



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Revised Fiscal Note

(replaces fiscal note dated February 24, 2023)

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<b>Drafting Number:</b>	LLS 23-0009	<b>Date:</b>	March 14, 2023
<b>Prime Sponsors:</b>	Rep. Froelich; Amabile Sen. Sullivan; Hansen	<b>Bill Status:</b>	Senate State Affairs
		<b>Fiscal Analyst:</b>	Clayton Mayfield   303-866-5851 clayton.mayfield@coleg.gov

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**Bill Topic:** WAITING PERIOD TO DELIVER A FIREARM

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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

The bill establishes a waiting period to deliver a firearm of three days or when required background checks are completed, whichever occurs later. Violations are a civil infraction punishable by a fine. The bill will have a minimal impact on state and local workload and revenues on an ongoing basis.

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**Appropriation Summary:** No appropriation is required.

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

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## Summary of Legislation

Starting October 1, 2023, the bill establishes a waiting period for the delivery of a firearm by a seller to a purchaser. Sellers must wait three days or until required background checks are completed, whichever occurs later in time. Violations are civil infractions punishable by a fine of \$500 for the first offense and ranging from \$500 to \$5,000 for subsequent offenses. Finally, the bill clarifies the authority of local governments to establish a waiting period longer than described in the bill.

## Background

Under current law, licensed dealers and private sellers are prohibited from transferring a firearm until necessary background checks are completed by the Colorado Bureau of Investigation (CBI).

## 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. Using Judicial Department data, 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 unlawfully selling a firearm until a waiting period has expired, a civil infraction. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of unlawfully transferring a firearm without required background checks, a class 1 misdemeanor, as a comparable crime. From FY 2019-20 through FY 2021-22, 19 persons were sentenced and convicted for this existing offense. Of the persons convicted, 16 were male and 3 were female. Demographically, 14 were White, 4 were Black, and 1 was Hispanic. Based on a yearly average of approximately 6 cases, the fiscal note assumes that there will be minimal case filings and convictions for the new offense under the bill. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be 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, are assumed to be minimal and no change in appropriations is required.

## Local Government

Similar to the state, it is expected that workload may minimally increase for district attorneys and Denver County Courts to the extent they are involved in civil infraction cases. Should a local government decide to enact a longer waiting period than specified in the bill, workload and costs may increase for those local governments to enforce their local ordinance.

## Effective Date

The bill takes effect October 1, 2023, assuming no referendum petition is filed, and applies to offenses committed on or after the applicable effective date.

## State and Local Government Contacts

Counties	Information Technology	Judicial
Municipalities	Public Safety	