



**Colorado  
Legislative  
Council  
Staff**

**HB16-1179**

**FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-0109

**Date:** February 5, 2016

**Prime Sponsor(s):** Rep. Buck

**Bill Status:** House SVMA

Sen. Sonnenberg

**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** CONCEALED CARRY FOR MILITARY PERSONNEL

<b>Fiscal Impact Summary</b>	<b>FY 2016-2017</b>	<b>FY 2017-2018</b>
<b>State Revenue</b>		
Cash Funds	Potential minimal decrease.	
<b>State Expenditures</b>	Potential minimal decrease.	
<b>TABOR Impact</b>	Potential minimal decrease.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing potential minimal decreases in state revenue and state expenditures.		

### **Summary of Legislation**

This bill creates an exception to the crime of unlawfully carrying a concealed weapon when the person is on active duty and serving in the armed forces of the United States military, and the weapon in question was a concealed handgun.

### **Background**

The crime of unlawfully carrying a concealed weapon is a class 2 misdemeanor, punishable by a fine of \$250 to \$1,000, 3 to 12 months in jail, or both.

Over the past three years, there have been 1,257 case filings and 452 total convictions of unlawfully carrying a concealed weapon. Of the convictions, 30 were female (1 Indian, 2 Asian, 4 African American, and 23 Caucasian) and 422 were male (2 Other, 5 Indian, 6 Asian, 31 Hispanic, 69 African American, and 309 Caucasian). Of the approximate 150 convictions per year, it is not known how many offenses concerned handguns versus other types of weapons, such as knives or explosives, or how many cases involved persons on active duty.

It is estimated that there are about 40,000 active duty members of the armed forces in Colorado.

## **State Revenue**

Beginning in FY 2016-17, this bill may reduce state revenue credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 2 misdemeanor is \$250 to \$1,000. In addition, if a person is sentenced to probation, a monthly fee of \$50 is collected. Because the courts have the discretion of incarceration, probation, imposing a fine, or a combination thereof, the precise impact to state revenue cannot be determined. However, based on the low number of fines imposed in 2015, the low number of convictions each year for this offense, and the presumption that few offenses involve persons on active duty, the fiscal note assumes that any revenue reduction is minimal.

## **TABOR Impact**

This bill may reduce state revenue from criminal fines and probation fees, which will reduce the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

## **State Expenditures**

Overall, this bill may reduce workload and expenditures within the Judicial Department beginning in FY 2016-17. Creating an exception to the crime of unlawfully carrying a concealed weapon for certain persons may reduce trial court workload and, to the extent that any individuals were sentenced to probation, workload for the probation division.

## **Local Government Impact**

This bill will affect local governments in several ways, as discussed below.

***Misdemeanor offenses in county courts.*** First, the bill may reduce workload for district attorneys that will no longer prosecute certain persons for this crime. Second, to the extent that this bill reduces misdemeanor convictions and offenders that are currently sentenced to jail, costs will decrease. Under current law, a court may sentence an offender to jail for a class 2 misdemeanor for a period of between 3 and 12 months. Because the courts have the discretion of incarceration or imposing a fine, the precise 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. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

***Denver County Court.*** The bill may also result in a reduction in workload for the Denver County Court, managed and funded by the City and County of Denver. To the extent that the court will try fewer misdemeanor cases under the bill, court workload will decrease. Similar to the state, probation services in the Denver County Courts may also experience a minimal decrease in workload and revenue as a result of no longer having to supervise any persons that would be excepted from this crime.

**Effective Date**

The bill takes effect August 10, 2016, if the General Assembly adjourns on May 11, 2016, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

Corrections  
Information Technology  
Municipalities

Counties  
Judicial  
Public Safety

District Attorneys  
Military Affairs  
Sheriffs