



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1136: PEACE OFFICER CONDUCT DATABASE

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**Prime Sponsors:**

Rep. Clifford; Bacon

**Fiscal Analyst:**

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**Fiscal note status:** The fiscal note reflects the introduced bill.

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### Summary Information

**Overview.** The bill updates what is reported to the peace officer conduct database; creates a process to correct or appeal reports in the database; and makes other changes around revocation of POST certification, waivers for past employment files, and POST certification expiration.

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

- State Expenditures
- Local Government
- Statutory Public Entity

**Appropriations.** For FY 2025-26, the bill requires an appropriation of \$97,645 to the Department of Law.

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**Table 1**  
**State Fiscal Impacts**

<b>Type of Impact<sup>1</sup></b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
State Revenue	\$0	\$0
State Expenditures	\$118,409	\$111,739
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	1.0 FTE	1.0 FTE

<sup>1</sup> Fund sources for these impacts are shown in the tables below.

**Table 1A**  
**State Expenditures**

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	\$0	\$0
Cash Funds	\$97,645	\$90,975
Federal Funds	\$0	\$0
Centrally Appropriated	\$20,764	\$20,764
<b>Total Expenditures</b>	<b>\$118,409</b>	<b>\$111,739</b>
<b>Total FTE</b>	<b>1.0 FTE</b>	<b>1.0 FTE</b>

## Summary of Legislation

The bill updates reporting requirements for the Peace Officer's Standards and Training (POST) Board's peace officer conduct database, requires the board to create an appeals process, updates when revocation may occur, details what happens if a law enforcement agency does not disclose certain information, changes POST certification expiration, and makes temporary judicial security officers permanent.

## Reports to POST Database

The bill changes procedures for when a peace officer is included in the POST database. The POST Board must publish information on an officer's resignation in lieu of termination for cause. In addition, when a peace officer resigns or retires while under investigation, or following an incident that opens an investigation, the officer will be included in the database if it is more than likely that the officer would have been entered into the database if the investigation was completed. The bill also prohibits the POST Board from including information in the database provided by non-employing agencies, unless the information comes from a district attorney in connection with a crime. Law enforcement agencies providing information must certify the accuracy of the information; failure to submit accurate information may result in a fine and investigation by the Attorney General. The POST Board may subpoena records when law enforcement agencies refuse to provide them, and a court that grants the subpoena may require the agency to pay related POST Board fees.

Finally, a law enforcement agency that is investigating an officer for an incident that may result in a report to the database must notify the officer of its duty to report and consequences of the reporting. An agency cannot agree to a settlement with a peace officer that includes the agency agreeing not to report to the conduct to the database.

## Appeals and Corrections

The bill requires the POST Board to create an appeals process for inclusion in the POST Board database, and to provide appeals information to peace officers who are added to the database. The POST Board must give consideration to an officer's whistleblower status during the appeals process.

In addition, if a law enforcement agency determines there was an error and informs the POST Board, that entry must be removed.

## POST Board Discipline

Under current law, the POST Board must permanently revoke POST certification if an officer is found civilly liable for failure to intervene in the use of unlawful force. The bill makes this revocation discretionary.

## Waiver

Under current law, a law enforcement agency must require each candidate for an officer position who was previously hired by another law enforcement agency to execute a written waiver that authorizes previous employers to disclose the applicant's files. The bill requires this waiver to be executed upon a conditional offer of employment, instead of at the time of interview. If the law enforcement agency that previously employed the peace officer does not provide the disclosure within the bill's timelines, the POST Board is required to revoke POST Board funding to the agency or impose fines.

## Temporary Peace Officer

The bill allows basic or reserve POST certification to remain valid if the officer works for a law enforcement agency in a non-peace officer role. Finally, the bill removes temporary peace officer status for judicial security personnel.

## Background

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According to the POST Board's [database](#) of peace officer misconduct, 53 peace officers were decertified or relinquished their certification in 2024.

The POST Board is statutorily prohibited from using General Fund. Instead, funding traditionally comes from the POST Board Cash Fund. According to the department's budget documents, the fund is projected to have an ending balance of \$641,279 in FY 2025-26 and \$496,780 in FY 2026-27. The fiscal note assumes this funding is sufficient for the costs identified herein.

## State Expenditures

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The bill increases state expenditures in the Department of Law by about \$118,000 in FY 2025-26 and about \$112,000 in FY 2026-27. These costs, paid from the POST Board Cash Fund, are summarized in Table 2 and discussed below. The bill also minimally affects workload in the Judicial Department and agencies employing peace officers.

**Table 2**  
**State Expenditures**  
**Department of Law**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	\$89,695	\$89,695
Operating Expenses	\$1,280	\$1,280
Capital Outlay Costs	\$6,670	\$0
Centrally Appropriated Costs	\$20,764	\$20,764
<b>Total Costs</b>	<b>\$118,409</b>	<b>\$111,739</b>
<b>Total FTE</b>	<b>1.0 FTE</b>	<b>1.0 FTE</b>

### Department of Law

The department requires 1.0 FTE to implement an appeals process, investigate claims of wrongful inclusion in the database, and to investigate any law enforcement agency that fails to provide required notice or fails to provide disclosure. The fiscal note assumes a high degree of compliance from law enforcement agencies resulting in a need of 1.0 FTE.

### Judicial Department

To the extent the Department of Law seeks subpoenas, workload in the trial courts of the department will increase. The fiscal note assumes a high degree of compliance by law enforcement agencies; therefore, any workload is assumed to be minimal.

### State Agencies that Employ Law Enforcement Officers

To the extent the bill requires updates to policies, workload to the various agencies that hire law enforcement officers will increase. The fiscal note assumes state agencies will report what is required by law, and will cooperate with any investigation conducted by the POST Board; therefore, any workload increase is assumed to be minimal.

## **Centrally Appropriated Costs**

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, leased space, and indirect cost assessments, are shown in the expenditure table above.

## **Local Government – Statutory Public Entity**

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The bill may increase workload to local law enforcement agencies and the Regional Transportation District in the following ways. To the extent these agencies need to update policies, workload will increase. In addition, workload will increase to cooperate with any investigation conducted by the POST Board. Finally, if an agency refuses to disclose an applicant's file, the bill will increase costs to pay fines and may decrease any state funding to the agency. Overall, the fiscal note assumes a high degree of compliance and assumes impacts will be minimal.

## **Effective Date**

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

## **State Appropriations**

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For FY 2025-26, the bill requires an appropriation of \$97,645 from the POST Cash Fund to the Department of Law, and 1.0 FTE.

## **Departmental Difference**

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The Department of Law estimates that the bill requires 5.0 FTE to hear appeals, investigate law enforcement agencies for failing to submit a notice, investigate any false submissions to the database, and provide notifications of inclusion into the database. This is based on the assumption of 53 more inclusions into the database, 108 instances of failure to submit a notice, and 20 investigations into allegation of false submission. The fiscal note provides 1.0 FTE for these investigations assuming a high level of compliance by law enforcement agencies will lead to fewer necessary POST enforcement actions.

## State and Local Government Contacts

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Corrections

Counties

District Attorneys

Higher Education

Human Services

Judicial

Law

Municipalities

Natural Resources

Public Safety

Regional Transportation District

Revenue

Sheriffs