



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 19-1049

FISCAL NOTE

Drafting Number: LLS 19-0560
Prime Sponsors: Rep. Neville

Date: January 18, 2019
Bill Status: House SVMA
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Bill Topic: CONCEALED HANDGUNS ON SCHOOL GROUNDS

- Summary of Fiscal Impact: State Revenue (minimal), State Expenditure, State Transfer, TABOR Refund (minimal), Local Government, Statutory Public Entity

This bill allows concealed handgun permit holders to carry a concealed handgun onto the real grounds of a public school. The bill will decrease state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: This bill requires a \$56,245 five-year Department of Corrections appropriation reduction.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Table 1
State Fiscal Impacts Under HB 19-1049

Table with 4 columns: Category, FY 2018-19, FY 2019-20, FY 2020-21. Rows include Revenue, Expenditures (General Fund), 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 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 changes an element of an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

**Unlawfully carrying or possession of a weapon on school grounds.** This bill allows concealed carry permit holders to carry a concealed handgun onto the real property of a public school. Under current law, a permit holder commits a class 6 felony if they carry a concealed handgun onto the grounds of a public school. From FY 2016-17 to FY 2018-19, there have been fewer than 300 criminal cases filed with the courts. In that same period, 37 offenders have been convicted and sentenced for this offense. Of the persons sentenced, 34 were male, 3 were female. Demographically, 23 were White, 10 were African American, 2 were Hispanic, and 2 were Asian. During that period, 6 individuals were sentenced to county jail and 19 were sentenced to the Department of Corrections (DOC). In the last five years, there have been only 4 offenders sentenced to the DOC where possession or carrying a weapon on school grounds was the most serious crime.

**Assumptions.** This analysis assumes that there will be approximately 100 fewer criminal case filings per year for the offense under the bill and that 2 offenders every five years will no longer be convicted and sentenced to DOC. The average Department of Corrections (DOC) length of stay for a class 6 felony is 7.4 months with an average parole length of stay of 9.6 months once he or she is released from prison.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue**

**Criminal fines and court fees.** Since the bill removes the class 6 felony for a concealed carry permit holder to carry their concealed handgun onto the real property of a public school, the bill will decrease state revenue from criminal fines and court fees by a minimal amount beginning in the current FY 2018-19, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for a class 6 felony is \$1,000 to \$100,000. Additionally, court fees may be imposed on a case-by-case basis for a variety of court-related costs, such as probation supervision, drug surcharges, or late fees. Because the courts have the discretion of incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

**State Expenditures**

Beginning in the current FY 2018-19, this bill decreases workload and costs in the Judicial Department and agencies that provide representation to indigent persons. It will also decrease state General Fund expenditures in the Department of Corrections, as discussed below.

**Judicial Department.** This bill will decrease costs and workload for the trial courts in the Judicial Department to process additional criminal case filings. To the extent that offenders would have been sentenced to probation, costs and workload in the Division of Probation will decrease. Costs and workload may also decrease in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Council. Overall, this decrease in workload does not require a change in appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

**Department of Corrections - Five-year fiscal impact.** Based on the assumptions provided in the Comparable Crime Analysis section, this bill decreases prison operating, and parole costs for the DOC by a total of \$56,245 over the five-year period beginning in FY2019-20. The fiscal note assumes no prison impact will occur in the first year. Table 2 shows the estimated cost of the bill over the next five fiscal years.

**Table 2  
Prison and Parole Costs Under HB18-1049**

Fiscal Year	Prison Bed Impact		Parole Impact		Total Cost
	Number	Operating Cost	Number	Operating Cost	
FY 2019-20	(1.20)	(\$48,898)	(0.77)	(\$3,542)	<b>(\$52,441)</b>
FY 2020-21	0	\$0	(0.83)	(\$3,803)	<b>(\$3,804)</b>
FY 2021-22	0	\$0	0	\$0	<b>\$0</b>
FY 2022-23	0	\$0	0	\$0	<b>\$0</b>
FY 2023-24	0	\$0	0	\$0	<b>\$0</b>
<b>Total Cost</b>		<b>(\$48,898)</b>		<b>(\$7,345)</b>	<b>(\$56,245)</b>

**TABOR refunds.** The bill is expected to minimally decrease state General Fund obligations for TABOR refunds in FY 2018-19 and FY 2019-20. Under current law and the Legislative Council Staff December 2018 forecast, the bill will correspondingly reduce the amount refunded to taxpayers via sales tax refunds on income tax returns for tax year 2020. The state is not expected to collect a TABOR surplus in FY 2020-21.

**Local Government Impact**

Beginning in the current FY 2018-19, this bill is expected to decrease costs and workload for district attorneys that prosecute offenses. In addition, costs to county jails are expected to be reduced. However, because the courts have the discretion of incarceration or imposing a fine, the precise county impact cannot be determined. Under current law, the state reimburses county jails for

housing state inmates. Based on a 2018 Joint Budget Committee Staff county jail survey, the average cost to house an offender in a county jail is \$98.83 per day, but varies significantly from \$43.65 to \$350.21 per day depending on the county. The state reimburses county jails at a daily rate of \$54.39 in the current FY 2018-19 and by \$54.93 in FY 2019-20.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State Appropriations**

This bill requires the five-year reduction in General Fund appropriations to the Department of Corrections of \$56,245.

**State and Local Government Contacts**

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