

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 15-0044	Date: February 9, 2015
Prime Sponsor(s): Sen. Holbert; Cooke Rep. Humphrey	Bill Status: Senate Judiciary
	Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: AMMUNITION MAGAZINES

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue	Potential minimal reduction. See State Revenue section.	
State Expenditures	Minimal reduction. See State Expenditures section.	
FTE Position Change		
Appropriation Required: None.		

* *This summary shows changes from current law under the bill for each fiscal year.*

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The law repealed under this bill was created by House Bill 13-1224.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 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. Since HB13-1224 took effect, nine cases have been filed. Of these nine cases, one conviction was entered in November 2014. The offender was not assessed a fine or sentenced to a term of incarceration.

State Revenue

The fiscal note for HB13-1224 assumed a potential increase of less than \$5,000 per year for fines as a result of any convictions. In the past year, no revenue has been received and very few cases have been filed. Therefore, the fiscal note assumes any potential future reduction in revenue will be minimal.

State Expenditures

This bill will reduce state expenditures by a minimal amount, primarily by reducing workload for the trial courts in the Judicial Department. There has been only one conviction of a person violating the prohibition on high-capacity ammunition magazines and no cases of failure to apply a manufacturer's stamp since the enactment of HB13-1224. At the time that bill 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 this bill. 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. Given that no one has been incarcerated under HB13-1224, no changes in costs for the DOC are anticipated with its repeal.

Local Government Impact

This bill could reduce costs and workload for local law enforcement and district attorneys not having to investigate or prosecute violations of 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 sentenced to jail, it is assumed that reductions in costs for local governments under the bill will be minimal.

TABOR Impact

This bill may reduce revenue from fines, which will reduce the amount required to be refunded under TABOR beginning in FY 2015-16. TABOR refunds are paid from the General Fund in the year following the excess collections.

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
Sheriffs

Counties
Municipalities

District Attorneys
Public Safety