



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 18-1037

FINAL FISCAL NOTE

Drafting Number: LLS 18-0698 Date: July 24, 2018
Prime Sponsors: Rep. Neville P. Bill Status: Postponed Indefinitely
Sen. Neville T. Fiscal Analyst: Aaron Carpenter | 303-866-4918
Aaron.Carpenter@state.co.us

Bill Topic: CONCEALED HANDGUNS ON SCHOOL GROUNDS

- Summary of Fiscal Impact:
[x] State Revenue [x] TABOR Refund
[x] State Expenditure [x] Local Government
[x] State Transfer [ ] Statutory Public Entity

This bill would have allowed an individual with a concealed carry permit to carry a concealed handgun onto public school grounds. This bill would have decreased state revenue and expenditures and would have decreased expenditures and workload for local governments on an ongoing basis.

Appropriation Summary: This bill requires a five-year reduction in appropriations to the Department of Corrections of \$40,580.

Fiscal Note Status: This fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Table 1. State Fiscal Impacts Under HB18-1037

Table with 5 columns: Category, Sub-category, FY 2017-18 Current Year, FY 2018-19, FY 2019-20. Rows include Revenue, Expenditures, Transfers, and TABOR Refund.

### **Summary of Legislation**

This bill allows an individual with a concealed carry permit to carry a concealed handgun onto the real property of a public elementary, middle, junior high, or high school.

### **Comparable Crime**

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 changes an element of the existing crime that creates a new factual basis for the offense. This bill allows concealed carry permit holders to carry a concealed handgun onto the real property of a public elementary, middle, junior high, or high school. Under current law, it is a class 6 felony if a concealed carry permit holder carries a concealed handgun onto school grounds. From January 2015 to January 2018, there were 43 convictions for carrying a handgun onto school grounds. These cases include 40 males and 3 females. Of this number, there were 29 Caucasians, 9 African Americans; 2 Hispanics; 2 Asians; and 1 American Indian. The majority of offenders were ordered to pay victim assistance and docket fees, plus applicable supervision and restitution fees. Of those sentenced to the Department of Corrections (DOC) only 2 offenders had no additional, or more serious charges. It is unknown how many of these individuals were concealed carry permit holders. The fiscal note assumes 100 fewer case filings per year and two fewer offenders will be sentenced to the DOC every five years

### **State Revenue**

Beginning in current FY 2017-18, this bill is anticipated to decrease state revenue from criminal fines and court fees by at least \$5,000 per year credited to the General Fund and various cash funds in the Judicial Department. The fine penalty for a class 6 felony offense is \$1,000 to \$100,000. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. The bill will also decrease state fee revenue from fees imposed for a variety of court-related costs, which vary based on the offense but may include probation supervision, drug or sex offender surcharges, victim compensation, and late fees, among others. Based on the expectation that there will be 10 to 15 fewer convictions per year, the reduction in revenue will be at least \$5,000 per year. Potential revenue from offenders sentenced to probation will also decrease. Individuals sentenced to probation pay a supervision fee of \$50 a month.

### **TABOR Refund**

This bill reduces state revenue from criminal fines and court fees, which will reduce the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. A TABOR refund obligation is not expected for the current FY 2017-18. Since the bill reduces the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will increase by an identical amount.

**State Expenditures**

Beginning in current FY 2017-18, this bill decreases workload and state expenditures in the Judicial Department and agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of the Alternate Defense Counsel. It also decreases state General Fund expenditures in the Department of Corrections, as discussed below.

**Judicial Department.** Over the last three years, 307 cases have been filed with trial courts with at least one charge of carrying a concealed weapon on school grounds. The bill is anticipated to result in approximately 100 fewer case filings every year, which will decrease workload in the trial courts. The reduced workload does not require a reduction of appropriations. To the extent that offenders are sentenced to probation under current law, the bill will decrease probation supervision workload and expenditures.

**Agencies providing representation to indigent persons.** Workload and costs for the Office of the State Public Defender and the Office of the Alternate Defense Counsel will decrease under the bill. This analysis assumes the affected offices will have appropriations reduced through the annual budget process, as necessary.

**Department of Corrections.** This bill reduce prison bed and parole costs for the DOC by \$40,580 between FY 2018-19 and FY 2021-22.

**Prison beds.** This bill is anticipated to decrease state General Fund expenditures by an estimated \$33,034 in FY 2018-19 for the DOC. This decrease assumes at least 2 offenders will no longer be sentenced to prison for a class 6 felony every 5 years and have an average length of stay of 9 months. The fiscal note assumes no impact will occur in the first year due to the amount of time required for criminal filing, trial, disposition and sentencing of each case. If impacts arise in the first year, this analysis assumes the DOC will request any required appropriations through the annual budget process.

**Parole.** Once an offender is released from prison, he or she is assigned to parole. Based on the average parole time for a class 6 felony of 9.6 months, parole costs are reduced by \$2,394 in FY 2018-19 and \$5,152 in FY 2019-20. Table 2 shows the estimated reduction in costs under the bill over the next five fiscal years.

**Table 2  
 Prison and Parole Costs Under HB 18-1037**

	<b>Inmate Bed Impact</b>	<b>Parole Impact</b>	<b>Operating Cost</b>
FY 2018-19	(1.5)	(0.5)	(\$35,428)
FY 2019-20	0	(1.08)	(\$5,152)
FY 2020-21	0	0	\$0
FY 2021-22	0	0	\$0
FY 2022-23	0	0	\$0
<b>Total Cost</b>	<b>(1.5)</b>	<b>(1.58)</b>	<b>(\$40,580)</b>

For additional information about costs in fiscal notes for bills affecting the Department of Corrections, please visit: [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes).

**Local Government Impact**

The bill is expected to reduce workload for district attorneys that prosecute offenses. In addition, costs to county jails are expected to be reduced. From January 2015 to January 2018, seven individuals were given a sentence to county jail ranging from two days to two years. Because the courts have the discretion of incarceration or imposing a fine, the precise future impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. The state reimburses county jails at a daily rate of \$54.39 to house state inmates. It is assumed that the impact of this bill on counties will be minimal.

**Effective Date**

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 21, 2018.

**State Appropriations**

The bill requires the five-year reduction in General Fund appropriations to the DOC of \$40,580.

**State and Local Government Contacts**

Corrections	Counties	District Attorneys
Education	Higher Education	Information Technology
Judicial	Municipalities	Public Safety
School Districts	Sheriffs	