



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1031: LAW ENFORCEMENT WHISTLEBLOWER PROTECTION

Prime Sponsors:

Rep. Bacon; Clifford

Fiscal Analyst:

Aaron Carpenter, 303-866-4918

aaron.carpenter@coleg.gov

Published for: House Judiciary

Drafting number: LLS 25-0370

Version: Initial Fiscal Note

Date: March 7, 2025

Fiscal note status: This fiscal note reflects the introduced bill.

Summary Information

Overview. The bill creates a private right of action for a peace officer if their employer retaliates against them for whistleblowing.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill creates a private right of action for a peace officer against their employer if the employer retaliates against a whistleblower who disclosed a danger to public health or safety, or an alleged violation of law committed by another officer. The new whistleblower protections apply to peace officers employed by a subdivision or instrumentality of the state, such as a county, city and county, municipality, public school district, or special-purpose district or authority.

The bill lays out what actions against a whistleblower are unlawful, waives sovereign immunity in these actions, establishes a statute of limitations, establishes what a court can do in frivolous cases, and clarifies that internal administrative processes should be followed before bringing a case. Finally, the bill requires all state and local agencies employing peace officers to provide training or a workplace posting about these requirements.

State Expenditures

The bill increases workload to state agencies employing peace officers to provide the required training. This workload can be accomplished within existing resources.

Local Government

The bill increases liability costs for local governments who are sued for retaliation against a whistleblower once internal administrative processes are exhausted. These costs will include legal services and potential settlements when cases are pursued by peace officers against a local law enforcement employer. Cases will vary in costs. For informational purposes, using ten years of federal employment claims against the state that include retaliation, hostile work environment, and whistleblower elements as a proxy, legal representation costs an average of \$35,000 and settlements range from \$25,000 to \$80,000.

In addition, expenses to local governments will increase to establish an internal administrative process, if such a process does not already exist.

Technical Note

The fiscal note assumes that "instrumentalities of the state of Colorado" does not mean state departments. However, if it does apply to state departments, state expenditures are estimated to increase by \$1.1 million in FY 2025-26 and \$2.1 million in FY 2026-27 in legal services and potential settlement costs. If the intent is for the bill to apply to state agencies, the fiscal note will be revised to reflect these costs.

Effective Date

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

State and Local Government Contacts

Corrections

Counties

District Attorneys

Higher Education

Human Services

Judicial

Law

Municipalities

Natural Resources

Personnel

Public Safety

Regional Transportation District

Revenue

Sheriffs

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).