

*Colorado Legislative Council Staff*  
**FISCAL IMPACT**

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<b>Drafting Number:</b> LLS 00-0713	<b>Date:</b> January 23, 2000
<b>Prime Sponsor(s):</b> Rep. Zimmerman Sen. Phillips	<b>Bill Status:</b> House SVMA <b>Fiscal Analyst:</b> Geoff Barsch (303-866-4102)

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**TITLE:** CONCERNING THE PROHIBITION OF THE PURCHASE OF HANDGUNS AT GUN SHOWS BY PERSONS UNDER TWENTY-ONE YEARS OF AGE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

<b>Fiscal Impact Summary</b>	<b>FY 2000/2001</b>	<b>FY 2001/2002</b>
<b>State Revenues</b> General Fund	Fine Revenue	Fine Revenue
<b>State Expenditures</b> General Fund	\$69,467	\$95,705
<b>FTE Position Change</b>	0.0 FTE	0.0 FTE
<b>Other State Impact:</b> TABOR		
<b>Effective Date:</b> Upon signature of the Governor.		
<b>Appropriation Summary for FY 2000-2001:</b> \$69,467 GF for the Department of Corrections-Capital Construction Fund		
<b>Local Government Impact:</b> See Local Government Impact Section		

**Summary of Legislation**

This bill would prohibit the transfer of handguns at gun shows to persons under 21 years of age. This bill creates a class 1 misdemeanor for: 1) failing to request identification for any transferee; 2) a person under 21 years of age to buy, trade, or rent a handgun at a gun show; or 3) to misrepresent information to obtain a handgun from a transferer. This bill would create a class 4 felony to knowingly transfer a handgun to any person under 21 years of age.

**State Revenues**

Since the bill creates a new class 1 misdemeanor and a class 4 felony, there will be an impact on the state General Fund due to fine revenue collected:

- a class 1 misdemeanor carries a penalty of a \$500 to \$5,000 fine; and
- a class 4 felony carries a penalty of a \$2,000 to \$500,000 fine.

Any fine assessed is deposited into the General Fund. It is at the discretion of the court whether to impose a fine, a jail sentence, or both. Therefore, the amount of fine revenue cannot be determined.

**State Expenditures**

This bill creates a new crime which makes it illegal to transfer a handgun to any person under 21 years of age. The federal Gun Control Act of 1968, as amended, makes it illegal for a gun dealer to sell a handgun to any person under 21 years of age. Under Colorado law, Section 18-12-108.7, C.R.S., it is a class 4 felony to provide a juvenile with a handgun. It is not known how many private transfers of handguns occur at guns shows. In FY 1998-99, there were 8 offenders charged with providing a juvenile with a handgun. Of these, 2 were convicted, 1 as a class 4 felony. It estimated that raising the age from 18 to 21 would add 1 additional offender (based on the addition of a 3-year age range of prohibition). The projected length of stay for this offense is 31.0 months. This would generate an ADA of 1.0 after one year, 2.0 after two years, and 2.6 thereafter.

**Five-Year Fiscal Impact on Correctional Facilities**

Section 2-2-703, C.R.S., requires that bills resulting in a net increase in periods of imprisonment not be passed without five years of appropriations for prison bed construction and operating costs. Construction costs are estimated to be \$69,467 per bed and operating costs \$26,238 per bed. It should be noted that the construction costs reflect the funding needed to construct the beds in the fiscal year prior to when the additional offenders would enter the system.

<b>FIVE-YEAR FISCAL IMPACT ON CORRECTIONAL FACILITIES</b>				
<b>Fiscal Year</b>	<b>ADA Impact</b>	<b>Construction Cost</b>	<b>Operating Cost</b>	<b>Total Cost</b>
<b>FY 2000-2001</b>	0.0	\$69,467	\$0	\$69,467
<b>FY 2001-2002</b>	1.0	69,467	26,238	95,705
<b>FY 2002-2003</b>	2.0	40,522	52,476	92,998
<b>FY 2003-2004</b>	2.6	0	67,782	67,782
<b>FY 2004-2005</b>	2.6	0	67,782	67,782
<b>TOTAL</b>		\$179,456	\$214,277	\$393,733

**Local Government Impact**

This bill would have a fiscal impact on local government due to the possible increase in county court filings for misdemeanor offenses and the associated county jail sentences. According to a 1993 report from the State Auditor's Office, the average daily cost to house an offender in a county jail is \$54. Because the sentencing court has the discretion to impose a fine, a jail sentence, or both, the impact upon local governments is unknown at this time.

**State Appropriations**

This fiscal note indicates the Department of Corrections will require a General Fund appropriation of \$69,467 for FY 2000-01, and \$324,266 over the remainder of the five-year period pursuant to Section 2-2-703, C.R.S.

**Departments Contacted**

Corrections    Judicial-State Court Administrator and Public Defender  
Public Safety