

Colorado Legislative Council Staff

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 02-0773
Prime Sponsor(s): Rep. Borodkin

Date: February 11, 2002
Bill Status: House State Affairs
Fiscal Analyst: Geoff Barsch (303-866-4102)

TITLE: CONCERNING SAFE STORAGE OF FIREARMS TO PREVENT JUVENILE POSSESSION OF FIREARMS.

Fiscal Impact Summary	FY 2002/2003	FY 2003/2004
State Revenues General Fund	Potential Find Revenue	
State Expenditures General Fund	\$0	\$0
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: None		
Effective Date: July 1, 2002		
Appropriation Summary for FY 2002/2003: No appropriation required		
Local Government Impact: See Local Government Impact section		

Summary of Legislation

This bill creates a class 3 misdemeanor for negligent storage of a firearm. The charge of negligent storage of a firearm applies to criminally negligent owners of stored firearms that are taken by a juvenile who then: 1) possesses the firearm in a public place; 2) uses the firearm in violation of state or federal law; or 3) discharges the firearm. Exceptions are provided if the juvenile possesses or uses the firearm:

- under direct parental or guardian supervision;
- in self-defense;
- defending his or her home;
- while attending a hunter safety or firearm safety course;
- at a shooting range;
- while hunting under a valid hunting license;
- while practicing for or engaging in an organized performance or competition; or
- as a result of a robbery or burglary.

State Revenues

Since this bill creates a class 3 misdemeanor, there may be an impact to the state General Fund. The penalty for a class 3 misdemeanor is a fine of \$50 to \$750, a jail term of up to six months, or both. Fine revenue not otherwise appropriated is deposited into the state General Fund. Courts have the discretion to impose a fine, jail sentence, or both. While the amount of fine revenue cannot be determined, Legislative Council staff estimates that 16 percent of all misdemeanor convictions include a fine. The average fine for a class 3 misdemeanor is \$362. Due to the low number of anticipated convictions, a **minimal amount of fine revenue is anticipated as a result of this bill.**

Local Government Impact

This bill may have a fiscal impact on local governments due to an increase in class 3 misdemeanor convictions and the associated jail sentences. While the daily cost to house an offender in a county jail facility varies, the FY 2001-02 rate the state pays local jails for holding state inmates is \$51.65 per offender per day. The costs for an offender convicted of a class 3 misdemeanor could be as much as \$9,297. Because the court has the discretion to impose a fine, a jail sentence, or both, any cost to local governments cannot be determined at this time.

State Appropriations

No appropriation is required.

Departments Contacted

Judicial Public Defender's Office