



# Fiscal Note

## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

### HB 26-1020: COLORIMETRIC FIELD DRUG TESTS IN DRUG POSSESSIONS

**Prime Sponsors:**

Rep. Gilchrist; Bacon  
Sen. Ball

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

#### Summary Information

**Overview.** The bill prohibits the arrest of someone suspected a level 1 drug misdemeanor if a colorimetric field test was used and requires the court to advise a defendant on the test before accepting a plea deal.

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

- Minimal State Workload
- Local Government

**Appropriations.** No appropriation is required.

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

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## **Summary of Legislation**

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The bill requires a peace officer to issue a summons to an individual, in lieu of arresting them for a level 1 drug misdemeanor or municipal drug possession charge when a colorimetric field drug test was used. The bill also defines colorimetric field drug tests. In addition, if a colorimetric test was used, before a person charged with possession of a controlled substance accepts a plea deal, the court must issue an advisement that presumptive colorimetric field drug tests are subject to false positives and are inadmissible in court and that the defendant has the right to enter a not guilty plea and to request a test by an accredited forensic lab.

## **Background**

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A colorimetric field test is a test administered by an individual in the field that uses chemicals to identify a substance based on the color it turns. In 2025, the General Assembly passed [House Bill 25-1183](#) which established a working group to study the use of colorimetric tests and make [recommendations](#) on its use.

## **State Expenditures**

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The bill impacts workload in the state courts, offices that represent indigent offenders, and state law enforcement agencies, as described below.

### **Courts and Offices that Represent Indigent Offenders**

First, the bill may increase workload for the courts offices that represent indigent offenders to the extent the bill results in more laboratory drug tests and more cases going to trial. In addition, requiring summons in lieu of arrests will also increase workload for courts to issue and monitor additional fingerprint orders as mandatory fingerprints are usually collected at arrest. Overall, any increase in workload is expected to be minimal and no change in appropriations is required.

### **State Law Enforcement Agencies**

The bill may increase workload to state law enforcement agencies to update any training and guidance. Conversely, workload may decrease to issue summons instead of arresting individuals. Overall, changes in workload are expected to be minimal and no change in appropriations is required.

## **Local Government**

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Similar to the state, district attorneys and municipal courts may see increased workload if the bill results in longer cases and additional cases proceeding to trial, and local law enforcement will have more work to update training on the new procedures. Conversely, workload will decrease for local law enforcement agencies to issue summons instead of arresting individuals.

## **Technical Note**

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The bill does not specify who is responsible for covering the cost of the additional drug testing. The fiscal note assumes that it will be up to the defense or their counsel to pay for the additional test and a fee will not be assessed by the court. If the intention is for the court to assess and collect a fee, State Revenue would increase.

## **Effective Date**

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to offenses on or after this date.

## **State and Local Government Contacts**

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Corrections	Law
Counties	Municipalities
District Attorneys	Public Safety
Higher Education	Revenue
Human Services	Sheriffs
Judicial	