Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 26-132: VOLUNTARY ALCOHOL BREATH TEST

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Fiscal note status: This fiscal note reflects the introduced bill. Due to time constraints, this fiscal note is preliminary and will be updated if any additional information is received.

Summary Information

Overview. The bill requires law enforcement officers to offer a voluntary, preliminary alcohol screening breath test when a vehicle collision results in death or suspected serious bodily injury.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2026-27:

- Minimal State Revenue
- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	$0	$0
State Expenditures	$0	$0
Transferred Funds	$0	$0
Change in TABOR Refunds	$0	$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

The bill requires law enforcement officers to offer a voluntary, preliminary alcohol screening breath test following lawful contact with a person who has been driving a motor vehicle involved in a collision resulting in death or suspected serious bodily injury. Officers are required to offer the test when:

- the officer has reasonable suspicion the driver being tested is at fault in the collision;
- the driver is not significantly injured or in need of immediate medical attention; and
- the officer does not have probable cause necessary for expressed consent requirements.

Officers must advise the driver being tested that:

- the preliminary test is requested because the driver was involved in a serious collision;
- the preliminary test is not admissible in court, nor is the refusal to take the test;
- results may be used to request further, admissible testing used to make an arrest;
- the preliminary test is voluntary; and
- refusal to take the preliminary test does not affect the status of a driver license.

State Revenue and Expenditures

Starting in FY 2026-27, the bill will increase workload for state law enforcement agencies that respond to motor vehicle collisions to request or administer the preliminary tests. The fiscal note assumes that responding to these incidents already involves significant work, and so any increase is expected to be minimal. No change in appropriations is required.

Additionally, if the administration of preliminary tests increases the number of criminal cases filed, revenue from court fines and fees may increase, as well as workload and expenditures in various state criminal justice agencies. The fiscal note assumes that in cases with death and serious bodily injury, individuals are already being charged with a crime, when appropriate. Therefore, any increase is assumed to be minimal.

Local Government

Similar to the state, workload will increase for local law enforcement agencies to request or administer the preliminary test. The exact impact will depend on how many motor vehicle collisions the agency responds to, but is assumed to be minimal. Workload may also increase for district attorney offices if more criminal cases are filed. District attorney offices are funded by counties.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed, and applies to incidents occurring on or after this date.

State and Local Government Contacts

District Attorneys

Judicial

Public Defender

Public Health and Environment

State Law Enforcement