



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Note

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<b>Drafting Number:</b>	LLS 23-0811	<b>Date:</b>	March 6, 2023
<b>Prime Sponsors:</b>	Sen. Mullica; Danielson Rep. Duran; Hamrick	<b>Bill Status:</b>	Senate State Affairs
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**Bill Topic:** INCREASING MINIMUM AGE TO PURCHASE 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

The bill prohibits, with exceptions, the possession of firearms by persons under 21 years of age and providing firearms to such persons. Starting in FY 2022-23, the bill may minimally impact state and local revenue and expenditures.

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

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**Fiscal Note Status:** The fiscal note reflects the introduced bill.

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## Summary of Legislation

Current law prohibits a person under the age of 18 from possessing or purchasing a handgun (a class 2 misdemeanor for a first offense and a class 5 felony for a second offense). Current law also prohibits a person from intentionally, knowingly, or recklessly providing or allowing a juvenile under the age of 18 to possess a handgun (a class 4 felony).

The bill prohibits the purchase or possession of any firearm by a person who is not 21 years of age or older. Correspondingly, the bill prohibits a person from knowingly or intentionally selling or transferring any firearm to a person who is not yet 21 years of age. The bill makes exceptions to these prohibitions for hunting, military and other job duties, and supervised use, among others. Failure to comply with the law is a class 2 misdemeanor for the first offense, and a class 5 felony for subsequent offenses. Persons convicted of the class 5 felony are prohibited from possessing any weapons pursuant to law.

The bill also prohibits a person from recklessly providing or allowing a juvenile under the age of 18 to possess any firearm, a class 4 felony. Under current law, this offense only applies to recklessly providing or allowing a juvenile to possess a handgun.

## **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. The following sections outline data on crimes that are comparable to the offenses in this bill and discuss assumptions on future rates of criminal convictions under the bill. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

- **Possession of handgun by a juvenile.** This bill creates a new factual basis for the existing offense of possession of a handgun by a juvenile, a class 2 misdemeanor for a first offense and a class 5 felony for subsequent offenses, by increasing the age to possess any firearm to 21 years. From FY 2019-20 to FY 2021-22, seven offenders have been sentenced and convicted for this offense. Of the persons convicted, six were male and one was female. Demographically, four were white, and three were Black/African-American.
- **Unlawfully providing or permitting a juvenile to possess a handgun.** This bill creates a new factual basis for the existing offense of unlawfully providing or permitting a juvenile under the age of 18 to possess a handgun, a class 4 felony, by changing “handgun” to “firearm.” The bill also reclassifies this offense as a class 2 misdemeanor for a first offense and a class 5 felony for a second or subsequent offense when a firearm is knowingly or intentionally provided to someone under the age of 21. The remaining portion of the existing class 4 felony offense is limited only to recklessly providing or permitting a juvenile under the age of 18 to possess a firearm. From FY 2019-20 to FY 2021-22, eight offenders have been sentenced and convicted for this offense as it exists under current law. Of the persons convicted, six were male and two were female, all White.
- **Unlawfully providing or permitting unsupervised use of a firearm other than a handgun by a juvenile without parental permission.** The bill also repeals the existing class 1 misdemeanor offense of providing or permitting unsupervised use of a firearm other than a handgun by a juvenile without parental permission. The conduct covered by this offense will be instead covered by the expanded class 2 misdemeanor offense of unlawfully providing or permitting a juvenile to possess a firearm under the bill. From FY 2019-20 to FY 2021-22, seven offenders have been sentenced and convicted for this offense. Of the persons convicted, four were male and three was female. Demographically, six were white, and one was Hispanic. The repeal of this offense and reclassifying similar conduct as a slightly less serious misdemeanor is not expected, on net, to have a tangible impact on the criminal justice system.
- **Assumptions.** The bill expands the pool of people who may be subject to the weapons-related offenses in the bill by raising the age limit from 18 to 21, as well as the type of weapons that are covered by the offenses (all firearms, not just handguns). The latter change applies to all people under 21. However, given the relatively small number of cases and convictions under current law, the bill’s various exceptions, and the assumption that most people, especially businesses, will comply with the law, any increase in cases is assumed to be modest, likely less than 10 to 20 misdemeanor cases per year. Felony cases for second and subsequent offenses are assumed to be rare. Also, many prosecutions under the bill, especially for possession-related offenses, will likely occur as part of a broader criminal action for other crimes, which will limit the overall impact of the bill’s new and modified offenses on the criminal justice system.

## **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, Division of Probation, and agencies that provide representation to indigent persons, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

## **Local Government**

It is expected that the bill will increase costs for district attorneys to prosecute more offenses, or for county jails to imprison more individuals under the bill. District attorney offices and county jails are funded by counties.

## **Technical Note**

The prohibited conduct in Section 18-12-108.5(1)(a.5), as modified by the bill (knowingly or intentionally transferring or selling a firearm to a person under the age of 21), appears not to have a penalty classification specified. The fiscal note assumes that this prohibited conduct is subject to the same penalties as for Section 18-12-108.5(1)(a) in the bill, which is grouped under the offense of “illegal possession, purchase, sale, or transfer of a firearm,” which appears intended to cover the conduct described in both sections.

## **Effective Date**

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

## **State and Local Government Contacts**

Corrections  
District Attorneys  
Judicial  
Sheriffs

Counties  
Human Services  
Municipalities

Denver County Courts  
Information Technology  
Public Safety