

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL  
REVISED FISCAL IMPACT**

(replaces fiscal note dated February 6, 2015)

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<b>Drafting Number:</b> LLS 15-0325	<b>Date:</b> February 25, 2015
<b>Prime Sponsor(s):</b> Sen. Guzman	<b>Bill Status:</b> House Judiciary
Rep. Kagan	<b>Fiscal Analyst:</b> Kerry White (303-866-3469)

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**BILL TOPIC:** EYEWITNESS IDENTIFICATIONS POLICIES AND PROCEDURES

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Workload increase.	
FTE Position Change		
<b>Appropriation Required:</b> None.		

\* This summary shows changes from current law under the bill for each fiscal year.

**Summary of Legislation**

This **reengrossed** bill requires all Colorado agencies that enforce criminal laws to adopt written policies and procedures regarding eyewitness identifications that meet specific criteria by July 1, 2016. If a law enforcement agency chooses not to adopt agency-specific policies, they are required to adopt and use model policies developed by the Attorney General's Office and the Colorado District Attorneys' Council (CDAC). Policies must be made available to the public upon request, at no cost, and be reviewed, at a minimum, every five years.

Subject to available resources, a law enforcement agency may create, conduct, or facilitate professional training to law enforcement personnel on methods and technical aspects of eyewitness identification policies and procedures. The bill clarifies that while the curriculum must be approved by the Peace Officers Standards and Training (POST) Board, the actual training may be conducted by any POST-approved training entity.

Lastly, the bill clarifies that both compliance and failure to comply with the requirements of the bill is considered relevant evidence in any case involving eyewitness identification, provided the evidence is otherwise admissible.

**State Expenditures**

This bill will increase workload for the Attorney General's Office in the Department of Law to work with the CDAC to develop model policies on eyewitness identification. The POST Board, also within the Department of Law, may be asked to review and approve training curricula for any law enforcement agencies, and may reprioritize existing grant funding for the purposes outlined in this bill. The Department of Public Safety, as a law enforcement agency, will either revise its policies or adopt the model policies. This workload can be accomplished within existing appropriations.

**Local Government Impact**

This bill creates several impacts for local governments. First, the CDAC is required to assist in developing model policies and is authorized to provide training on eyewitness identification practices. Second, the bill may increase workload and costs for local law enforcement agencies that choose to develop and adopt new agency-specific eyewitness identification policies. Workload and costs may also increase to furnish copies to the public upon request and to conduct any training on eyewitness identification practices. Finally, the bill establishes that compliance with the new policies may be considered as evidence. This analysis assumes that workload and cost increases are minimal.

**Effective Date**

The bill takes effect July 1, 2015.

**State and Local Government Contacts**

Corrections  
Law  
Public Safety

Counties  
Municipalities  
Revenue

District Attorneys  
Natural Resources