

**STATE and LOCAL  
FISCAL IMPACT**

**Drafting Number:** LLS 11-0175  
**Prime Sponsor(s):** Rep. Holbert  
 Sen. Brophy

**Date:** February 22, 2011  
**Bill Status:** House Judiciary  
**Fiscal Analyst:** Jessika Shipley (303-866-3528)

**TITLE:** CONCERNING THE AUTHORITY OF A LAW-ABIDING PERSON TO CARRY A CONCEALED HANDGUN WITHOUT A PERMIT.

<b>Fiscal Impact Summary</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
<b>State Revenue</b> Cash Funds Fines Collection Cash Fund	Potential decrease	
<b>State Expenditures</b> General Fund	Minimal decrease	
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill becomes effective upon signature of the Governor, or upon becoming law without his signature, and applies to offenses committed on or after that date.		
<b>Appropriation Summary for FY 2011-2012:</b> None required		
<b>Local Government Impact:</b> Minimal decrease		

**Summary of Legislation**

Current law prohibits carrying a concealed weapon and carrying a weapon on school, college, or university grounds with certain exceptions. Unlawfully carrying a concealed weapon is a class 2 misdemeanor and unlawfully carrying a weapon on school, college, or university grounds is a class 6 felony.

This bill adds any person who may legally possess a handgun under United States and Colorado law to the list of exceptions. Pursuant to the bill, anyone who may legally possess a handgun and who carries a concealed handgun has the same rights and is subject to the same limitations as a concealed handgun permit holder.

**State Revenue**

The bill may decrease state revenue from fines because fewer people can be charged with a criminal offense for carrying a handgun. However, the annual revenue reduction is expected to be very small. The penalty for a class 2 misdemeanor is 3 to 12 months in a county jail; a fine of \$250 to \$1,000; or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

### **State Expenditures**

**Judicial Branch.** Because fewer people can be charged with a criminal offense for carrying a handgun, the bill will reduce the trial caseload of the Judicial Branch, but the reduction is expected to be minimal. The vast majority of individuals who are charged each year with carrying a concealed weapon are also charged with another crime or are otherwise legally prohibited from possessing a firearm.

**Department of Corrections.** There are currently 14 offenders serving a prison sentence for the class 6 felony of unlawfully carrying a weapon on school, college, or university grounds. All of those offenders have a prior felony conviction, which prohibits them from legally possessing a weapon under federal and state law. As such, the bill will not reduce the number of incarcerations in the department.

### **Local Government Impact**

The bill has the potential to reduce the number of individuals incarcerated in county jails. The penalty for a class 2 misdemeanor is 3 to 12 months imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. For the current fiscal year, the state reimburses county jails a daily rate of \$50.44 to house state inmates. It is assumed that the impact of this bill will be minimal.

### **Departments Contacted**

Corrections

Human Services

Judicial