



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1138: RETAIL THEFT PREVENTION PROGRAM

Prime Sponsors:

Rep. Woog; Espenosa

Fiscal Analyst:

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

Summary Information

Overview. The bill creates a task force, advisory board, and grant program to address retail theft prevention in the Department of Law.

Types of impacts. The bill is projected to affect the following areas from FY 2026-27 through FY 2029-30:

- State Revenue
- State Expenditures
- Local Government

Appropriations. For FY 2026-27, the bill requires a General Fund appropriation of \$42,137 to the Department of Law.

Table 1
State Fiscal Impacts

Type of Impact ¹	Budget Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29	Out Year FY 2029-30
State Revenue	\$0	\$0	\$0	\$0
State Expenditures	at least \$51,158	at least \$55,197	at least \$55,197	at least \$22,079
Transferred Funds	\$0	\$0	\$0	\$0
Change in TABOR Refunds	\$0	\$0	\$0	\$0
Change in State FTE	0.4 FTE	0.5 FTE	0.5 FTE	0.2 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	Out Year FY 2028-29	Out Year FY 2029-30
General Fund	\$42,137	\$43,921	\$43,921	\$17,568
Cash Funds	Potential increase	Potential increase	Potential increase	Potential increase
Federal Funds	\$0	\$0	\$0	\$0
Centrally Appropriated	\$9,021	\$11,276	\$11,276	\$4,510
Total Expenditures	\$51,158	\$55,197	\$55,197	\$22,079
Total FTE	0.4 FTE	0.5 FTE	0.5 FTE	0.2 FTE

Expenditures for grants are not estimated, but are assumed to be from gifts, grants, or donations deposited into cash funds in the Department of Law.

Summary of Legislation

The bill creates a task force, advisory board, and grant program regarding retail theft in the Department of Law (DOL). The statewide task force is formed by the Attorney General to provide greater coordination among law enforcement to take enforcement action against organized criminal rings engaged in retail theft. No members or appointing authorities are specified for the task force.

The advisory board is designated to administer the Retail Theft Prevention Grant Program for local and state law enforcement agencies, district attorney offices, multijurisdictional or regional task forces, and tribal law enforcement agencies. Grants may be used to investigate and prosecute organized felony-level retail theft or gift card fraud, develop or invest in technology to analyze felony-level retail theft and gift card fraud metrics, provide training or technical assistance to retailers or law enforcement agencies, or to develop prevention and deterrence initiatives. Grants must be paid out of gifts, grants, and donations received by the DOL.

The bill outlines the advisory board’s membership and appointing authorities. Appointments must be made by September 1, 2026. The first meeting must occur by November 1, 2026, and the board may meet as frequently as it deems necessary. The DOL must include a report on the grant program during its annual SMART Act hearing starting January 2028, until the program’s repeal on November 1, 2029.

State Revenue

Starting in FY 2026-27, the bill potentially increases state revenue to the Department of Law from gifts, grants, or donations; however, no sources have been identified at this time. Gifts, grants, and donations are exempt from TABOR revenue limits.

State Expenditures

The bill increases state expenditures in the Department of Law by at least \$51,000 in FY 2026-27, and at least \$55,000 per year thereafter through FY 2029-30. These costs, paid from the General Fund and gifts, grants, or donations, are summarized in Table 2 and discussed below. The bill also minimally affects workload in the CDPS and the Governor’s Office.

**Table 2
State Expenditures
Department of Law**

Cost Component	Budget Year FY 2026-27	Out Year FY 2027-28	Out Year FY 2028-29	Out Year FY 2029-30
Personal Services	\$34,625	\$43,281	\$43,281	\$17,312
Operating Expenses	\$512	\$640	\$640	\$256
Capital Outlay Costs	\$7,000	\$0	\$0	\$0
Grants	Potential Increase	Potential Increase	Potential Increase	Potential Increase
Centrally Appropriated Costs	\$9,021	\$11,276	\$11,276	\$4,510
Total Costs	at least \$51,158	at least \$55,197	at least \$55,197	at least \$22,079
Total FTE	0.4 FTE	0.5 FTE	0.5 FTE	0.2 FTE

Department of Law

The department will have staff costs and potential grant expenditures beginning from FY 2026-27 through FY 2029-30 to implement the bill. Since the bill is repealed on November 1, 2029, all expenditures will end in FY 2029-30.

Staff

The DOL requires 0.5 FTE of Program Assistant II to provide administrative support to the advisory board. This will include organization, logistics, scheduling meetings, any related research requested by the board, and assistance with administering the grant program. Costs in FY 2026-27 include standard operating and capital outlay expenses, and are prorated for a September 1, 2026, start date.

Grants

The DOL may have increased expenditures for grants, which must be paid from gifts, grants, or donations if any are received by the department. Since no source of gifts, grants, or donations have been identified at this time, the fiscal note does not estimate what the increase in expenditures will be, but indicates a potential increase. The fiscal note also assumes that grant expenditures would be from cash funds in the DOL.

Department of Public Safety

Workload will minimally increase for a member of the CDPS to serve on the advisory board. This will require adequate coverage of this employee's regular duties. Additionally, workload may increase if the advisory board requests relevant data on retail theft from the CDPS. No change in appropriations is required.

Governor's Office

Workload will minimally increase to ensure the appointment to the advisory board by the Governor is made. No change in appropriation is required.

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, are shown in Table 2 above.

Local Government

Workload will increase for local law enforcement agencies who have representatives serving on the advisory board. Workload may also increase for agencies to collaborate with the advisory board on policy solutions. The exact impact will vary by jurisdiction, but is expected to be minimal. Similarly, workload will minimally increase in district attorney offices. District attorney offices are funded proportionally by counties in a judicial district.

Local governments may also see increased revenue and expenditures if local law enforcement agencies receive grants from the grant program.

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 a General Fund appropriation of \$42,137 to the Department of Law, and 0.4 FTE.

State and Local Government Contacts

District Attorneys	Law
Governor's Office of Boards and Commissions	Public Safety

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).