

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0035	Date: January 29, 2014
Prime Sponsor(s): Sen. Baumgardner; Herpin	Bill Status: Senate SVMA
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SHORT TITLE: REPEAL LARGE-CAPACITY AMMUNITION MAGAZINE BAN

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
Cash Funds	(<\$5,000)	(<\$5,000)
State Expenditures	Minimal reduction. See the State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

** This summary shows changes from current law under the bill for each fiscal year. Parentheses indicate a decrease in funds.*

Summary of Legislation

This bill repeals the prohibition on the sale, transfer, and possession of large-capacity ammunition magazines. It also repeals the requirement that a magazine manufactured in Colorado have a permanent stamp or marking indicating it was produced after July 1, 2013.

Background

The law repealed under this bill was created by House Bill 13-1224. Among its many provisions, that bill established four new criminal offenses (one class 6 felony, two class 1 misdemeanors, and one class 2 misdemeanor). The fiscal note assumed that one offender every five years would be convicted of a class 6 felony and be incarcerated in the custody of the Department of Corrections (DOC). However, the DOC did not receive an appropriation for this assumed violation with that bill. Between July 1, 2013, and January 14, 2014, only one criminal case has been filed, which is still pending.

State Revenue

As discussed in the Background section, the fiscal note for HB13-1224 assumed a potential increase of less than \$5,000 per year for criminal violations. In the past year, no revenue has been received and only one case is pending. Due to the low number of existing criminal cases, this analysis assumes the bill will reduce revenue credited to the Fines Collection Cash Fund in the Judicial Department by less than \$5,000 per year.

State Expenditures

This bill will reduce state expenditures by a minimal amount. As discussed above, there has been only one case of a person violating the prohibitions for high-capacity ammunition magazines and no cases of failure to apply a manufacturer's stamp in the past year. At the time that HB13-1224 was enacted, it was assumed that any increase in workload for the courts and associated agencies within the Judicial Department could be addressed within existing appropriations. As such, no reductions in appropriations are required under HB14-1151. In addition, while it was assumed one person every five years would be incarcerated for offenses of the prohibitions, no appropriation was provided to the DOC. As no one has been incarcerated, no changes in costs for the DOC are anticipated.

Local Government Impact

This bill could reduce costs and workload associated with not having to investigate or prosecute offenses for violating the prohibitions against high-capacity ammunition magazines or failing to apply a manufacturer's stamp. It could also reduce jail costs for any persons who would have been convicted of an offense. Because the courts have the discretion of incarceration or imposing a fine, and no persons have been convicted of these crimes, it is not possible to calculate the reduction in local costs. 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 at a daily rate of \$51.45 to house state inmates. It is assumed that the impact of this bill will be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections
Judicial
Natural Resources

Counties
Local Affairs
Public Safety

District Attorneys
Municipalities