



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 20-1188

FINAL  
FISCAL NOTE

**Drafting Number:** LLS 20-0912  
**Prime Sponsors:** Rep. Williams D.

**Date:** May 11, 2020  
**Bill Status:** Postponed Indefinitely  
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**Bill Topic:** PERSONS WHO ILLEGALLY REENTERED THE UNITED STATES

**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 type="checkbox"/> Statutory Public Entity     |

The bill would have required a law enforcement officer to arrest or detain an individual subject to a civil immigration request if the individual was ordered deported or removed from the United States, convicted of improper entry or reentry, or convicted of a felony in the state. It also would have created a civil remedy for victims of crimes committed by individuals who were not detained by law enforcement starting in FY 2020-21. It would have increased state workload on an ongoing basis.

**Appropriation  
Summary:** No appropriation is required.

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

## Summary of Legislation

Under current law, state and local law enforcement officers are prohibited from arresting or detaining an individual on the basis of a civil immigration detainer request. This bill creates an exception in cases where the individual was previously ordered deported or removed from the United States, convicted of improper entry or reentry to the United States, or convicted of a felony in the state. Law enforcement officers are required to notify U.S. Immigration and Customs Enforcement (ICE) of the individual's anticipated date and time of release and detain the individual for the period of time requested in the civil immigration detainer request. An individual need not be detained for more than 48 hours.

The bill also exempts law enforcement from the Colorado Governmental Immunity Act (CGIA) and creates a civil remedy against a law enforcement officer's employing agency if the officer does not notify ICE or detain the individual, who after release, commits a crime. The victim of the crime is entitled to compensatory damages up to specific limits in the bill. The maximum amount of compensatory damages are shown in Table 1 below. The Secretary of State's Office is required to annually adjust the damage limits in the same manner as limitations on damages for the CGIA.

**Table 1**  
**Compensatory Damage Limits Under HB 20-1188**

<b>Number of Persons Affected</b>	<b>Property Damage Limit</b>	<b>Personal Injury Limit</b>
one	\$350,000	\$700,000
two or more*	\$990,000	\$1,980,000

*\*No person may recover in excess of the one person limit per occurrence.*

## State Expenditures

This bill will increase workload for the Department of Public Safety to detain and arrest individuals on the basis of a civil immigration detainer request and to notify ICE of the status of the individual. Workload will increase for the Secretary of State's Office to adjust the compensatory damage limits annually. Workload also may increase for trial courts in the Judicial Department from the new civil remedy under the bill. These workload increases can be accomplished within existing appropriations.

## Local Government

Like state law enforcement, local law enforcement will have an increase workload to detain and arrest individual on the basis of a civil immigration detainer request and to notify ICE of the status of the individual. There may also be costs associated with holding the individual in jail.

## Effective Date

The bill was postponed indefinitely by the House Judiciary Committee on March 12, 2020.

## State and Local Government Contacts

Corrections  
Information Technology  
Municipalities  
Public Safety  
Sheriffs

Counties  
Judicial  
Personnel  
Secretary of State

District Attorneys  
Law  
Public Defender