



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 16, 2021)

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|-------------------------|--|------------------------|---|
| Drafting Number: | LLS 21-0425 | Date: | March 12, 2021 |
| Prime Sponsors: | Sen. Jaquez Lewis; Danielson Rep. Sullivan; Herod | Bill Status: | House Judiciary |
| | | Fiscal Analyst: | Sonia Hatfield 303-866-5851 Sonia.Hatfield@state.co.us |

Bill Topic: **LOST OR STOLEN FIREARMS**

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| Summary of Fiscal Impact: | <input checked="" type="checkbox"/> State Revenue | <input type="checkbox"/> TABOR Refund |
| | <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| | <input type="checkbox"/> State Transfer | <input type="checkbox"/> Statutory Public Entity |

This bill requires firearm owners to report any lost or stolen firearms. Failure to do so is a civil infraction with a second or subsequent offense being an unclassified misdemeanor. This bill will minimally increase state revenue and expenditures, and increase local workload and costs on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

This bill requires the owner of a firearm who has reasonable cause to believe the firearm was lost or stolen to report to a law enforcement agency that the firearm has been lost or stolen within 5 days of making the discovery. Failure to report a lost or stolen firearm is a civil infraction punishable by a \$25 fine. A second or subsequent offense is an unclassified misdemeanor punishable by a maximum fine of \$500. Any law enforcement agency that receives a report must enter available descriptive information related to the firearm into the National Crime Information Center Database and report the information to the Colorado Bureau of Investigations.

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. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data. This bill creates the new offense of failure to report a lost or stolen firearm, a civil infraction or an unclassified misdemeanor for a second or subsequent offense. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of failure to

report child abuse by a mandatory reporter as a comparable crime. From 2018 to 2020, 5 offenders have been convicted and sentenced for this existing offense. Of the persons convicted, all were white, 3 were male and 2 were female.

Assumptions. Based on the comparable crime data above, the fiscal note assumes a high level of compliance with the law. In addition, many lost or stolen firearms will not be discovered unless they are later used in a crime. Any increase in criminal case filings is expected to be minimal.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this bill is expected to have a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts and agencies that provide representation to indigent persons, are assumed to be minimal and no change in appropriations is required.

Local Government

This bill will increase workload and costs to various local government agencies, as described below.

Law enforcement. Workload for local law enforcement agencies will increase to receive reports on lost and stolen firearms and to input information into the National Crime Information Center Database and report to the Colorado Bureau of Investigation.

District attorneys. Similar to the state, it is expected that any workload or cost increase for district attorneys to prosecute the new civil infraction and unclassified misdemeanor under the bill will be minimal.

Denver County Court. The bill may minimally increase revenue, costs and workload for the Denver County Court to try misdemeanor cases under the bill.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

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| Counties | District Attorneys | Information Technology |
| Judicial | Municipalities | Natural Resources |
| Public Safety | Sheriffs | |