



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 23-0609
Prime Sponsors: Rep. DeGraaf

Date: May 10, 2023
Bill Status: Postponed Indefinitely
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Bill Topic: **SECOND AMENDMENT PRESERVATION ACT**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input 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 |

The bill would have created a civil penalty for enforcing or attempting to enforce federal laws that infringe on the right to bear arms. It also would have prohibited the state and political subdivisions from employing a person that has enforced such laws. Starting in FY 2023-24, state expenditures and workload would have increased on an ongoing basis.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: The fiscal note reflects the introduced bill. This bill was postponed indefinitely by the House State, Civic, Veterans, and Military Affairs Committee on February 6, 2023; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill would have prohibited any entity or person from enforcing federal laws that:

- levy a special tax, levy, fee, or stamp on a firearm that causes a chilling effect;
- register or track firearms;
- register or track the ownership of firearms;
- forbid the possession, ownership, use or transfer of firearms by law-abiding citizens; and
- order the confiscation of firearms from law-abiding citizens.

It also would have prohibited the state or any political subdivision from hiring law enforcement officers that enforced these laws. The bill would have established a civil penalty of \$50,000 for each violation. These penalties would have only applied to acts committed on or after the effective date of the bill.

State Expenditures

This fiscal note assumes high compliance with the provisions of the bill. Starting in FY 2023-24, to the extent that noncompliance occurs, state workload and expenditures will increase. Assuming cases are settled in favor of a plaintiff short of full litigation through trial, the state will have increased legal costs at \$105.74 per hour, increased costs to pay the civil penalty at \$50,000 per case, and have increased costs to cover the attorney fees of the prevailing party at an estimated \$10,259 per case. As it is unknown how many claims will be brought, any increase in appropriations will be addressed through the annual budget process.

Local Government

Similar to the state, local government workload and expenditures will increase if noncompliance occurs, and local governments must cover legal fees and pay out settlements.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to offenses committed on or after this date.

State and Local Government Contacts

Corrections
Higher Education
Law
Personnel
Revenue

Counties
Human Services
Municipalities
Public Safety
Sheriffs

District Attorneys
Judicial
Natural Resources
Regional Transportation District