



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 25-1164: CONSTITUTIONAL CARRY OF HANDGUN

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**Prime Sponsors:**

Rep. Weinberg

**Fiscal Analyst:**

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### Summary Information

**Overview.** The bill modifies requirements for carrying a handgun.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis starting in FY 2025-26:

- State Revenue
- State Expenditures
- TABOR Refunds
- Local Government

**Appropriations.** For FY 2025-26, the bill requires an appropriation reduction of \$430,586 for the Department of Public Safety.

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**Table 1**  
**State Fiscal Impacts**

<b>Type of Impact<sup>1</sup></b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
State Revenue	-\$441,330	-\$529,596
State Expenditures	-\$540,808	-\$640,784
Transferred Funds	\$0	\$0
Change in TABOR Refunds	-\$405,547	-\$493,813
Change in State FTE	-6.2 FTE	-7.5 FTE

<sup>1</sup> Fund sources for these impacts are shown in the tables below.

**Table 1A  
State Revenue**

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	\$0	\$0
Cash Funds	-\$441,330	-\$529,596
<b>Total Revenue</b>	<b>-\$441,330</b>	<b>-\$529,596</b>

**Table 1B  
State Expenditures**

<b>Fund Source</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
General Fund	\$0	\$0
Cash Funds	-\$430,586	-\$507,423
Federal Funds	\$0	\$0
Centrally Appropriated	-\$110,222	-\$133,361
<b>Total Expenditures</b>	<b>-\$540,808</b>	<b>-\$640,784</b>
<b>Total FTE</b>	<b>-6.2 FTE</b>	<b>-7.5 FTE</b>

## Summary of Legislation

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The bill makes several changes to requirements for carrying a handgun. The bill allows any person who is at least 18 years old and is permitted to possess a handgun pursuant to federal and state law the authority to carry a concealed handgun as if the person had a permit to carry a concealed weapon. Persons who carry handguns in this manner are subject to the same limitations as permit holders.

The bill repeals local government authority to regulate open or concealed carry of handguns. Additionally, the bill repeals the process for issuing temporary emergency permits to carry a concealed weapon and the requirement that regular permits must be renewed. Permits are valid until they are suspended or revoked. The bill updates other sections of statute to remove references to permit renewal and temporary emergency permits.

Finally, the bill extends permit reciprocity from other states to include persons who are 18 years old and have a valid permit issued from another state.

## Background

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Both federal and state law generally prohibit a person who is not at least 21 years old from purchasing a handgun from a licensed dealer.

## Comparable Crime Analysis

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Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or creates a new factual basis for an existing crime. The following section outlines prior conviction data for the offenses in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

### Prior Conviction Data

#### Unlawfully Carrying a Concealed Weapon

This bill creates a new factual basis for the existing offense of unlawfully carrying a concealed weapon, a class 1 misdemeanor, by allowing concealed carry of a firearm without a permit. From FY 2021-22 to FY 2023-24, 854 persons have been convicted and sentenced for this offense. Of the persons convicted, 764 were male, 85 were female, and 5 did not have a gender identified. Demographically, 606 were White, 188 were Black/African American, 39 were Hispanic, 6 were Asian, 2 were American Indian, 7 were classified as "Other," and 6 did not have a race identified. Due to tracking of offenses in available sentencing data, this data includes sentences and convictions for both unlawfully carrying a concealed knife and unlawfully carrying a concealed firearm.

#### Unlawful Carrying of a Firearm in Government Buildings

This bill creates a new factual basis for the existing offense of unlawful carrying of a firearm in government buildings, a class 1 misdemeanor, by allowing concealed carry of a firearm without a permit. Sentencing and conviction data is unavailable for this offense because it was created by legislation that took effect July 1, 2024, and sentencing and conviction data is only available for offenses that occurred from FY 2021-22 to FY 2023-24.

#### Unlawfully Carrying a Weapon — Educational Institution

This bill creates a new factual basis for the existing offense of unlawfully carrying a weapon at an educational institution, a class 1 misdemeanor, by allowing concealed carry of a firearm without a permit. From FY 2021-22 to FY 2023-24, 24 persons have been convicted and sentenced for this offense. Of the persons convicted, 22 were male, and 2 were female. Demographically, 15 were White, 6 were Black/African American, and 3 were Hispanic.

## Assumptions

The bill reduces the potential for case filings and convictions for the offenses in the bill by providing an exception to criminal liability. This exception would apply in cases where a person carried a concealed firearm in a manner that, under current law, would require a permit. Under the bill, such a person would not need a permit and thus would not face criminal liability. The fiscal note assumes that most convictions in the above data are connected to additional criminal conduct unrelated to whether a person had a permit to carry a concealed handgun. Based on this, the fiscal note assumes that there will be a minimal reduction in case filings or convictions for the offenses under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue

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Starting in FY 2025-26, the bill will decrease state revenue by about \$530,000 per full fiscal year, as shown in Table 2. The revenue decrease for FY 2025-26 is prorated to reflect the bill's assumed September 1, 2025, effective date. The revenue is from a decrease in fees collected for new and renewal concealed handgun permits. Since some of the revenue reduction includes a fee passed through to the federal government, only about \$490,000 of the revenue reduction is subject to TABOR.

## Current Fees, Applications, and Renewals

Under current law, total fees collected for a new concealed handgun permit equals \$52.50, a portion of which is passed through to the federal government and is not subject to TABOR. The fee for renewal of a concealed handgun permit is \$13.00, which is also paid for new permits. Additionally, the Colorado Bureau of Investigation (CBI) in the Department of Public Safety (CDPS) processed about 60,100 concealed handgun permit applications in 2024, of which about 28,000 were renewals.

## Application Reduction

Although under the bill a permit to carry a concealed handgun is no longer required, the fiscal note assumes that this will only reduce new concealed handgun permit applications by about 10 percent annually since permits may be sought for other reasons, including for permit reciprocity with other states. This results in about 3,300 fewer new concealed handgun permit applications annually, reducing state revenue by about \$170,000 annually, split between the Instant Criminal Background Check Cash Fund (\$42,000) and the CBI Identification Unit Cash Fund (\$128,000).

**Permit Renewal Repeal**

The bill repeals requirements for permit renewal, reducing state revenue to the Instant Criminal Background Check Cash Fund in the CDPS by about \$359,000 annually based on the number of renewals for 2024.

**Table 2  
State Revenue Reduction  
FY 2026-27**

<b>Permit Type</b>	<b>Applicant Decrease</b>	<b>Fee</b>	<b>Total</b>
New Applicant	-3,253	\$52.50	-\$170,783
Renewals	-27,601	\$13.00	-\$358,813
<b>Total</b>			<b>-\$529,596</b>

**State Expenditures**

The bill decreases state expenditures in the Department of Public Safety by about \$540,000 in FY 2025-26 and about \$640,000 in FY 2026-27 and future years. These costs, paid from various cash funds in the CDPS, are summarized in Table 3 and discussed below.

**Table 3  
State Expenditures  
Department of Public Safety**

<b>Cost Component</b>	<b>Budget Year FY 2025-26</b>	<b>Out Year FY 2026-27</b>
Personal Services	-\$357,059	-\$432,232
Operating Expenses	-\$7,936	-\$9,600
Processing Costs	-\$29,802	-\$29,802
FBI Pass-Through	-\$35,789	-\$35,789
Centrally Appropriated Costs	-\$110,222	-\$133,361
<b>Total Costs</b>	<b>-\$540,808</b>	<b>-\$640,784</b>
<b>Total FTE</b>	<b>-6.2 FTE</b>	<b>-7.5 FTE</b>

**Department of Public Safety**

Based on the estimated reduction of about 31,000 new and renewal permit applications, the CDPS will require 7.5 FTE fewer staff and associated personal services and operating expenses funding to process applications. Amounts are prorated in FY 2025-26 to reflect an assumed September 1, 2025, effective date for the bill.

Additionally, less funding for fingerprint-based background check processing costs and associated FBI pass-through funding is required. These costs are paid from a combination of the Instant Criminal Background Cash Fund and the CBI Identification Unit Cash Fund.

## 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, leased space, and indirect cost assessments, are shown in the expenditure tables above.

## TABOR Refunds

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The bill is expected to decrease the amount of state revenue required to be refunded to taxpayers by the amounts discussed in the State Revenue section. This estimate assumes the December 2024 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2026-27. Because TABOR refunds are paid from the General Fund, decreased cash fund revenue will increase the amount of General Fund available to spend or save.

## Local Government

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The bill will decrease workload in sheriffs' offices from processing fewer new concealed handgun permit applications, and from no longer processing permit renewals. Correspondingly, it will decrease local government revenue from allowable fees collected by sheriffs to process these applications.

## Effective Date

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

## State Appropriations

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For FY 2025-26, the bill requires the following appropriations for the Department of Public Safety:

- a reduction of \$265,181, and 4.6 FTE, from the Instant Criminal Background Check Cash Fund; and
- a reduction of \$165,405, and 1.6 FTE, from the CBI Identification Unit Cash Fund.

## State and Local Government Contacts

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Judicial

Public Safety

Law

Revenue

Natural Resources