



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1072: RIGHT TO FIREARM POSSESSION & ELIM OF ERPOS

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Fiscal note status: The fiscal note reflects the introduced bill. Due to time constraints, this analysis is preliminary and will be updated following further review and any additional information received.

Summary Information

Overview. The bill repeals laws regarding extreme risk protection orders (ERPOs) for firearms.

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

- Minimal State Revenue
- State Expenditures
- Local Government

Appropriations. For FY 2026-27, the bill requires a reduction in appropriations of \$616,283 to the Judicial Department and the Department of Public Safety; see State Appropriations section.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	-\$692,562	-\$692,562
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	-4.2 FTE	-4.2 FTE

Fund sources for these impacts are shown in the tables below.

Table 1A
State Expenditures

Fund Source	Budget Year FY 2026-27	Out Year FY 2027-28
General Fund	-\$616,283	-\$616,283
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	-\$76,279	-\$76,279
Total Expenditures	-\$692,562	-\$692,562
Total FTE	-4.2 FTE	-4.2 FTE

Summary of Legislation

The bill repeals laws regarding civil court orders for the surrender of firearms by owners, known as extreme risk protection orders (ERPOs). Specifically, the bill repeals the:

- judicial processes regarding ERPOs;
- requirement that firearms safety courses include instruction on ERPOs;
- requirement that concealed handgun training classes include instruction on ERPOs;
- prohibition on issuing concealed carry permits to individuals subject to an ERPO;
- duty of the Department of Public Safety (CDPS) to maintain an ERPO hotline;
- duty of the CDPS to include ERPOs in its automated protection order notification system;
- duties of the Department of Public Health and Environment (CDPHE) to increase awareness and educate the public on ERPOs; and
- ability of a tenant to provide an ERPO as evidence of a protection order for the purposes of immediately vacating their residence without further obligations.

Background and Assumptions

ERPOs were established in [House Bill 19-1177](#), which included costs of about \$240,000 per year to the Judicial Department, paid from the General Fund, for court appointed counsel and mental health evaluations in ERPO cases. [Senate Bill 23-170](#) made various changes to ERPOs, including expanding who could petition for an ERPO and creating a hotline. That bill included costs of about \$455,000 per year, including \$145,000 and 1.2 FTE to the Judicial Department, and \$310,000, and 3.0 FTE to the CDPS, both paid from the General Fund.

The fiscal note assumes that this bill eliminates these appropriations and that the reduction amount is approximately the same amount that these agencies received in the initial fiscal note;

however, the exact amount may vary given adjustments to state expenditure calculations since passage of HB 19-1177 and SB 23-170.

Comparable Crime Analysis

Legislative Council Staff is required to include certain analysis in the fiscal note for any bill that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. This section identifies comparable crimes and discusses assumptions on future conviction rates resulting from the bill.

Prior Conviction Data and Assumptions

This bill repeals the existing offense of violating an extreme risk protection order. From FY 2022-23 to FY 2024-25, one White male was sentenced and convicted for this offense. Due to the low number of sentences, the fiscal note assumes that there will continue to be a minimal reduction in criminal case filings and convictions for this offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice related revenue or expenditures at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

State Revenue

Starting in FY 2026-27, the bill may increase cash fund revenue from background checks for concealed carry permit applications and renewals starting in FY 2026-27. Under current law, individuals who is subject to an extreme protection order must surrender an existing permit and cannot apply for or renew a permit while the ERPO is in effect; while under this bill, these individuals would be able to reapply for or renew a permit.

For informational purposes, concealed carry permit applicants pay a \$52.50 background check fee, of which \$42.50 is credited to the CBI Identification Unit Cash Fund and \$10 is passed through to the Federal Bureau of Investigation (FBI). Concealed carry permit holders must renew their permit annually and pay a \$13 renewal fee. It is unknown how many individuals will pursue a concealed carry permit because they are no longer subject to an ERPO. However, it is assumed that any increase in revenue will be minimal. Background check related fees are collected by the CDPS, with all revenue but the FBI pass through subject to TABOR.

State Expenditures

The bill decreases state expenditures by about \$700,000 in FY 2026-27 and ongoing. Costs will be reduced in the Judicial Department and the CDPS, as shown in Table 2 and described in the sections below. Costs are reduced from the General Fund.

**Table 2
State Expenditures
All Departments**

Department	Budget Year FY 2026-27	Out Year FY 2027-28
Judicial Department	-\$383,245	-\$383,245
Department of Public Safety	-\$309,317	-\$309,317
Total Costs	-\$692,562	-\$692,562
Total FTE	-4.2 FTE	-4.2 FTE

Judicial Department

The Judicial Department will have decreased workload from the repeal of the ERPO process. Prior appropriations provided funding for additional magistrate FTE and their support staff, representation for ERPO respondents, and mental health evaluations. The total cost reduction for the department is about \$380,000 and 1.2 FTE

**Table 2A
State Expenditures
Judicial Department**

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	-\$117,212	-\$117,212
Operating and Ongoing Capital Expenses	-\$3,045	-\$3,045
Court Appointed Counsel	-\$141,077	-\$141,077
Mental Health Evaluations	-\$97,707	-\$97,707
Centrally Appropriated Costs	-\$24,204	-\$24,204
Total Costs	-\$383,245	-\$383,245
Total FTE	-1.2 FTE	-1.2 FTE

Department of Public Safety

The CDPS will have decreased workload by repealing the requirement that the CDPS maintain an ERPO hotline. Prior appropriations provided funding for staff to operate the hotline. The total cost reduction for the department is about \$310,000 and 3.0 FTE.

Table 2B
State Expenditures
Department of Public Safety

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28
Personal Services	-\$203,192	-\$203,192
Operating Expenses	-\$4,050	-\$4,050
Phone Licenses	-\$50,000	-\$50,000
Centrally Appropriated Costs	-\$52,075	-\$52,075
Total Costs	-\$309,317	-\$309,317
Total FTE	-3.0 FTE	-3.0 FTE

Centrally Appropriated Costs

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which may include employee insurance, supplemental employee retirement payments, indirect cost assessments, and other costs.

Local Government

Starting in FY 2026-27, district attorneys will have decreased workload to the extent they no longer file ERPOs. District attorney offices are funded at the local level by the counties within the judicial district served by the district attorney. Similarly, local law enforcement agencies will have decreased workload from no longer processing firearm surrenders by individuals subject to an ERPO.

Effective Date

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

State Appropriations

For FY 2026-27, the bill requires the following General Fund appropriations:

- a reduction of \$359,041 for the Judicial Department, and 1.2 FTE; and
- a reduction of \$257,242 for the Department of Public Safety, and 3.0 FTE.

State and Local Government Contacts

Behavioral Health Administration	Public Health and Environment
Education	Public Safety
Higher Education	Regulatory Agencies
Judicial	Revenue
Natural Resources	