



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated March 12, 2024)

Table with 2 columns: Field (Drafting Number, Prime Sponsors, Date, Bill Status, Fiscal Analyst) and Value (LLS 24-0125, Rep. Sirota; Boesenecker Sen. Bridges, April 5, 2024, House Finance, Clayton Mayfield | 303-866-5851 clayton.mayfield@coleg.gov)

Bill Topic: FIREARMS DEALER REQUIREMENTS & PERMIT

Summary of Fiscal Impact table with 4 columns: Category (State Revenue, State Expenditure, State Transfer, TABOR Refund, Local Government, Statutory Public Entity) and Status (checked/unchecked)

The bill requires firearms dealers to obtain a state permit. The bill increases state expenditures starting in FY 2024-25, and state revenue beginning in FY 2025-26.

Appropriation Summary: For FY 2024-25, the bill requires an appropriation of \$618,973 to the Department of Revenue.

Fiscal Note Status: This revised fiscal note reflects the introduced bill, as amended by the House Business Affairs and Labor Committee.

Table 1 State Fiscal Impacts Under HB 24-1353

Main fiscal impact table with 5 columns: Category, Budget Year FY 2024-25, Out Year FY 2025-26, Out Year FY 2026-27. Rows include Revenue, Expenditures, Transfers, and Other Budget Impacts.

Summary of Legislation

The bill requires that certain firearms dealers in the state obtain a permit from the Department of Revenue (DOR) starting July 1, 2025. Operating without a permit is an unclassified felony punishable by a fine of up to \$250,000. The bill establishes a permitting process, other requirements for dealers, and other duties for the DOR, as discussed below.

Permits. Dealers must apply to the DOR and hold a valid federal firearm license (FFL) to be issued a permit, and may apply for a state permit if an FFL application is pending. Additionally, a dealer must not have had an adverse licensing action taken for good cause by the federal government or any state within three years of application, or have been convicted for a violation of any state or federal law concerning the possession or sale of firearms.

Permits are valid for three years and dealers who submit an initial application with sufficient information before May 2, 2025, may continue to engage in business until the DOR acts upon the application. Permits may be renewed at any time in the 90-day period before expiration and dealers may continue to engage in business until the DOR acts upon a renewal application.

Certain dealer violations are subject to a warning for a first offense, with subsequent offenses authorizing the DOR to revoke a permit. Other dealer actions require the DOR to revoke a permit. Permit revocations are subject to the Administrative Procedures Act and judicial review, and a dealer that has their permit revoked can apply for a new permit no sooner than three years after revocation, with an exception for revocation solely for not having a valid FFL.

Other dealer requirements. In addition to obtaining a permit, dealers must ensure employees complete a background check and required training. Firearms must be secured on premises to prevent unsupervised access. Sale of firearms must occur during posted business hours, except during a gun show. Dealers are required to report firearm thefts by employees and unlawful purchase attempts by employees or other persons to an appropriate law enforcement agency.

Department of Revenue. The DOR must promulgate rules necessary for implementing the bill, and initial rules must be effective by February 1, 2025. The DOR must act on initial applications and renewal applications within certain time frames.

The bill sets the fee for permits issued on or before June 30, 2026, at \$400, which is credited to the newly created and continuously appropriated Firearm Dealer Permit Cash Fund. For permits issued after this date, the DOR may annually adjust the fee based on costs for administering the permit program, but only once per year and not by more than \$25 per adjustment.

Subject to available appropriations, the DOR is authorized to conduct annual on-site inspections of a random selection of permittees, as well as periodic unannounced inspections during business hours. If the DOR revokes a permit, it must notify the federal government.

The DOR must develop or approve a training course for dealers and dealer employees that covers certain material relating to state and federal laws, and best practices for retail sale of firearms. Finally, the DOR must review criminal background checks to ensure employees are authorized to work in accordance with the bill.

Comparable Crime Analysis

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 crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data and assumptions. This bill creates the new offense of dealing firearms without a permit, an unclassified felony. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of a firearm dealer failing to keep required records as a comparable crime. From FY 2020-21 to FY 2022-23, one person has been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense 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 since, these potential impacts are not discussed further in this fiscal note. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

Assumptions

Based on available [data](#) from the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), this fiscal note assumes that 1,560 FFLs will require and apply for a permit under the bill. Given the wide variety in the number of employees per FFL, this fiscal note also assumes that, on average, there are between 4 and 5 employees per FFL, or about 6,700 employees total.

The fiscal note also assumes that funding will be made available for annual inspections. Because inspections are subject to available appropriations under the bill, funding for inspectors and associated equipment could be less than shown. Funding for inspections may be set at the discretion of the General Assembly.

State Revenue

The bill increases state cash fund revenue by about \$624,000 to the Firearm Dealer Permit Cash Fund in the DOR in FY 2025-26 and by about \$265,000 per year to the Colorado Bureau of Investigation (CBI) Identification Unit Cash Fund in the Department of Public Safety (CDPS). Fee revenue is from permit fees paid by dealers, and background check fees on dealer employees required by the bill. These impacts are shown in Table 2 and discussed in more detail below.

Table 2
Fee Impact on Firearm Dealers and Employees

Fiscal Year	Type of Fee	Proposed Fee	Number Affected	Total Fee Impact
FY 2025-26	Dealer—Permit Fee	\$400.00	1,560	\$624,000
	Employee—CBI Background Check	\$39.50	6,700	\$264,650
FY 2025-26 Total				\$888,650
FY 2026-27	Employee—CBI Background Check	\$39.50	6,700	\$264,650
	FY 2026-27 Total			

Fee impact on firearm dealers. Colorado law requires legislative service agency review of measures which create or increase any fee collected by a state agency. The bill sets the fee for firearm dealer permits—which are valid for three years and to be issued before June 30, 2026—at \$400, and allows the DOR to annually increase the fee by no more than \$25. Since the population of FFLs is assumed to remain constant and permits are valid for three years, this fiscal note does not estimate an exact fee or revenue impact beyond FY 2025-26; however, both fees and revenue are assumed to increase starting in FY 2028-29, when renewals are required. Fee revenue is subject to the state’s TABOR revenue limit.

Fee impact on firearm dealer employees. The bill requires employees of firearm dealers to submit a background check as part of employment starting July 1, 2025, and to annually submit a background check each year thereafter. Based on assumed number of FFL employees, this bill increases state cash fund revenue from fingerprint-based criminal history background checks to the CBI Identification Unit Cash Fund in the CDPS by \$264,650 per year starting in FY 2025-26. The current fee for background checks is \$39.50, which includes \$11.25 for a Federal Bureau of Investigation (FBI) fingerprint-based check, which is passed on to that federal agency. The federal portion of this fee is excluded from the state TABOR limit, meaning \$189,275 of this total is subject to TABOR.

State Expenditures

The bill increases state expenditures in the DOR and the CDPS by about \$725,000 in FY 2024-25, by \$3.1 million in FY 2025-26, and by \$2.9 million in FY 2026-27 and ongoing. Expenditures are paid from a combination of General Fund and cash funds, are shown in Table 3, and described below.

**Table 3
 Expenditures Under HB 24-1353**

	FY 2024-25	FY 2025-26	FY 2026-27
Department of Revenue (GF and CF)			
Personal Services	\$469,819	\$2,008,131	\$2,008,131
Operating Expenses	\$6,784	\$30,336	\$30,336
Capital Outlay Costs	\$53,360	\$100,050	-
Legal Services	\$64,010	\$38,406	\$38,406
Vehicles	-	\$56,880	\$56,880
Inspector Equipment	-	\$77,550	-
Licensing System	\$20,000	\$30,000	\$30,000
Dealer and Employee Training Program	\$5,000	\$2,000	\$2,000
Centrally Appropriated Costs ¹	\$105,634	\$508,667	\$508,667
FTE – Personal Services	5.3 FTE	23.7 FTE	23.7 FTE
FTE – Legal Services	0.3 FTE	0.2 FTE	0.2 FTE
<u>DOR Subtotal</u>	<u>\$724,607</u>	<u>\$2,852,020</u>	<u>\$2,674,420</u>
<i>General Fund</i>	\$618,973	\$2,135,353	\$1,957,753
<i>Cash Fund</i>	-	\$208,000	\$208,000
<i>Centrally Appropriated</i>	\$105,634	\$508,667	\$508,667
Department of Public Safety (CF)			
Personal Services	-	\$71,222	\$71,222
Operating Expenses	-	\$1,536	\$1,536
Capital Outlay Costs	-	\$6,670	-
FBI Pass-through	-	\$75,375	\$75,375
Processing Costs	-	\$63,372	\$61,372
Centrally Appropriated Costs ¹	-	\$22,583	\$22,583
FTE – Personal Services	-	1.2 FTE	1.2 FTE
<u>CDPS Subtotal</u>	<u>-</u>	<u>\$240,759</u>	<u>\$232,088</u>
Total Costs	\$724,607	\$3,092,778	\$2,906,508
Total FTE	5.6 FTE	25.1 FTE	25.1 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Department of Revenue. Expenditures in the DOR will increase to create, implement, administer, and enforce the permitting program under the bill, as described below.

- **Staff.** A total of 23.7 FTE is required for the full implementation of the permit program as a division within the DOR, which will begin in FY 2024-25. Specifically, 6.0 FTE will manage division operations, including a director, administrative assistant, accountant, budget analyst, policy advisor, and legal assistant; 5.7 FTE will process and review permit applications, ensure administrative compliance, and manage employee background check requirements; and 12.0 FTE will administer the inspection of dealers and ensure compliance, which will be partially funded by the Firearm Dealer Permit Cash Fund. Most division staff are assumed to start on July 1, 2024, while costs for other division staff and permit application staff are prorated for an April 1, 2025, start date. Costs for inspection and other remaining staff are prorated for a July 1, 2025, start date. Staffing resources include standard operating and capital outlay costs.
- **Legal services.** The DOR requires 500 hours of legal services in FY 2024-25 to conduct rulemaking and provide legal counsel during the creation of the permit program. In out years, DOR requires 300 hours of legal services for permit revocation hearings and general counsel. Legal services are provided by the Department of Law at a rate of \$128.02 per hour.
- **Vehicles.** The DOR requires \$56,880 starting in FY 2025-26 for a total of 8 vehicles; 5 for inspector teams, 1 for an inspector supervisor, and 2 vehicles for compliance investigator teams. Each vehicle has estimated annual lease and operating costs of \$4,360 and \$2,750, respectively. These costs are reappropriated to the Department of Personnel and Administration.
- **Inspector equipment.** The DOR requires \$77,550 for FY 2025-26 only to equip inspectors, who will be POST-certified peace officers similar to other regulatory programs operated by the DOR.
- **Licensing system.** The DOR requires \$20,000 in FY 2024-25 to update the DOR's licensing software to account for the new permit program. In out years, \$30,000 per year is required to maintain the licensing system.
- **Dealer and employee training program.** The DOR requires \$5,000 in FY 2024-25 to create and host online a training program that dealers and employees must complete as required by the bill. In out years, \$2,000 is required to maintain and update this training program.

Department of Public Safety. The bill increases overall expenditures from the CBI Identification Unit Cash Fund in the CDPS by the amounts shown in Table 3 and described below.

- **Staff.** The CDPS requires 0.8 FTE Fingerprint Examiner II and 0.4 FTE Data Specialist to process an estimated 6,700 fingerprint background applications from firearm dealer employees. A Fingerprint Examiner II can process 8,250 requests per year, and a Data Specialist 16,500.
- **FBI pass-through.** The CDPS passes \$11.25 of every application on to the federal government. With 6,700 applications, this equates to \$73,375 for FY 2025-26 and beyond.

- **Processing costs.** There are the following costs associated with each background check application: \$6.10 dedicated to equipment maintenance; \$1.55 for print digitization; \$0.88 to access the Colorado Crime Information Center for information pertinent to the background check; and \$0.63 printing and postage costs. One-time training costs of \$2,000 for FTE is included in FY 2024-25.

Court impacts. Starting in FY 2025-26, the trial courts in the Judicial Department and the Office of Administrative Courts in the Department of Personnel and Administration may experience an increase in workload to adjudicate appeals challenging permit actions. The fiscal note assumes that any increase for the trial courts will be minimal, and no change in appropriations is required. For the administrative courts, any change in costs will be adjusted through the annual budget process based on hearings conducted on behalf of the DOR.

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 include employee insurance, supplemental employee retirement payments, and leased space are shown in Table 3.

Other Budget Impacts

TABOR refunds. The bill is expected to increase the amount of state revenue required to be refunded to taxpayers by the amounts shown in the State Revenue section above. This estimate assumes the December 2023 LCS revenue forecast. A forecast of state revenue subject to TABOR is not available beyond FY 2025-26. Because TABOR refunds are paid from the General Fund, increased cash fund revenue will reduce the amount of General Fund available to spend or save.

General Fund reserve. Under current law, an amount equal to 15 percent of General Fund appropriations must be set aside in the General Fund statutory reserve. Based on this fiscal note, the bill is expected to increase the amount of General Fund held in reserve by the amounts shown in Table 1, decreasing the amount of General Fund available for other purposes.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, except for certain sections concerning the requirements on dealers and employees, which take effect July 1, 2025.

State Appropriations

For FY 2024-25, the bill requires a General Fund appropriation of \$618,973 to the Department of Revenue, and 5.3 FTE. Of this amount, \$64,010 is reappropriated to the Department of Law, with an additional 0.3 FTE.

State and Local Government Contacts

Corrections
Judicial
Public Safety

District Attorneys
Law
Revenue

Information Technology
Personnel

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](#).