## Department of Law

# FY 2026-27 Joint Budget Committee Hearing Agenda

Tuesday, December 2, 2025

9:00 am - 10:00 am

### 9:00 – 9:10 Introductions and Opening Comments

Presenter: Phil Weiser, Attorney General

### 9:10 – 9:30 Department-led litigation excluding federal conflicts

Main Presenters:

- Phil Weiser, Attorney General

Supporting Presenters:

- Natalie Hanlon Leh, Chief Deputy Attorney General
- Jefferey Riester, Senior Assistant Attorney General/Director of Legislative Affairs
- Kurt Morrison, Deputy Attorney General

Topics:

- As it pertains to the Appellate Unit: Pages 1-2, Question 1 in the packet
- For other state representation: Pages 2-6, Questions 2-3 in the packet
- Pending litigation against the state: Pages 6-9, Questions 4-5 in the packet

### 9:30 – 10:00 Budget reduction options

Main Presenters:

- Phil Weiser, Attorney General

Supporting Presenters:

- Natalie Hanlon Leh, Chief Deputy Attorney General
- Jefferey Riester, Senior Assistant Attorney General/Director of Legislative Affairs
- Kurt Morrison, Deputy Attorney General

Topics:

- Feedback on JBC Staff identified items: Pages 9-10, Questions 6-8 in the packet
- Alternative Budget Reductions: Page 10-12, Questions 9-10 in the packet

## Department of Law

# FY 2026-27 Joint Budget Committee Hearing

Tuesday, December 2, 2025

9:00 am - 10:00 am

## Department-led litigation excluding federal conflicts

### I. As it Pertains to the Appellate Unit

1. *[Rep. Taggart]* Describe trends in the types of cases that are driving increased workload for the Appellate Unit. Discuss any statutes, rules, regulations, ambiguous language, conflicting interpretations or other items driving workload that may be resolved through action of the General Assembly.

**Response:** The workload of the Criminal Appeals Section is driven by the number of incoming criminal appeals filed by the Colorado defense bar (including the Appellate Division of the Public Defender's Office; the Office of Alternate Defense Counsel; private defense counsel; and pro se litigants). The Department of Law ("Department") Criminal Appeals Section has no control over the quantity of incoming cases, number of issues raised in each case, or complexity of those issues.

In Fiscal Years ("FY") 2021-22, 2022-23, and 2023-24, the number of outgoing briefs declined; but increased in 2024-25. Factors contributing to the declines between 2021 to 2024 are described below.

| Fiscal Year | Outgoing Briefs | Increase Over Prior FY |
|---|---|---|
| FY 2020-21 | 877 | - |
| FY 2021-22 | 803 | (8.4%) |
| FY 2022-23 | 794 | (1.1%) |
| FY 2023-24 | 652 | (17.8%) |
| FY 2024-25 | 717 | 10.0% |

The volume of incoming criminal appeals has steadily increased for the past three years. In fiscal year 2022-23, the Department received 628 incoming cases; in 2023-24, 735 incoming cases; and in 2024-25, 813 incoming cases. This represents a 29.4% increase in incoming cases. While the Criminal Appeals Section strives to implement efficiency strategies wherever possible, it remains challenging to maintain or decrease the backlog at current staffing levels (assuming the trend of increased incoming cases continues).

With respect to trends in incoming cases, several variables impact the rate of appeals, including:

- an increase in issues regarding habitual criminal charges since *Erlinger v. United States*, 602 U.S. 821, was announced in 2024;
- First Amendment challenges to stalking and harassment convictions since *Counterman v. Colorado*, 600 U.S. 66, was announced in 2023; and
- challenges to restitution orders since *People v. Weeks*, 498 P.3d 142, and *People v. Roddy*, 498 P.3d 136, were announced in 2021.

Furthermore, post-COVID, the Criminal Appeals Section experienced a decrease in the number of low-level (and less complex) felony convictions being appealed (a potential explanation for this trend is that, during the height of the pandemic, many District Attorney offices offered plea deals in low-level cases); when a defendant agrees to plead guilty, there are few avenues for appellate relief. But many high-level (and more complex) felony cases proceeded to trial once courts re-opened; those cases, which include homicides and sexual assaults, are now being appealed.

The Criminal Appeals Section is also starting to see postconviction appeals in DNA cases since the enactment of H.B. 25-1275 (the Colorado Forensic Science Integrity Act). The Section has only received two such appeals as of the date of this response but expects that the number of these cases will increase in the coming years.

## II. For other State Representation

2. *[Rep. Taggart]* Describe trends in the types of cases that are driving increased workload for any other sections or for specific agencies represented by the Department of Law. Discuss any statutes, rules, regulations, ambiguous language, conflicting interpretations or other items driving workload that may be resolved through action of the General Assembly.

**Response:** A full response to this question would require a comprehensive audit of the Department's work, recent legislation, rulemakings, and trends in staff time conducted in recent fiscal years. With the time allowed for a response, the Department has compiled the following sections that are responsive to the JBC's question by providing a synopsis of trends and types of cases driving legal workload in certain units and sections that typically require significant legal services work. For most of these subject matters, the General Assembly impacts the Department's workload and cases litigated by the laws that the General Assembly enacts.

**A. Environmental Programs (Natural Resources and Environment Section).** For Department units that represent the Colorado Department of Public Health and Environment ("CDPHE") environmental programs, the types of cases driving increased workload include defense of CDPHE permitting actions for air and water quality, drinking water and air quality enforcement matters, advice and litigation related to new statutory mandates, and increasing volume and complexity of advice and litigation related to the interaction of state programs with U.S. Environmental Protection Agency ("EPA") oversight and coordination. The Department has also been active in pursuing claims to address emerging contaminants causing damage to Colorado such as PFAS.

In recent years, the Air Unit has taken on advice and litigation responsibilities for new or enhanced statutory mandates provided by the General Assembly, including programs related to climate change[1], oil and gas regulations[2], air toxics[3], and environmental justice.[4] These new programs enacted by the General Assembly drove additional legal services needs for client agencies. The Air Unit has also seen a significant increase in litigation against the state, primarily related to rulemaking and permitting from industry plaintiffs, environmental groups, and community members.

Furthermore, the General Assembly provided additional resources to CDPHE for water quality permitting and drinking water enforcement, leading to additional legal service needs. With increased efforts in these fields by CDPHE, the Water Quality Unit has seen trends of increased number and complexity of permit appeal actions and provided increasing legal support for escalated drinking water enforcement actions resulting in litigation.

Lastly, changes in federal administrations since 2016 have resulted in faster and more significant policy shifts the state must respond to. Because Colorado implements programs consistent with EPA regulations, it has taken increasing legal resources to adjust to rapidly evolving federal policies and priorities, requiring the State to develop various program elements, and then revamp them with each new administration.

**B. Health Care Unit (State Services Section).** The Health Care Unit anticipates significant increases in litigation associated with challenges to Medicaid reductions, which often involve complex federal/state statutory interpretation and require urgent, resource-intensive engagement.

**C. Labor Unit (State Services Section).** Labor Unit workload has increased due to a series of statutory expansions strengthening worker protections by the voters and General Assembly, including the Healthy Families and Workplaces Act, Family and Medical Leave Insurance Act, the TNC Act, agricultural worker rights legislation, the Collective Bargaining by County Employees Act, and wage theft enforcement.

**D. Public Utilities Commission General Counsel & Trial Staff Litigation Units (State Services Section, Revenue and Regulatory Law Section).** The workload of the Public Utilities Commission ("PUC") General Counsel Unit and PUC Trial Staff Litigation Units have increased over the past decade due to new legislation regarding state laws on the transition to clean energy. These bills set greenhouse gas emission reduction goals and included new requirements for utilities to develop and seek PUC approval of electric utility transportation electrification plans, electric utility clean energy plans, gas utility clean heat

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1 H.B. 19-1261, H.B. 21-1266, H.B. 21-1286, S.B. 21-264, S.B. 23-016.
2 H.B. 19-181, H.B. 21-1266, S.B. 24-229.
3 H.B. 21-1189, H.B. 22-1244.
4 H.B. 21-1266, H.B. 24-1338.

plans, and the use of clean hydrogen, among other new initiatives. The PUC has also seen an increased role in areas such as wildfire mitigation planning and expanded responsibilities in ensuring rail safety in Colorado. Accordingly, the PUC General Counsel Unit has adjusted to fill the demand for legal counsel services.

**E. Contracts & Procurement Unit (State Services Section).** Contracts and Procurement Unit workload increases are tied to: (1) reduced federal grants and associated client attempts to locate other funding sources; (2) the Department of the Treasury's statutory mandates for BEST and low-income housing bonding; and (3) Governor-directed statewide real estate review requiring extensive legal analysis.

**F. Public Officials Unit (State Services Section).** Public Officials Unit workload increases are driven primarily by constitutional challenges to new laws enacted by the General Assembly—including but not limited to recently enacted laws on gun safety, reproductive rights, transgender rights, immigration enforcement matters, consumer protection, and social media regulations.

**G. Human Services Unit (State Services Section).** The Human Services Unit has seen a significant increase in workload over the past several years attributable, in part, to:

- Creation of the Colorado Adult Protective Services' Database (which allows for individuals to appeal their findings of adult mistreatment, which in turn added several hundred cases to the Unit's workload);
- Establishment of the Behavioral Health Administration and corresponding rulemakings;
- Establishment of the Department of Early Childhood and childcare licensing's transition from the Department of Human Services;
- Consistent increase in child abuse/neglect appeals;
- Increases in general counsel and legal services work due to shifting federal policy decisions that impact Unit clients; and
- Increases in general counsel and litigation related to competency system crisis.

**H. Technology Unit (State Services Section).** The Technology Unit anticipates a growing workload related to the impending effective date of legislation on artificial intelligence, set to take effect in 2026.

**I. K-12 Unit (State Services Section).** The K-12 Unit has seen an increase in litigation over the rights of transgender students. In 2025, there was a noted increase in general counsel work on the impact of federal policy shifts and federal actions. This included funding restrictions and rescissions, revised grant terms, cancellation and non-continuation of grants, new requirements, and litigating of non-discrimination laws.

**J. Higher Education Unit (State Services Section).** The Higher Education Unit has an increased workload largely due to federal policy shifts and related actions. This includes advising institutions of higher education on research funding rescissions, new federal executive orders, and other federal actions impacting college and university funding streams.

**K. Employment and Civil Rights (Civil Litigation and Employment Law Section).** The Employment Practices and Civil Rights Unit has seen an increase in cases involving Healthy Families in the Workplace Act[5] ("HFWA"). HFWA is Colorado's statewide paid sick-leave law requiring all employers to provide accrued paid sick leave and, during a declared public health emergency, supplemental paid leave for covered employees. The Unit has also seen an increase in cases involving the Family and Medical Leave Insurance program[6] ("FAMLI"). Both laws drive extended leave usage and can result in litigation regarding performance management following that leave usage.

**L. Tort (Civil Litigation and Employment Law Section).** The Tort Unit has experienced a notable increase in pro se lawsuits against Judicial Department clients challenging judicial decisions made in underlying state court lawsuits. Plaintiffs, usually pro se, file these both in federal and state courts. In FY 2024, the Unit tracked a roughly 94% increase in such lawsuits from FY 2023. And in FY 2025, the Unit tracked an approximately 33% increase in lawsuits from FY 2024. In federal court, a new Local Rule, Rule 8.1, provides some level of initial screening by magistrate judges to lead to the dismissal of the most frivolous cases. No such screening mechanism is available in state court. These lawsuits, if served, require preparation of a motion to dismiss and reply brief, and typically also involve responding to multiple frivolous motions and submissions by the plaintiffs. There has also been an increase in Enhance Law Enforcement Integrity Act ("ELEIA") lawsuits against state peace officers, alleging constitutional violations. ELEIA lawsuits appear to have increased more than 100%, year-over-year, in FY 2023 and FY 2024.

**M. Transportation (Civil Litigation and Employment Law Section).** The Transportation Unit's workload has grown due to General Assembly actions creating new Colorado Taxpayers Bill of Rights ("TABOR") enterprises and expanding the scope of existing TABOR enterprises. Legal counsel workload has also grown correspondingly to the growth of CDOT's statutes into multi-modal forms of transportation, including transit and rail.

**N. Workers' Compensation Unit (Civil Litigation and Employment Law Section).** The Workers' Compensation Unit has seen an increase in the number of cases being referred for assistance with Division Independent Medical Examinations ("IMEs") following statutory revisions to C.R.S. 8-42-107.2(3)(b) and (5)(a)(I) in 2023. The Workers' Compensation Rules of Procedure changes for Division IMEs have caused increased Unit workload, delay in resolution of workers' compensation matters and caused an increased number of files to be referred to the Unit from the State Office of Risk Management and agency partners.

**O. Revenue & Regulatory Law Section.** The Revenue and Regulatory Law Section has seen an increasing workload in several fields. There is growth in the number of federal

5 §§ 8-13.3-401 to -424, C.R.S.
6 §§ 8-13.3-501 to -524, C.R.S.

cases brought by pharmaceutical companies. In recent years, seven pieces of federal litigation were filed by pharmaceutical companies challenging various programs enacted by the General Assembly in federal court. Many involve Takings Clause claims or other constitutional challenges. Furthermore, there is an increasing number of pre-enforcement constitutional challenges. This includes a growth in cases such as constitutional challenges to General Assembly enacted legislation under the Colorado Constitution and statutes impacting boards regulating professionals, particularly on First Amendment and Equal Protection Clause grounds. Lastly, the Tax Unit has taken on significant growth in legal advising to client agencies and lawsuits challenging new state laws enacted by the General Assembly for alleged violations of TABOR.

3. *[Rep. Taggart]* Discuss the common policy Legal Services appropriation. Provide examples of when the Department needs to pay itself for the provision of legal services.

**Response:** Along with other specific statutory duties, the Attorney General is also the chief legal counsel and advisor to the Judicial and Executive Departments of state government, including the governor, treasurer, secretary of state, state board of education, all principal departments of the Executive Department, and independent boards and commissions. Such legal services are also provided to various Department of Law programs and regulatory functions. In particular, the Peace Officers Standards and Training Board and the Safe2Tell programs, housed within the Department, both receive legal advice, counsel, and, if needed, legal representation from the Department. These programs pay for their legal support in the same manner as all other state agencies. The Department's Legal Services Line Item is the budget line where these needs and expenses are budgeted and paid.

## III. Pending Litigation Against the State

4. *[Sen. Amabile]* A couple cases filed against the Department of Corrections (DOC) appeared in this briefing issue in prior years. Provide discussion on the outcome of litigation involving DOC that appeared in this report since FY 2021-22.

**Response:** Since FY 2021-22, four Department of Corrections ("DOC") matters that have appeared in this briefing issue have either resolved or significantly changed posture.

- ***Bassford, et al. v. Polis, CDOC, and CoreCivic.*** This litigation remains an ongoing inmate-rights case challenging DOC's use of inmate labor and work programs in state and private facilities. When it first appeared in the briefing materials it was treated as a potential class action with exposure above $5 million in damages and attorneys' fees, plus the possibility of substantial operational impacts if DOC's authority to require or structure inmate work were curtailed. Since then, the court has narrowed the case, including denial of class-wide relief and dismissal of at least some individual damages claims. As a result, the risk of a very large money judgment is now lower.

- ***Ruiz, et al. v. Colorado Department of Corrections, et al*.** The *Ruiz* case was an FLSA collective action brought by community parole officers alleging they should have been paid for far more of their on-call time under the Electronic Monitoring Alert Response Team program. At the time it appeared in the briefing issue, a full adverse outcome could have produced a judgement exceeding $25 million including back pay, liquidated damages, and attorneys' fees. The case is now fully resolved, and the parties settled the matter for approximately $5 million (inclusive of liquidated damages, fees, and interest). The case was dismissed by stipulation in December 2022. There is no ongoing exposure from this case.

- ***Kandace Raven, et al. v. Colorado Department of Corrections, et al.*** The *Raven* case was a class action lawsuit on behalf of transgender women incarcerated in DOC facilities, challenging housing, safety, and treatment (including placement, supervision, and access to appropriate medical care). The case is fully resolved. The settlement provides for approximately $2.15 million in class damages and roughly $2.9 million in attorneys' fees and related costs, along with injunctive relief requiring DOC to change certain policies and practices related to the housing and safety of transgender women. The financial impact is therefore finite and known, and current risk is primarily ensuring compliance with the injunctive terms rather than further monetary exposure.

- ***Tanner v. Campbell***. The *Tanner* litigation was regarding an individual inmate rights case that appeared in the same family of briefing materials as the above matters. It has since been settled and been dismissed. The total resolution value was approximately $8 million, structured between monetary relief and attorneys' fees, coupled with agreed injunctive or programmatic measures. Importantly, the settlement was structured so that there are no ongoing financial obligations to the State beyond those already accounted for in the settlement amount.

Lastly, while it has not yet appeared in prior briefing issues, the Department notes that there is a new DOC-related FLSA collective action, *Hastings, et al. v. Colorado Department of Corrections*. That case challenges DOC's on-call pay practices under a revised policy and case certification and the relevant time periods at issue are still undetermined by the Court. As such, total exposure is challenging to quantify at this point but could exceed $5 million, particularly if the court expands the relevant time periods for the claims.

5. *[JBC Staff]* Describe the typical process for how a case that appears in this briefing issue ultimately impacts the budget for the involved department when litigation results in a negative outcome for the state.

**Response:** The fiscal impact of adverse litigation outcomes varies based on the nature of the case. The following table and sections describe how litigation against the state may impact state fiscal resources and budgets.[7]

7 It should be noted that institutions of higher education that are not part of the Risk Management System bear the expense of any judgments or operation impacts of negative case outcomes in any area of law directly but may have their own insurance coverage to mitigate impacts.

| Type of Litigation | State Fiscal/Budgetary Impact |
|---|---|
| Tort/civil rights cases | Impact to the Risk Management Fund (not agency operating budgets) |
| Takings cases | Impact to the Risk Management Fund (not agency operating budgets) |
| Contract/construction claims | Paid directly by the department (may affect capital or program budgets) |
| Policy- or practice-based class actions | May impose ongoing operational obligations with budget implications for the department |
| Pre-enforcement statutory challenges | Typically result in attorneys' fee awards paid from the Risk Management Fund. Could have operational impacts on department budgets. |
| Interstate compact liability | Obligations met through statutory funds. |

**Claims Paid through the Risk Management Fund.** For most tort, civil rights, and incident-based corrections and public safety matters, any monetary judgment or settlement is paid from the Risk Management Fund pursuant to the Risk Management Act.8 In addition, the Risk Management Fund covers awards against the state for takings claims. Because these claims are centrally administered and funded, adverse outcomes in such cases generally do not create a direct budget obligation for the represented department. Instead, they contribute to statewide pressure on the Risk Management Fund and may influence future statewide appropriations for risk management premiums. Risk Management does have insurance coverage of its own for some judgements above a certain threshold.

**Contract and Construction Claims with Direct Departmental Budget Impact**. Construction-related disputes and other contract claims—particularly those involving the Department of Transportation—fall outside the Risk Management Act. These matters are not insurable losses, and any settlement or judgment must be paid directly from that department's program or project budgets. For large infrastructure projects, adverse outcomes may require diversion of substantial funding from other capital or operational needs and can affect project timelines, scope, and planning.

**Policy- or Practice-Based Litigation Requiring Operational Changes.** Some litigation, especially class actions or multiple-plaintiff matters involving the DOC, may result in injunctive or programmatic relief rather than (or in addition to) monetary payments. When a negotiated settlement or court order requires changes in staffing models, inmate housing, overtime practices, programming requirements, or conditions of confinement, the resulting obligations can produce ongoing operational costs borne directly by the affected department. In certain circumstances, changes mandated by litigation may require the department to replace inmate labor with civilian staff, which could lead to substantial increases in personnel and operating expenditures.

**Pre-Enforcement Challenges Resulting in Attorneys' Fee Awards.** In the growing category of pre-enforcement constitutional challenges—including those involving statutes such as the Colorado Anti-Discrimination Act and other law impacting boards that oversee regulated professions (e.g., Medical, Dental, Nursing, Pharmacy)—plaintiffs typically do not seek monetary damages. Nevertheless, when the State does not prevail, it is often responsible for statutorily authorized attorneys' fees, which can total millions of dollars in complex or protracted litigation, particularly as these cases tend to be appealed. These costs are generally paid through the Risk Management Fund and therefore do not impact client agencies' operating budgets, though they may affect statewide risk management appropriations.

8 §§ 24-30-1501 to -1520, C.R.S.

**Interstate Compact Liability.** Liability to another state for violations of an interstate water compact is determined through litigation in the U.S. Supreme Court. The General Assembly has in the past established case-specific statutory funds for the Attorney General to pay judgments.[9]

## Budget Reduction Options

### I. Feedback on JBC Staff identified items

6. *[JBC Staff]* Provide any additional information or context about budget reduction options to assist the JBC make budget balancing decision

**Response*:*** With the exception of General Fund ("GF") monies appropriated to the Department to be "passed-through" to the Colorado District Attorneys Council, all GF monies appropriated to the Department is directly attributable to employee salaries, state paid benefits, and associated operating costs. As such, any tangible decrease in GF appropriated to the Department will decrease the number of staff and services the Department can provide.

Within the Department, GF monies are appropriated for the Safe2Tell program, Criminal Appeals Section filings, Special Prosecutions Unit for criminal cases, Federal Interstate Water Unit representation, Consumer Protection Section enforcement, Medicaid Fraud Control Unit investigations and prosecutions, Patterns and Practices Unit investigations, and Colorado Open Records Act statewide counsel. Any GF reductions in these program lines will reduce staff levels for these specific matters.

7. *[JBC Staff]* Describe other options not explored by JBC Staff that would have less of an overall impact if appropriations were reduced.

**Response:** The Department oversees no cash funds or other resources that can lawfully be repurposed to support traditional GF programs in the Department without statutory modifications and without raising (non-enterprise) fees and revenues that would in turn increase TABOR revenue calculations. The Department is not aware of other non-GF state resources that could be appropriately repurposed and utilized by Department programs. If the JBC and General Assembly determine that there are resources administered by other state agencies that may be appropriate Department funding for legal services work for such agencies, the Department recommends consulting such agencies to analyze cash flow and other relevant measures to ensure suitability and long term viability.

8. *[JBC Staff]* Provide comment on further reducing the impact of the salary increase for District Attorneys.

9 See §§ 24-31-501 to -503, C.R.S. (repealed, 2007).

**Response:** In 2024, the General Assembly enacted Senate Bill 2024-013 which required: (1) that district attorney ("DA") compensation be no less than the salary of a full-time district court judges; and (2) that assistant DA compensation be no less than that of a full-time county court judge. The bill also required that half of assistant DA minimum compensation be paid by the state.[10] The Department does not collect or possess necessary data to determine the impacts that DA salary increase reductions would have on DA offices and prosecutions work. The Department recommends that JBC Staff direct this question to the Colorado District Attorneys Council, which is best suited to comment on current salary needs for the DAs of the state and their staffs.

## II. Alternative Budget Reductions

9. *[JBC Staff]* Provide alternative options for the JBC to consider when balancing the General Fund budget for FY 2025-26 and FY 2026-27.

**Response:** The Department of Law Budget Briefing provided to the Committee by JBC Staff was a thorough and accurate presentation of the Department's funding and the limited GF that is administered by the Department. Recognizing that the state budget is in extraordinary circumstances to minimize reductions to K-12 schools and healthcare for those most in need, the Department is prepared to shoulder potential reductions deemed necessary by the JBC and General Assembly. Should such reductions be necessary, the Department does not recommend the JBC proceed with reductions detailed on pages 16 to 17 on the JBC Staff Briefing document for the Department of Law. Instead, the Department recommends that any such reduction options considered be from those detailed on page 16 of the JBC Staff Document describing potential GF reduction options put forth by the Department in prior fiscal years. Although such reductions would be very challenging to absorb and will cause a corresponding service reduction in the impacted fields of consumer protection and antitrust enforcement, appellate briefs, and special prosecutions, these options are among the few available given the Department's scarce GF monies available. The Department is committed to working with the Committee and staff to fully assess any proposed budget reductions.

10. *[JBC Staff]* Identify any line items that revert General Fund appropriations greater than five percent of the total General Fund for that line item in FY 2024-25 and whether the line item frequently reverts greater than 5 percent of its appropriation.

**Response:** The following chart demonstrates the Department budget lines that reverted at least 5% of FY 2024-25 GF appropriations and programmatic descriptions.

| Program Line | FY 25 Budget | FY 25 Expenses | % Exp./Budget |
|---|---|---|---|
| Attorney General Discretionary Fund | $5,000.00 | $0.00 | 0.0% |
| Special Prosecutions Unit | $3,454,956.00 | $3,146,856.22 | 91.1% |
| Patterns and Practices | $502,650.00 | $376,391.49 | 74.9% |
| Medicaid Fraud Control Unit | $1,053,328.00 | $968,361.96 | 91.9% |
| Federal & Interstate Water Unit | $1,767,183.00 | $1,624,488.93 | 91.9% |
| Payments to OIT | $359,881.00 | $329,288.50 | 91.5% |

10 S.B. 24-013, 73rd Gen. Assem., 2d Reg. Sess. (Colo. 2024) (codified at §§ 20-1-203, 205, 301, 306, C.R.S.)

**Attorney General Discretionary Fund.** State law authorizes the General Assembly to appropriate $5,000 of discretionary funds to the Attorney General to use for official business purposes.[11] This law requires the appropriation to be made from the General Fund. The Attorney General has not utilized this spending authority since FY 2019-20, in which the Attorney General authorized such expenses for COVID-related safety measures, such as hand sanitizer stations throughout Department workspaces for employees' use.

**Special Prosecution Unit.** The Attorney General engages in criminal enforcement and prosecution through the Criminal Justice Section. The Special Prosecutions Unit litigates in multiple areas including: (1) complex crimes; (2) environmental crimes; (3) gang prosecution; (4) prosecution assistance; (5) auto theft; and (6) violent crimes through the Violent Crimes Assistance Team. This line reverted 8% of GF appropriations during FY 2023-24. The reversions were directly related to five new FTE appropriated to the line item and the timing associated with filling those positions, including additional, minimal staff turnover. The new positions were requested to specifically address increasing responsibilities associated with organized retail theft statewide. Similarly, FY 2024-25 reversions were directly related to two new FTE appropriated to the line item and the timing associated with filling those positions. These FTE were allocated to increase the Department's capacity to bolster rural support statewide.

**Patterns and Practices Unit.** This unit is responsible for assessing and investigating instances in which a governmental agency may have engaged in patterns of practice that deprive people of rights, privileges, or immunities protected by the laws and constitutions of the state and nation. In certain instances, the Attorney General may seek all appropriate relief through civil actions. This line item reverted 9% of GF appropriations during FY 2023-24. The reversions were directly related to an additional FTE appropriated to the line item and the time associated to fill that position. Funding for the additional FTE was appropriated to increase staff capacity for patterns and practices investigations as authorized by Senate Bill 20-217 and associated enforcement areas. FY 2024-25 reversions were due to turnover and associated time to fill vacant positions.

**Medicaid Fraud Control Unit.** The Medicaid Fraud Control Unit is mandated by federal law to assist in maintaining the financial integrity of the state's Medicaid program and the safety of patients in Medicaid-funded facilities. Under federal law and state law,[12] this unit has statewide authority to criminally investigate and prosecute Medicaid provider fraud, as well as physical and financial abuse of residents in federally funded long-term care facilities. The Colorado False Claims Act expanded the Unit's authority by allowing it to pursue civil recoveries and damages against parties to incidents of fraud and overbilling. This line reverted 8% of GF appropriations during FY 2023-24. The reversions were directly related to unused GF and associated federal funds associated with staff turnover and the associated time to fill vacant positions. The FY 2024-25 reversions were also due to turnover and associated time to fill vacant positions.

**Federal and Interstate Water Unit.** The Federal and Interstate Water Unit protects the state's interests in interstate rivers with respect to both interstate water allocation and federal environmental requirements including the federal National Environmental Policy Act, Endangered

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11 § 24-9-105(1)(c), C.R.S.
12 §§ 24-31-801 to -811, C.R.S.

Species Act, and Wild and Scenic Rivers Act. The Unit also works with state water users to protect the state's interests in the timely and reasonable resolution of federal claims for water rights including reserved water rights and claims for instream flows. This line reverted 6% of GF appropriations during FY 2023-24. The reversions were directly related to two new FTE appropriated to the line item and the timing associated with filling those positions, including additional, minimal staff turnover. The new positions were requested to specifically address increasing responsibilities associated with the Colorado River negotiations. Similarly, FY 2024-25 reversions were directly related to two new FTE appropriated to the line item and the timing associated with filling those positions. These FTE were allocated to increase the Department's capacity to monitor and anticipate developments nationally, regionally, and in Colorado that impact Colorado's water supply and impact the Department's ability and resources to defend Colorado's water rights.

**Payments to OIT.** This budget accommodates payments to the Governor's Office of Information Technology for general, statewide IT support. Each state agency annually works with OIT staff to forecast the use of each OIT service during each fiscal year and the costs associated with that forecast. This line used 99% of its GF appropriation in FY 2023-24.

## Department of Law

# FY 2026-27 Joint Budget Committee Hearing: Post-hearing Responses

Tuesday, December 2, 2025

9:00 am - 10:00 am

## Common question For Department Hearings (Written-only Response)

Please provide a breakdown of your department's total advertising budget for the current and prior fiscal year. Specifically:

- What is the total amount budgeted and expended on advertising and media placement type?
- How are those advertising dollars allocated across different media types (e.g., television (national/local/cable), radio (terrestrial vs streaming), SEM, digital (display, YouTube), connected TV, social media, print, outdoor, etc.)?
- How much of that spending is directed to Colorado-based or local media outlets? How is the media currently purchased?
- What performance metrics or evaluation tools does the department use to measure the effectiveness of these advertising campaigns? What are the goals of the campaigns, and what key performance indicators are measured for success?
- If any portion of advertising is managed through third-party vendors (or 'partners';) or media buying firms, please provide any available data or reporting from those companies on campaign performance and spending. How often do the departments discuss media placements with these vendors?
- Monthly or quarterly reporting - how is reporting delivered?

***Response:*** The Department of Law ("DOL") spent $810,535 on advertising, marketing, and promotional expenses over the past two fiscal years (see chart below). These expenses include, in part, promotional items for the Safe2Tell program and the Peace Officers Standards and Training Board, departmental outreach efforts, approximately $1,900 for DOL job announcements in the Denver Post, and approximately $40K for Forte Advertising, LLC during FY 24.

Pursuant to C.R.S. § 24-31-606(2)(g), the Safe2Tell program is required to provide awareness and educational materials to all elementary and secondary schools in Colorado with a primary focus on targeting marketing materials to Colorado school-age children, teachers, administrators, education professionals, and, subject to available funds, other youth-related organizations, including boys and girls clubs and 4-H extension offices, at no charge to the school or recipient. Every other year Safe2Tell rotates its outreach format, alternating between digital and printed educational and awareness and educational materials (i.e., digital materials are offered one year and printed materials the next). In FY24, Safe2Tell contracted for a digital media campaign that ran from March 15, 2024, through May 15, 2024. The campaign used a comprehensive, cross-platform digital strategy targeting Colorado based parents, youth between the ages of 13 and 17 years old, and educators through behavioral and geo-targeted display ads, social media, connected TV, audio streaming, and digital out-of-home placements. It included sequential messaging, brand safety measures, creative services, and strategic media planning to ensure high visibility and engagement across devices and platforms.

Safe2Tell placed an order at the end of calendar year 2023 for printed Safe2Tell educational and awareness materials for approximately $4,600 that arrived at the end of December 2023. But due to the arson/flooding damage to the Ralph L. Carr Judicial Center on January 2, 2024, Safe2Tell was never able to access those materials. Another similar order for materials was placed in March 2024 for approximately $1,850 to replace a portion of the items from the end of calendar year 2023 order and ensure that the Safe2Tell team had sufficient educational and awareness materials for their upcoming engagement events and enough to fill any requests for materials from school communities. Additional materials were ordered in FY 25 for approximately $3,700 during a period of time when the Safe2Tell staff still did not have access to the Carr Judicial Center or any other educational and awareness materials.

The Connect Effect campaign was launched by the Department in January 2023 and is a statewide initiative focused on strengthening social connectedness to reduce the risk of opioid misuse, including fentanyl. The education campaign was funded at $750,000 through a competitive opportunity from state share opioid settlement funds and supported by Rise Above Colorado, a nonprofit focused on youth prevention efforts. The campaign is aimed towards youth aged 11 to 18, along with their parents, teachers, and other trusted adults, and emphasizes the power of connection between peers and adults as a protective factor against substance misuse. Grounded in the science of positive social norms, it highlights that most Colorado teens are already making healthy choices and looking out for one another. By reinforcing these behaviors, the campaign seeks to empower teens with accurate information about the dangers of fentanyl-laced pills and powdered drugs, promote conversations between youth and adults, and raise awareness about overdose. The campaign was co-created with Colorado youth, ensuring that the messaging resonates with teens, young adults, and community partners to reach youth in the spaces they use most. The campaign reduces stigma around mental health and substance use by encouraging youth to ask for help without shame, building resilience, promoting access to resources and support networks, and emphasizing healthy connections with peers and trusted adults. The campaign is available here.

Across the campaign period, Connect Effect achieved substantial reach and engagement through a mix of digital and community-based channels. Overall results showed strong audience interaction and message pickup, with youth-focused placements performing above typical benchmarks and adult-facing Spanish-language outreach also demonstrating particularly high engagement. These metrics indicate that the campaign effectively reached its intended audiences and resonated across multiple platforms and formats.

Following the conclusion of the state funded media campaign, the campaign continues to be integrated into community messaging in Colorado and the print materials continue to be requested by community partners. Several local communities allocated funds to invest or adapt the campaign to expand and localize its reach.

In addition to the evaluation of the media results such as click through rates and impressions, an evaluation of public health outcomes was conducted to assess the impact on youth behavior. Youth who recalled seeing the Connect Effect campaign reported statistically significant higher likelihood of talking to their parents about prescription drugs and higher likelihood of thinking about carrying naloxone.

Campaign expenses are not specifically allocated across any particular media type. They are specific to the programmatic needs of the program incurring the costs for advancement of DOL efforts or job hiring needs.

| DOL Program | FY 2023-24 | FY 2024-25 | Funding |
|---|---|---|---|
| Medicaid Fraud | $1,850 | $5,081 | GF/FF |
| Community Engagement [PO2024 – 105] | $48,435 | $3,733 | GF/FF |
| [SE2 Connect Effect Campaign, GAE CT2023-05] | $332,877 | $416,800 | CF: Opioid State Share |
| Consumer Protection and Antitrust | $135 | $0 | CF |
| POST | $440 | $669 | CF |
| Special Prosecution | $0 | $150 | GF |
| Insurance Fraud | $0 | $150 | CF |
| Securities Fraud | $0 | $150 | RF |
| Administration | $0 | $65 | RF |
| **Totals** | **$383,737** | **$426,798** | |