



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 23-0146	Date:	January 27, 2023
Prime Sponsors:	Rep. Ricks; Garcia Sen. Jaquez Lewis; Gonzales	Bill Status:	House Judiciary
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Bill Topic:	RESTRICT GOVERNMENT INVOLVEMENT IN IMMIGRATION DETENTION
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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 restricts the ability of the state and local governments to enter into certain agreements involving immigration detention facilities. Starting in FY 2023-24, the bill may minimally impact state expenditures and local revenue and expenditures.

Appropriation Summary:	No appropriation is required.
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Fiscal Note Status:	The fiscal note reflects the introduced bill.
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Summary of Legislation

Beginning January 1, 2024, the bill prohibits state and local governments from:

- entering into an agreement to detain individuals in an immigration detention facility operated by a private entity;
- selling property for the purpose of establishing an immigration detention facility operated by a private entity;
- paying a private entity for the operation of an immigration facility;
- receiving payment related to the detention of individuals in an immigration detention facility from a private entity; or
- giving financial incentive or benefit to a private entity or person that operates an immigration detention facility.

Beginning January 1, 2024, the bill prohibits state and local governments from entering into or renewing an immigration detention agreement. Any entity that currently has an agreement must terminate the agreement by January 1, 2024.

State Expenditures

Starting in FY 2023-24, costs and workload in the Department of Law may increase to provide legal counsel to any state agencies that had contracted with a private entity for immigration detention or had an immigration agreement, or if any agency needs to consult about allowable types of agreements in the future. As of this writing, no state agencies were identified that had an agreement that would be affected by the bill; therefore, no change in appropriations is required.

Local Government

To the extent a local government has entered into an immigration detention agreement, local revenue and expenditures will decrease as the local government will not receive reimbursement for holding an individual and will not have costs to hold them. In addition, if any local government needs to cancel an agreement or contract, legal costs may be incurred. The fiscal note assumes that most local government are already in compliance with the bill and therefore any impacts will be minimal.

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

Corrections
Judicial
Public Safety

Counties
Law
Sheriffs

Human Services
Municipalities