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Fiscal Note

<b>Drafting Number:</b>	LLS 24-0690	<b>Date:</b>	January 25, 2024
<b>Prime Sponsors:</b>	Rep. Armagost; Martinez Sen. Hinrichsen	<b>Bill Status:</b>	House Judiciary
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Bill Topic: PEACE OFFICER PROVISIONAL CERTIFICATE REQUIREMENTS

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill allows the P.O.S.T. board to grant a provisional certificate to individuals that were authorized as peace officers in the armed forces. Starting in FY 2024-25, the bill minimally increases state workload and revenue on an ongoing basis. Local government expenditures may also minimally increase.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

Under current law, the Police Officer Standards and Training (P.O.S.T.) Board in the Department of Law (DOL) has authority to grant a provisional peace officer certification to individuals that were authorized as peace officers in a federal jurisdiction, excluding the armed forces, within the past three years if the individual has served as a peace officer in good standing for more than one year.

The bill removes the armed forces exclusion, and allows armed forces peace officers to obtain a provisional certificate from the P.O.S.T. board.

Background

A provisional certificate is valid for six months, and allows an individual to be employed as a peace officer while they pursue basic certification. Provisional certificate applicants must submit to a Colorado Bureau of Investigation (CBI) fingerprint background check. Generally, basic certification is granted only when certain requirements are met; however, the P.O.S.T. board authorizes variances from these requirements for provisional certificate holders by rule.

## **Assumptions**

Based on DOL data over the past three fiscal years, an average of 91 provisional certifications are issued each year. The fiscal note assumes that the number of provisional certifications will minimally increase due to the bill.

## **State Revenue**

The bill may increase state revenue to cash funds in the DOL and the Department of Public Safety (CDPS) to the extent newly eligible individuals apply for provisional certification. When seeking basic certification, provisional certificate holders must pay about \$525 in fees to the P.O.S.T. board, which includes fees for a written exam and three skill exams. Provisional certificate applicants must pay the CBI background check fee, which is \$39.50. Based on the assumed small number of additional applicants, the net impact to state revenue is likely minimal. This revenue, excluding the federal pass-through from the CBI background check, is subject to TABOR.

## **State Expenditures**

The bill may increase state expenditures for the DOL and the CDPS to the extent newly eligible individuals apply for provisional certification. Based on the assumed small number of additional applicants, the impact is likely minimal and no change in appropriations is required.

## **Local Government**

Local law enforcement agencies, including police departments and sheriff's offices, may experience an increase in costs to the extent they employ additional provisional certificate holders that then seek basic certification, for which local law enforcement agencies often cover the costs. The bill may also assist law enforcement agencies in filling vacancies. The exact impact will vary by jurisdiction.

## **Effective Date**

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## **State and Local Government Contacts**

Law

Military Affairs

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).