



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# FISCAL NOTE

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|-------------------------|-----------------------------|------------------------|---|
| <b>Drafting Number:</b> | LLS 18-0867                 | <b>Date:</b>           | April 20, 2018  |
| <b>Prime Sponsors:</b>  | Rep. Coleman<br>Sen. Marble | <b>Bill Status:</b>    | House Judiciary                                       |
|                         |                             | <b>Fiscal Analyst:</b> | Kerry White   303-866-3469<br>Kerry.White@state.co.us |

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| <b>Bill Topic:</b> | PEACE OFFICER INTERNAL INVESTIGATION OPEN RECORDS |
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| <b>Summary of<br/>Fiscal Impact:</b> | <input type="checkbox"/> State Revenue<br><input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )<br><input type="checkbox"/> State Transfer | <input type="checkbox"/> TABOR Refund<br><input checked="" type="checkbox"/> Local Government ( <i>minimal</i> )<br><input type="checkbox"/> Statutory Public Entity |
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The bill allows the public to inspect records related to a closed internal investigation of a peace officer who was the subject of an incident of alleged misconduct involving a member of the public. The bill increases workload for state and local government agencies that employ peace officers on an ongoing basis.

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| <b>Appropriation<br/>Summary:</b> | No appropriation is required. |
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| <b>Fiscal Note<br/>Status:</b> | The fiscal note reflects the introduced bill. |
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### Summary of Legislation

This bill allows the public to inspect investigation files upon the completion of an internal investigation that examines the in-uniform or on-duty conduct of a peace officer related to a specific, identifiable incident of alleged misconduct involving a member of the public. Witness interviews, video and audio recordings, transcripts, documentary evidence, staff recommendations, and final departmental decisions are subject to inspection, except that the custodian of the records may first provide a summary of the investigation file and must only provide the entire file upon subsequent request. The custodian is required to redact certain information from the records prior to releasing them. If a record contains redacted information, the applicant may request a written explanation of the reasons for the redaction. The custodian may deny inspection of the file if there is an ongoing related criminal case until the case is dismissed or upon sentence for a conviction.

### State Expenditures

Beginning in the current FY 2017-18, the bill may increase state workload to provide file summaries or investigation files, and to redact confidential information if there are requests to review internal investigation files related to peace officers employed by a state agency. The departments of Corrections, Law, Natural Resources, Public Safety, and Revenue, as well as institutions of higher education, employee peace officers. To the extent that these agencies request legal services to respond to such requests, workload may also increase for the Department of Law to provide counsel. These impacts are assumed to be minimal and can be addressed within existing appropriations of affected state agencies.

### **Local Government**

Beginning in the current FY 2017-18 and similar to the state, the bill may increase workload to respond to requests to review internal investigation files related to peace officers employed by a local government. These impacts are assumed to be minimal, but will vary by jurisdiction.

### **Effective Date**

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

### **State and Local Government Contacts**

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| Corrections      | Counties               | District Attorneys |
| Higher Education | Information Technology | Law                |
| Local Affairs    | Municipalities         | Natural Resources  |
| Public Safety    | Revenue                | Sheriffs           |