



# Fiscal Note

## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

### HB 26-1021: SECOND AMENDMENT PROTECTION ACT

**Prime Sponsors:**

Rep. Bradley; Brooks

**Fiscal Analyst:**

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**Fiscal note status:** The fiscal note reflects the introduced bill.

#### Summary Information

**Overview.** The bill repeals various laws related to firearms and makes conforming amendments to statute.

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

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

**Appropriations.** For FY 2026-27, the bill requires appropriation adjustments totaling about \$7.0 million to multiple state agencies, while the Firearms Training and Safety Course Cash Fund is continuously appropriated to the Department of Natural Resources. See State Appropriations section for detail.

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

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	-\$2,360,500	-\$2,360,500
State Expenditures	-\$7,925,317	-\$8,983,056
Transferred Funds	\$773,950	\$0
Change in TABOR Refunds	-\$320,500	-\$320,500
Change in State FTE	-43.9 FTE	-43.9 FTE

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

**Table 1A**  
**State Revenue**

<b>Fund Source</b>	<b>Budget Year</b> <b>FY 2026-27</b>	<b>Out Year</b> <b>FY 2027-28</b>
General Fund	\$0	\$0
Cash Funds	-\$2,360,500	-\$2,360,500
<b>Total Revenue</b>	<b>-\$2,360,500</b>	<b>-\$2,360,500</b>

**Table 1B**  
**State Expenditures**

<b>Fund Source</b>	<b>Budget Year</b> <b>FY 2026-27</b>	<b>Out Year</b> <b>FY 2027-28</b>
General Fund	-\$6,976,989	-\$8,034,728
Cash Funds	-\$948,328	-\$948,328
Federal Funds	\$0	\$0
Centrally Appropriated	\$0	\$0
<b>Total Expenditures</b>	<b>-\$7,925,317</b>	<b>-\$8,983,056</b>
<b>Total FTE</b>	<b>-43.9 FTE</b>	<b>-43.9 FTE</b>

Centrally appropriated costs are included within General Fund and cash funds amounts shown here.

**Table 1C**  
**State Transfers**

<b>Fund Source</b>	<b>Budget Year</b> <b>FY 2026-27</b>	<b>Out Year</b> <b>FY 2027-28</b>
General Fund	-\$773,950	\$0
Firearms Training and Safety Course Cash Fund	-\$794,819	\$0
Parks and Outdoor Recreation Cash Fund	\$1,568,769	\$0
<b>Net Transfer</b>	<b>\$0</b>	<b>\$0</b>

## **Summary of Legislation**

The bill repeals various laws related to firearms, including provisions from the following pieces of prior enacted legislation:

- [House Bill 21-1106: Safe Storage of Firearms;](#)
- [House Bill 21-1299: Office of Gun Violence Prevention;](#)
- [House Bill 22-1086: The Vote Without Fear Act;](#)
- [House Bill 23-1219: Waiting Period to Deliver a Firearm;](#)
- [Senate Bill 23-168: Gun Violence Victims' Access to Judicial System;](#)

- [Senate Bill 23-169: Increasing Minimum Age to Purchase Firearms;](#)
- [Senate Bill 23-279: Unserialized Firearms and Firearm Components;](#)
- [House Bill 24-1348: Secure Firearm Storage in a Vehicle;](#)
- [House Bill 24-1353: Firearms Dealer Requirements & Permit;](#)
- [Senate Bill 24-003: CBI Authority to Investigate Firearms Crimes;](#)
- [Senate Bill 24-066: Firearms Merchant Category Code;](#)
- [Senate Bill 24-131: Prohibiting Carrying Firearms in Sensitive Spaces;](#)
- [House Bill 25-1133: Requirements for Sale of Firearms Ammunition;](#)
- [House Bill 25-1238: Gun Show Requirements;](#)
- [House Bill 25-1250: Gun Violence Prevention & Parents of Students;](#)
- [House Bill 25-1314: Peace Officer Status for Certain Department of Revenue Employees;](#)
- [Senate Bill 25-003: Semiautomatic Firearms & Rapid-Fire Devices;](#) and
- [Senate Bill 25-034: Voluntary Do-Not-Sell Firearms Waiver.](#)

The bill also repeals provisions of law prohibiting the unlawful carrying of concealed weapons, the authority of local governments to regulate firearms, the prohibition on high-capacity magazines, and the requirement that a person subject to a protection order surrender their firearms and is prohibited from acquiring firearms. Finally, the bill makes conforming amendments to other sections of statute to reflect the repeals in the bill.

## **Background**

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Of the pieces of prior enacted legislation listed above that the bill is repealing, four included funding, as outlined below.

### **House Bill 21-1299**

This bill provided a General Fund appropriation of \$3.0 million, and 2.0 FTE, to the Colorado Department of Public Health and Environment (CDPHE) to establish the Office of Gun Violence Prevention. The [final fiscal note](#) estimated ongoing costs of about \$3.0 million and 4.0 FTE starting in FY 2022-23

### **House Bill 24-1353**

This bill provided a General Fund appropriation of about \$620,000, and 5.3 FTE, to the Department of Revenue (DOR) to establish the Firearm Dealer Division. The [final fiscal note](#) estimated ongoing costs of about \$2.8 million and 23.9 FTE starting in FY 2026-27.

### **Senate Bill 24-003**

This bill included a General Fund appropriation of about \$1.5 million, and 10.1 FTE, to allow the Colorado Bureau of Investigation (CBI) within the Colorado Department of Public Safety (CDPS) to investigate firearm crimes statewide. The [final fiscal note](#) for that bill estimated ongoing costs of about \$1.6 million and 11.0 FTE starting in FY 2025-26.

## **Senate Bill 25-003**

This bill did not include an appropriation, but instead created a funding mechanism whereby transfers from the Parks and Outdoor Recreation Cash Fund to the Firearms Training and Safety Course Cash Fund within the Department of Natural Resources (DNR) were authorized to implement the bill. The [final fiscal note](#) for that bill estimated about \$2.0 million in ongoing TABOR-exempt state revenue and about \$610,000 and 3.0 FTE in ongoing state expenditures starting in FY 2026-27. Additionally, the fiscal note estimated a transfer of \$570,000 from the Firearms Training and Safety Course Cash Fund to the Parks and Outdoor Recreation Cash Fund in FY 2026-27.

## **Comparable Crime Analysis**

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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**

#### **Unlawfully Carrying a Firearm at a Polling Place or Drop Box**

This bill repeals the existing offense of unlawfully carrying a firearm at a polling place or drop box. From FY 2022-23 to FY 2024-25, zero individuals have been sentenced and convicted for this offense.

#### **Unlawfully Carrying a Concealed Weapon—Unlawful Possession of Weapons**

This bill repeals the existing offense of unlawfully carrying a concealed weapon—unlawful possession of weapons. From FY 2022-23 to FY 2024-25, 921 individuals have been convicted and sentenced for this offense. Of the persons convicted, 829 were male, 88 were female, and 4 did not have a gender identified. Demographically, 627 were White, 215 were Black/African American, 54 were Hispanic, 9 were Asian, 3 were American Indian, 8 were classified as "Other," and 5 did not have a race identified.

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

This bill repeals the existing offense of unlawful carrying of a firearm in government buildings. From FY 2022-23 to FY 2024-25, one White female has been convicted and sentenced for this offense.

## Unlawfully Carrying a Weapon—Unlawful Possession of Weapons—School, College, or University Grounds

This bill repeals the existing offense of unlawfully carrying a weapon—unlawful possession of weapons—school, college, or university grounds. From FY 2022-23 to FY 2024-25, 29 individuals have been convicted and sentenced for this offense. Of the persons convicted, 29 were male and 4 were female. Demographically, 24 were White, 6 were Black/African American, 2 were Hispanic, and 1 was American Indian.

## Unlawful Conduct Involving an Unserialized Firearm, Frame, or Receiver

This bill repeals the existing offense of unlawful conduct involving an unserialized firearm, frame, or receiver. From FY 2022-23 to FY 2024-25, 40 individuals have been convicted and sentenced for this offense. Of the persons convicted, all 40 were male. Demographically, 29 were White, 7 were Black/African American, and 4 were Hispanic.

## Unlawful Private Firearm Transfer

This bill repeals the existing offense of unlawful private firearm transfer. From FY 2022-23 to FY 2024-25, 24 individuals have been convicted and sentenced for this offense. Of the persons convicted, all 24 were male. Demographically, 14 were White, 7 were Black/African American, 2 were Hispanic, and 1 was classified as "Other."

## Unlawful Storage of a Firearm

This bill repeals the existing offense of unlawful storage of a firearm. From FY 2022-23 to FY 2024-25, 44 individuals have been convicted and sentenced for this offense. Of the persons convicted, 35 were male and 9 were female. Demographically, 33 were White, 7 were Black/African American, and 4 were Hispanic.

## Unlawful Storage of a Firearm—Vehicle

This bill repeals the existing offense of unlawful storage of a firearm—vehicle. From FY 2022-23 to FY 2024-25, one Black/African American male has been convicted and sentenced for this offense.

## Unlawful Sale of a Firearm Without a Waiting Period

This bill repeals the existing offense of unlawful sale of a firearm without a waiting period. From FY 2022-23 to FY 2024-25, zero individuals have been sentenced and convicted for this offense.

## Unlawful Possession of a High-Capacity Magazine

The bill repeals the existing offense of unlawful possession of a high-capacity magazine. From FY 2022-23 to FY 2024-25, 301 individuals have been convicted and sentenced for this offense. Of the persons convicted, 291 were male, 9 were female, and 1 did not have a gender identified. Demographically, 156 were White, 110 were Black/African American, 24 were Hispanic, 5 were Asian, 2 were American Indian, 3 were classified as "Other," and 1 did not have a race identified.

## Unlawful Sale of a Firearm Without a Locking Device—Failure to Post Required Notice

This bill repeals the existing offense of unlawful sale of a firearm without a locking device and failure to post require notice. From FY 2022-23 to FY 2024-25, zero individuals have been sentenced and convicted for this offense.

## Unlawful Gun Show Conduct

The bill repeals the existing offense of unlawful gun show conduct. From FY 2022-23 to FY 2024-25, zero individuals have been sentenced and convicted for this offense.

## Assumptions

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### Department of Corrections Sentences

Based on data from the Judicial Department, there were a total of 34 Colorado Department of Correction (CDOC) sentences, or about 12 per year, for crimes being repealed under this bill. This includes about 9 per year for unlawful possession of a high-capacity magazine while committing a crime (a class 6 felony), and about 3 per year for unlawfully carrying a weapon on school grounds (currently a class 6 felony for deadly weapons except firearms, and a class 1 misdemeanor for firearms). The average length of stay for a class 6 felony is about 15 months.

### Reduction of Court and Probation Cases

Data from the Judicial Department show that there are about 11 felony cases, 96 misdemeanor cases, and 12 juvenile delinquency cases that are filed annually in the state's court system that are limited to a single charge for an offense repealed by the bill; charges for other offenses repealed by the bill occur in cases where there is another, unrepealed charge filed. Based on the department's workload model, the bill will reduce total workload in the trial courts by 0.5 FTE court staff. Data from the Probation Division show that there are no probation sentences solely for the crimes repealed in the bill, therefore any workload decrease for the division is assumed to be minimal.

## Differences from Fiscal Note Estimates

Subsequent actions by impacted departments and the General Assembly may result in actual fiscal impacts for each piece of prior legislation that differ from estimates provided in final fiscal notes. If the actual amounts of changes to state revenues, expenditures, or transfers that must occur upon passage of the bill differ from the estimates provided here, the fiscal note assumes this will be addressed through the annual budget process.

## State Revenue

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The bill impacts state revenue in the Department of Natural Resources and the Department of Public Safety, as well as in the Department of Revenue and the Judicial Department. Revenue impacts are shown in Table 2 and described below. The Firearms Training and Safety Course Cash Fund is not subject to TABOR, while the remaining funds are, except for the portion of the background check fee that is submitted to the Federal Bureau of Investigation.

**Table 2**  
**State Revenue**

<b>Fund Source</b>	<b>Budget Year</b> <b>FY 2026-27</b>	<b>Out Year</b> <b>FY 2027-28</b>
Firearms Training and Safety Course Cash Fund—DNR	-\$2,000,000	-\$2,000,000
CBI Identification Unit Cash Fund—CDPS	-\$158,000	-\$158,000
Instant Criminal Background Check Cash Fund—CDPS	-\$202,500	-\$202,500
<b>Total Revenue</b>	<b>-\$2,360,500</b>	<b>-\$2,360,500</b>

### Firearms Training and Safety Course Record Fee—DNR

The bill decreases state revenue by about \$2.0 million per year to the Firearms Training and Safety Course Cash Fund in the DNR. This fee revenue is not subject to TABOR.

### Background Checks—CDPS

The bill decreases state revenue to the CDPS from a reduction in fingerprint-based background checks that are required for dealers and employees under the state firearm dealer permit program, as well as from National Instant Criminal Background Check System (NICS) checks that are required under current law for private firearm sales between individuals. The reduction to the CBI Identification Unit Cash Fund is \$158,000 in FY 2026-27 and future years, assuming 4,000 fewer annual checks. The reduction to the Instant Criminal Background Check Cash Fund is \$202,500 in FY 2026-27 and future years, assuming 13,500 fewer annual checks.

## **State Firearm Dealer Permit Fee—Department of Revenue**

No decrease in state revenue in the DOR is expected until FY 2028-29. Under current law, permits are valid for three years, with the first permits issued in FY 2025-26.

## **Judicial Department**

Based on the assumptions in the Comparable Crime Analysis, the fiscal note assumes that there will be a minimal impact on state revenue in the Judicial Department. Under the bill, criminal fines and court fees, which are subject to TABOR, may decrease by less than \$20,000 per year.

## **State Transfers**

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For FY 2026-27 only, the bill requires transfers totaling \$1.6 million from both the Firearms Training and Safety Course Cash Fund and the General Fund to the Parks and Outdoor Recreation Cash Fund. SB 25-003 allowed the DNR to transfer funds from the Parks and Outdoor Recreation Cash Fund to the Firearms Training and Safety Course Cash Fund for start-up costs, which equated to \$1.6 million. Because the money must be repaid to the Parks and Outdoor Recreation Cash Fund, and because revenue to the Firearms Training and Safety Course Cash Fund does not begin until FY 2027-28, it is assumed that a General Fund transfer is required to cover the balance of the what is projected to remain in the Firearms Training and Safety Course Cash Fund, and what is still owed to the Parks and Outdoor Recreation Cash Fund.

**Table 3**  
**State Transfers**

<b>Fund Source</b>	<b>Budget Year FY 2026-27</b>	<b>Out Year FY 2027-28</b>
General Fund	-\$773,950	\$0
Firearms Training and Safety Course Cash Fund	-\$794,819	\$0
Parks and Outdoor Recreation Cash Fund	\$1,568,769	\$0
<b>Net Transfer</b>	<b>\$0</b>	<b>\$0</b>

## **State Expenditures**

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The bill decreases state expenditures by about \$7.9 million in FY 2026-27 and \$9.0 million in FY 2027-28 and future years. These costs will be reduced in the CDPHE, the DOR, the CDPS, the DNR, the Judicial Department, and the Department of Corrections as shown in Table 4 and described in the sections below. Costs are paid from the General Fund and cash funds. The bill will not impact workload in the Department of the Treasury.

**Table 4**  
**State Expenditures**  
**All Departments**

<b>Department</b>	<b>Budget Year</b> <b>FY 2026-27</b>	<b>Out Year</b> <b>FY 2027-28</b>
Department of Public Health & Environment	-\$3,074,465	-\$3,074,465
Department of Revenue	-\$2,674,420	-\$2,674,420
Department of Public Safety	-\$1,854,291	-\$1,854,291
Department of Natural Resources	-\$525,000	-\$525,000
Judicial Department	\$202,859	-\$37,265
Department of Corrections	\$0	-\$817,615
<b>Total Costs</b>	<b>-\$7,925,317</b>	<b>-\$8,983,056</b>
<b>Total FTE</b>	<b>43.9 FTE</b>	<b>43.9 FTE</b>

### **Department of Public Health and Environment**

The bill repeals the Office of Gun Violence Prevention in the CDPHE. This reduces General Fund expenditures by about \$3.0 million and 4.0 FTE starting in FY 2026-27

### **Department of Revenue**

The bill repeals the requirement to have a state firearms dealer permit issued by the Firearms Dealer Division in the DOR. This reduces General Fund expenditures by about \$2.5 million and 23.9 FTE, with a reduction in cash fund expenditures of about \$200,000, starting in FY 2026-27.

### **Department of Public Safety**

The bill repeals an expansion of authority of the CBI in the CDPS to investigate firearm crimes statewide, and reduces expenditures for background checks. Table 4A below identifies the reduction in costs for this repeal.

## Background Check Staff

Beginning in FY 2026-27, DPS requires a reduction of 1.5 FTE for a decrease of 4,000 fingerprint background checks and 13,500 NICS checks that the fiscal note assumes will no longer occur.

## Firearm Crime Investigation Staff and Costs

Repealing CBI's authority to investigate firearm crimes statewide, as established in SB 24-003, results in a General Fund reduction of about \$1.6 million and 11.0 FTE.

**Table 4A**  
**State Expenditures**  
**Department of Public Safety**

<b>Cost Component</b>	<b>Budget Year</b> <b>FY 2026-27</b>	<b>Out Year</b> <b>FY 2027-28</b>
Reduction in Background Check Staff and Costs	-\$215,328	-\$215,328
Reduction in Firearms Investigation Staff and Costs	-\$1,638,963	-\$1,638,963
<b>Total Costs</b>	<b>-\$1,854,291</b>	<b>-\$1,854,291</b>
<b>Total FTE</b>	<b>-12.5 FTE</b>	<b>-12.5 FTE</b>

## Department of Natural Resources

The bill repeals the firearm training and safety course program in the DNR. This reduces state cash fund expenditures by \$525,000 and 3.0 FTE starting in FY 2026-27.

## Judicial Department

The bill both reduces and increases expenditures in the Judicial Department as shown in Table 4B and described below.

### Staff

The overall decrease in workload associated with the bill results in a reduction of 0.5 FTE of court staff.

### IT System Changes

Modifications to existing systems and business processes will require funding for FY 2026-27 only. The Judicial Department will use contract staff to accomplish these modifications, with a total cost of about \$240,000.

**Table 4B**  
**State Expenditures**  
**Judicial Department**

<b>Cost Component</b>	<b>Budget Year</b> <b>FY 2026-27</b>	<b>Out Year</b> <b>FY 2027-28</b>
Reduction in Trial Court Staff	-\$37,265	-\$37,265
IT System Changes	\$240,124	\$0
<b>Total Costs</b>	<b>\$202,859</b>	<b>-\$37,265</b>
<b>Total FTE</b>	<b>-0.5 FTE</b>	<b>-0.5 FTE</b>

**CDOC Prison and Parole Costs (Five-Year Fiscal Impact)**

Legislative Council Staff is required to analyze long-term costs for prison capital construction, operations, and parole for any bill that potentially increases or decreases periods of imprisonment in the Department of Corrections.

Based on the assumptions provided in the Comparable Crime Analysis section, this bill decreases prison operating costs for the CDOC by a total of about \$4.7 million over the five-year period beginning in FY 2026-27. The fiscal note assumes no prison operating impacts will occur in the first year due to the amount of time required for criminal filing, trial, disposition and sentencing of each case. Once an offender is released from prison, they are assigned to parole. The parole impact is assumed to first occur in FY 2027-28. Table 4C shows the estimated cost of the bill over the next five fiscal years.

**Table 4C**  
**State Expenditures**  
**Prison and Parole Operating Costs**

<b>Fiscal Year</b>	<b>Prison ADP Impact</b>	<b>Prison Cost</b>	<b>Parole ADP Impact</b>	<b>Parole Cost</b>	<b>Total Cost</b>
FY 2026-27	0.00	\$0	0.00	\$0	\$0
FY 2027-28	-12.00	-\$817,615	0.00	\$0	-\$817,615
FY 2028-29	-14.69	-\$1,000,897	-9.31	-\$78,089	-\$1,078,986
FY 2029-30	-14.69	-\$1,000,897	-30.62	-\$256,831	-\$1,257,728
FY 2030-31	-14.69	-\$1,000,897	-63.93	-\$536,226	-\$1,537,122
<b>Total Five-Year Cost</b>		<b>-\$3,820,304</b>		<b>-\$871,147</b>	<b>-\$4,691,451</b>

ADP=Average Daily Population.

## **Department of the Treasury**

Although the bill requires the Department of the Treasury to refund firearms training and safety course record fees paid by individuals, according to [this Colorado Parks and Wildlife website](#), applications for a course record card will not be available until July of this year. Therefore, there are no fees for the department to refund.

## **Employee Insurance and Supplemental Retirement**

Pursuant to fiscal note and Joint Budget Committee policy, centrally appropriated costs for bills involving more than 20 FTE are appropriated in the bill, rather than through the annual budget process. In this fiscal note, these costs are included within total reductions for each department.

## **TABOR Refunds**

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The bill is expected to decrease the amount of state revenue required to be refunded to taxpayers by \$320,500 in FY 2026-27 and FY 2027-28. The state is not projected to have a refund obligation for the current FY 2025-26. This estimate assumes the December 2025 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2027-28. 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 in FY 2026-27, FY 2027-28, and any future years when the state is over its revenue limit.

## **Local Government**

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The bill impacts workload in local government agencies as described below.

### **District Attorneys and County Jails**

Similar to the impact for the Judicial Department, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses, or for county jails to imprison fewer individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

### **Sheriffs**

Sheriffs will have decreased workload, costs, and fee revenue from no longer processing firearm safety and training course applications and sharing information with the DNR.

### **Other Units of Local Government**

The repeal of local government authority to regulate firearms may result in a decrease in workload.

## **Effective Date**

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State Appropriations**

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

- a reduction of \$3,074,465 General Fund for the Department of Public Health and Environment, and 4.0 FTE;
- a reduction of \$2,466,420 General Fund for the Department of Revenue, and 23.7 FTE;
- a reduction of \$208,000 from the Firearm Permit Dealer Cash Fund for the Department of Revenue;
- a reduction of \$1,638,963 General Fund for the Department of Public Safety, and 11.0 FTE;
- a reduction of \$215,328 from various cash funds for the Department of Public Safety, and 1.5 FTE; and
- a General Fund appropriation of \$202,859 to the Judicial Department, with a reduction of 0.5 FTE.

No change in appropriations is required for the Department of Natural Resources, as the Firearms Training and Safety Course Cash Fund is continuously appropriated to the department.

## **State and Local Government Contacts**

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Corrections	Public Defender
District Attorneys	Public Health and Environment
Judicial	Public Safety
Law	Revenue
Natural Resources	