

  
*Colorado Legislative Council Staff Fiscal Note*  
**FINAL**  
**FISCAL NOTE**

<b>Drafting Number:</b> LLS 12-0419	<b>Date:</b> June 25, 2012
<b>Prime Sponsor(s):</b> Sen. Neville Rep. Baumgardner	<b>Bill Status:</b> Postponed Indefinitely
	<b>Fiscal Analyst:</b> Hillary Smith (303-866-3277)

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

Fiscal Impact Summary	FY 2012-2013	FY 2013-2014
<b>State Revenue</b> Cash Funds CBI Identification Unit Fund Fines Collection Cash Fund		Potential decrease Potential decrease
<b>State Expenditures</b> General Fund		Minimal decrease
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was postponed indefinitely by the Senate State, Veterans, & Military Affairs Committee on January 23, 2012.		
<b>Appropriation Summary for FY 2012-2013:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact Section.		

**Summary of Legislation**

Current law prohibits carrying a concealed weapon and carrying a weapon on school, college, or university grounds with certain exceptions. This bill would have expanded the exceptions to include any person who is at least 21 years old and who may legally possess a handgun under United States and Colorado law. Pursuant to the bill, anyone who may legally possess a handgun and who carries a concealed handgun would have had the same rights and been subject to the same limitations as a concealed handgun permit holder. 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.

**State Revenue**

It is unclear whether the number of applicants for concealed carry permits would have changed as a result of this bill. Although Colorado residents would no longer need a concealed carry permit in order to carry a concealed weapon in Colorado, some residents may still have decided to purchase a permit because they are recognized as valid in 30 other states.

If applicants declined, the bill had the potential to decrease cash fund revenue from applicant fees. Currently, individuals who apply for a concealed carry permit must pay a \$52.50 fee to the Colorado Bureau of Investigation (CBI) to pay for a background and fingerprint check. Individuals who renew a concealed carry permit must pay a \$13 fee to the CBI. Revenue from such fees is deposited in the CBI Identification Unit Fund. Any potential decrease in applicants for concealed carry permits cannot be estimated at this time.

The bill also had the potential to decrease state cash fund revenue from fines because fewer people could have been charged with a criminal offense for carrying a handgun. However, the annual revenue reduction was 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. The penalty for a class 6 felony is 1 year to 18 months in prison; a fine of \$1,000 to \$100,000, 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 could not be determined.

### **State Expenditures**

**Judicial Branch.** Because fewer people can be charged with a criminal offense for carrying a handgun, the bill would have reduced the trial caseload of the Judicial Branch. However, the reduction was expected to be minimal. The 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.** As of July 30, 2011, there were five offenders serving a prison sentence for the class 6 felony of unlawfully carrying a weapon on school, college, or university grounds. All of the offenders were convicted of other offenses in addition to unlawfully carrying a weapon. Therefore, the bill was not expected to reduce the number of individuals incarcerated in the Department of Corrections.

**Department of Public Safety.** If fewer people applied for or renewed concealed carry permits, the workload of the CBI may have been reduced. However, the potential reduction in permits cannot be calculated at this time.

### **Local Government Impact**

The bill had 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 would have been minimal.

If applicants for concealed carry permits declined, the bill also had the potential to reduce fee revenue for county sheriffs. Currently, individuals who apply for a concealed carry permit pay county sheriffs a fee of no more than \$100 in order to cover any administrative and training costs associated with granting the permit. Individuals who apply to renew a concealed carry permit pay a fee of no more than \$50. If the number of individuals who applied for or renewed concealed carry permits decreased as a result of this bill, fee revenue for county sheriffs also would have decreased. The potential reduction cannot be calculated at this time.

**Departments Contacted**

Corrections  
Higher Education  
Law

District Attorneys  
Human Services  
Public Safety

Education  
Judicial  
Sheriffs