

**FINAL  
FISCAL NOTE**

**Drafting Number:** LLS 13-0321  
**Prime Sponsor(s):** Rep. Buck  
 Sen. Renfroe

**Date:** May 20, 2013  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Clare Pramuk (303-866-2677)

**TITLE:** CONCERNING CHANGES TO THE CRIMES ELIGIBLE FOR POSSESSION OF WEAPONS BY PREVIOUS OFFENDERS.

<b>Fiscal Impact Summary</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>State Revenue</b>	See State Revenue section.	
<b>State Expenditures</b> General Fund - Reduction		(\$728,560)
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was postponed indefinitely by the House Judiciary Committee on April 2, 2013.		
<b>Appropriation Summary for FY 2013-2014:</b> None required		
<b>Local Government Impact:</b> See Local Government Impact.		

**Summary of Legislation**

Under current law, the crime of possession of weapons by previous offenders applies to all felony convictions. This bill limits the applicable felonies to those under the Victim's Rights Act, as well as burglary, arson, or any felony involving the use of force or a deadly weapon.

**Background**

Since FY 2008-09, over 18,000 offenders have been released from the Colorado Department of Corrections (DOC) whose most serious crime was categorized as non-violent and have not returned as of December 31, 2012. Approximately 35 prior offenders are returned to DOC annually with a conviction for previous offender weapons possession.

**State Revenue**

Because some previous offenders will become eligible to possess weapons, this bill is expected to result in an increase in the purchase of hunting licenses. As there are nearly 500,000 hunting licenses issued annually, any increase from this bill is not expected to be a significant fiscal impact for the Division of Parks and Wildlife in the Department of Natural Resources.

## State Expenditures

**This bill is expected to reduce General Fund expenditures by \$728,560 each year beginning in FY 2014-15.** No change is expected for FY 2013-14.

**Department of Corrections.** Under current law, a previous offender who is convicted for possession of a weapon is returned to the DOC for approximately one year depending on the severity of the charge. Beginning in FY 2014-15, this bill will reduce by approximately 35, the number of previous offenders returned annually to DOC, and result in a General Fund savings of \$728,560.

Offenders placed in a private contract prison cost the state about \$57.03 per offender per day, including the current daily rate of \$52.69 and an estimated \$4.34 per offender per day for medical care provided by the DOC. Table 1 shows the estimated savings from the bill over the next two fiscal years.

<b>Fiscal Year</b>	<b>Inmate Bed Impact</b>	<b>Operating Cost Per Offender</b>	<b>Total Cost (Savings)</b>
FY 2013-14		\$20,816	
FY 2014-15	(35.0)	20,816	(\$728,560)
<b>Total</b>	(35.0)		(\$728,560)

**Colorado Bureau of Investigation (CBI), Department of Public Safety.** The CBI processes criminal background checks for gun purchasers. Because federal law prohibits the possession of a firearm by anyone with a felony conviction, a prior offender will likely be denied a firearm purchase. The prior offender will need to appeal his or her eligibility to the CBI. An appeal requires research by the CBI to determine if the prior offender is eligible to possess a firearm. Because the number of appeals are not known, the fiscal note does not include an estimate of funding for this effort. If additional funding is required, it will be requested through the annual budget process.

**Judicial Branch.** The Judicial Branch is expected to see a reduction in cases where the weapons possession is the only charge a previous offender is facing. There are approximately 290 such cases per year of weapons possession but it is not known how many of those previous offenders will be affected by the legislation. Any reduction in caseload is expected to have minimal fiscal impact on the Judicial Branch.

## Local Government Impact

If prior offenders choose to apply for concealed carry permits, the bill has the potential to increase 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. The potential increase cannot be estimated at this time.

**Departments Contacted**

Corrections  
Local Affairs

Counties  
Municipalities

Human Services  
Public Safety

Judicial  
Sheriffs