


Colorado Legislative Council Staff
STATE
CONDITIONAL FISCAL IMPACT

Drafting Number: LLS 06B-2064

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Prime Sponsor(s): Sen. Jones

Bill Status: Senate SVMA

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TITLE: CONCERNING ENFORCEMENT OF IMMIGRATION LAWS BY LAW ENFORCEMENT AGENCIES IN COLORADO.

| Fiscal Impact Summary | FY 2006/07 | FY 2007/08 |
|--|------------|------------|
| State Revenues | | |
| State Expenditures General Fund | | |
| FTE Position Change | 0.0 FTE | 0.0 FTE |
| Effective Date: Upon signature of the Governor. | | |
| Appropriation Summary for FY 2006/07: See State Appropriations section. | | |
| Local Government Impact: See Local Government Impact section. | | |

Summary of Legislation

On or before January 1, 2007, this legislation requires the executive director of the Department of Public Safety (DPS), each county sheriff department, and each state municipal police department to attempt to enter into a memorandum of understanding (MOU) between the Colorado State Patrol and United States Bureau of Immigration and Customs Enforcement (ICE). The purpose of the MOU is to enhance cooperation between federal and state law enforcement authorities in the area of illegal immigration. Under the agreement, ICE may train and authorize Colorado state patrol officers, county sheriff department law enforcement officers, and municipal police officers to identify, process, and detain individuals suspected of an immigration offense. State law enforcement officer authority under this legislation will be governed by the MOU.

State Expenditures

This bill is assessed as having a conditional fiscal impact. Since the content of the MOU governs the responsibilities of DPS, costs cannot be quantified until a MOU is drafted. The fiscal note assumes the DPS will draft a MOU to be used by the DPS and most local law enforcement agencies. It also assumes that the DPS will contact the ICE on behalf of most local law enforcement

agencies. If an agreement is reached, a separate memorandum will be distributed to each local law enforcement for signature and returned for submission, either to the DPS or directly to ICE. This added workload can be absorbed within existing resources.

If an agreement is reached, it is assumed training will be provided by ICE at no cost to the state. However, it is estimated that for out-of-state training, the DPS will be responsible for travel and lodging expenses. It is also assumed that all state law enforcement officers will require individual training and authorization. Therefore, travel and lodging costs to the state and local governments could be significant.

ICE training for patrol officers is five weeks and for correctional officers it is four weeks. Due to the duration of training, it is likely that officers not attending training will be required to work overtime to cover shifts for officers being trained. This cost could be significant. ICE requires that all state and local enforcement agencies that enter into these type of MOUs to purchase a separate computer and T1 computer line for immigration enforcement communication activities. The annual cost for each computer and computer line is \$65,000. The number of computers needed by the Department of Public Safety cannot be quantified at this time.

Since a law enforcement officer will only be required to identify, process, and detain a person suspected of illegal immigration during the course of his or her routine activity, it is unlikely that this bill will result in the need for additional state or local law enforcement officers. However, costs for incarceration may increase to the extent that persons detained would not have otherwise been detained for a violation of state law.

The duties and responsibilities of the DPS will be governed by a MOU between the DPS and ICE. It is not known if an agreement will be reached. If a MOU is effectuated, the DPS may require additional funding. It is assumed this would be addressed through the annual budget process. As such, this bill is assessed as having a conditional fiscal impact.

Local Government Impact

The same factors that may impact state expenditures may also impact local sheriff and police departments. However, the overall impact at the local level is likely to be even greater than that at the state level due to fewer law enforcement personnel and small law enforcement budgets. Additionally, small municipal police departments employ very few officers. If one or more officers are attending out-of-state training, this may cause a disruption in public safety services.

Departments Contacted

Public Safety

Local Affairs