



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1171: POSSESS OF WEAPON BY PREVIOUS OFFENDER CRIMES

Prime Sponsors:

Rep. Bird; Boesenecker

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Fiscal note status: This fiscal note reflects the introduced bill.

Summary Information

Overview. The bill adds motor vehicle theft in the first and second degree to crime of possession of weapons by a previous offender.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- State Revenue
- State Expenditures
- Local Government

Appropriations. For FY 2025-26, the bill requires a \$16,026 appropriation to the Judicial Department.

Table 1
State Fiscal Impacts

Type of Impact¹	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$20,001	\$20,001
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.2 FTE	0.2 FTE

¹ Fund sources for this impact are shown in the table below.

Table 1A
State Expenditures

Fund Source	Budget Year FY 2025-26	Out Year FY 2026-27
General Fund	\$16,026	\$16,026
Cash Funds	\$0	\$0
Federal Funds	\$0	\$0
Centrally Appropriated	\$3,975	\$3,975
Total Expenditures	\$20,001	\$20,001
Total FTE	0.2 FTE	0.2 FTE

Summary of Legislation

The bill adds motor vehicle theft in the first, second, and third degree to crime of possession of weapons by a previous offender (POWPO).

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 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

This bill creates a new factual basis for the existing offense of POWPO by adding motor vehicle theft to the list of crimes where an offender cannot possess a firearm. From FY 2021-22 to FY 2023-24, 3,051 individuals have been convicted and sentenced for this offense. Of the persons convicted, 2,863 were male, 169 were female, and 19 did not have a gender identified. Demographically, 2,007 were White, 802 were Black/African American, 149 were Hispanic, 22 were Asian, 23 were American Indian, 31 were classified as "Other," and 17 did not have a race identified.

Assumptions

Based on an analysis of POWPO criminal histories and sentencing conducted by the Judicial Department, the fiscal note estimates that 19 additional cases per year will result from the bill, with 18 additional sentences to probation and minimal additional sentences to the Department of Corrections (DOC). Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

Based on the low number of new cases assumed in the assumption section, the fiscal note assumes that any increase in revenue from criminal fines and fees will be minimal. The fine penalty for a class 5 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

The bill increases state expenditures in the Judicial Department by \$16,026 per year starting in FY 2025-26. These costs, paid from the General Fund, are summarized in Table 2 and discussed below. In addition, the bill may minimally impact costs in the Department of Corrections.

Table 2
State Expenditures
Judicial Department

Cost Component	Budget Year FY 2025-26	Out Year FY 2026-27
Personal Services	\$16,026	\$16,026
Centrally Appropriated Costs	\$3,975	\$3,975
Total Costs	\$20,001	\$20,001
Total FTE	0.2 FTE	0.2 FTE

Judicial Department

Staff

Based on the assumed number of court cases and sentences to probation, the bill requires 0.2 FTE probation officer beginning July 2025. Workload for the courts is assumed to be absorbable. Pursuant to common policies, operating and capital outlay costs are not included.

Agencies Representing Indigent Offenders

Workload and costs may increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Counsel. Overall, it is assumed these impacts can be accomplished within existing 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

To the extent that this bill increases the number of persons sentenced to prison for POWPO, costs will increase. However, at this time it is assumed that the likelihood of persons being sentenced to the custody of the DOC is minimal and that any increase in costs will be addressed through the annual budget process, if necessary.

Local Government

By changing the elements of POWPO, the bill will increase workload and costs for district attorneys to prosecute these cases. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Effective Date

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

State Appropriations

For FY 2025-26, the bill requires an appropriation of \$16,026 from the General Fund to the Judicial Department, and 0.2 FTE.

Departmental Difference

The Judicial Department estimates the bill requires an appropriation of about \$50,000 in FY 2025-26 and \$32,000 in out years for 0.3 FTE. This includes 0.2 FTE probation officer and 0.1 FTE support staff, as well as operating and capital outlay costs. The fiscal note does not include the support staff assuming the minimal FTE can be supported within existing resources. In addition, operating and capital outlay costs have been excluded pursuant to fiscal note common policies.

State and Local Government Contacts

Corrections

Judicial

District Attorneys

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).