

**FINAL  
FISCAL NOTE**

---

<b>Drafting Number:</b> LLS 13-0725	<b>Date:</b> May 13, 2013
<b>Prime Sponsor(s):</b> Rep. Landgraf Sen. Lundberg	<b>Bill Status:</b> Postponed Indefinitely
	<b>Fiscal Analyst:</b> Kerry White (303-866-3469)

---

**TITLE:** CONCERNING THE INAPPLICABILITY OF CERTAIN FEDERAL FIREARMS LAWS WITHIN COLORADO.

<b>Fiscal Impact Summary</b>	<b>FY 2013-2014</b>	<b>FY 2014-2015</b>
<b>State Revenue</b> Cash Funds Fines Collection Cash Fund	Potential increase - see State Revenue section.	
<b>State Expenditures</b>	Potential increase - see State Expenditures section.	
<b>FTE Position Change</b>		
<b>Effective Date:</b> The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 18, 2013 .		
<b>Appropriation Summary for FY 2013-2014:</b> None required.		
<b>Local Government Impact:</b> See Local Government Impact section.		

**Summary of Legislation**

The bill prohibits the state from enforcing any federal law or regulation that was effective on or after January 1, 2013, that restricts the possession of a firearm, firearm accessory, or ammunition, or creates a registration requirement. An exception is created for those restrictions or requirements that already exist under Colorado law. It is a class 1 misdemeanor for an employee or agent of the federal government to enforce, within Colorado, any federal laws and regulations prohibited by the bill. Finally, it permits the Attorney General in the Department of Law to defend a Colorado resident who is prosecuted by the federal government for alleged violations of federal law that are not enforceable within Colorado.

**State Revenue**

Conditional upon the federal government promulgating rules or law that would become unenforceable in Colorado, this bill could increase state revenue if federal employees or agents are found to have violated state law. The fine penalty for a class 1 misdemeanor ranges from \$500 to \$5,000. Because courts have the discretion of incarceration or imposing a fine, and it is unknown whether the conditions where penalties may occur will exist, the amount of any increase in state revenue cannot be determined. Fine revenue is credited to the Fines Collection Cash Fund in the Judicial Department.

## **State Expenditures**

Conditional upon the federal government promulgating rules or law that would become unenforceable in Colorado under HB13-1187, this bill could increase state expenditures for the state courts in the Judicial Department and Department of Law.

**Judicial Department.** To the extent that federal employees and agents attempt to enforce federal law in violation of HB13-1187 and are prosecuted, workload could increase in state courts. This analysis assumes any increase in workload would be minimal and not require an increase in appropriations.

**Department of Law.** This bill authorizes, but does not require, the Attorney General to defend Colorado citizens accused of violating federal law or regulations. This analysis assumes that the bill could increase workload for the Department of Law, but that any decisions to become involved in such cases will be made based upon available resources and not require additional appropriations.

**Technical note.** Because federal law generally trumps state law, this bill could increase state expenditures should the federal government wish to challenge this law in whole or part. These costs have not been estimated.

## **Local Government Impact**

Conditional upon the federal government promulgating rules or law that would become unenforceable in Colorado, this bill could increase workload for units of local government to monitor federal policy making and ensure its policies carve out exceptions for those that are not enforceable in Colorado under this bill. This impact is anticipated to be minimal. In addition, to the extent that any federal employees or agents are convicted of a class 1 misdemeanor and are sentenced to a period of incarceration, costs could increase for county jails. The penalty for a class 1 misdemeanor is 6 to 18 months imprisonment in a county jail, a fine of \$500 to \$5,000, 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. It is assumed that the impact of this bill will be minimal.

## **Departments Contacted**

Counties  
Law

District Attorneys  
Municipalities

Judicial  
Public Safety