agencies