


Colorado Legislative Council Staff Fiscal Note
FINAL
FISCAL NOTE

Drafting Number: LLS 08-0721
Prime Sponsor(s): Sen. Brophy
 Rep. Stephens

Date: June 4, 2008
Bill Status: Postponed Indefinitely
Fiscal Analyst: Marc Carey (303-866-4102)

TITLE: CONCERNING A CIVIL ACTION FOR DAMAGES SUFFERED IN A GUN-FREE ZONE.

| Fiscal Impact Summary | FY 2008-2009 | FY 2009-2010 |
|---|--------------|--------------|
| State Revenue | \$0 | \$0 |
| State Expenditures | \$0 | \$0 |
| FTE Position Change | 0.0 FTE | 0.0 FTE |
| Effective Date: The bill was postponed Indefinitely by the Senate State, Veterans and Military Affairs Committee on February 11, 2008. | | |
| Appropriation Summary for FY 2008-2009: None Required. | | |
| Local Government Impact: See Local Government Impact section. | | |

Summary of Legislation

This bill waives sovereign immunity and creates a new civil cause of action against a governmental entity that, by order, rule, or procedure, creates a gun-free zone. The bill allows a person injured from criminal conduct in the zone to recover damages from the entity that created the zone, if a reasonable person would believe that possession of a firearm would have helped the person defend him or herself, and reasonable security measures were not provided. The plaintiff is entitled to treble damages if:

- the conduct results from a terrorist attack; or
- the plaintiff is disabled, over 65, or a racial or ethnic minority.

State Expenditures

Cases brought against state entities that have created gun free zones would be defended by the Attorney General, and any judgments imposed would be paid from the General Fund. Any impact is conditional upon an individual being injured by criminal behavior in a gun-free zone, and bringing a case against a state entity that created the zone.

Local Government Impact

Cases brought against local governments that have created gun-free zones would be defended and paid for by such entities. Any impact is conditional upon an individual being injured by criminal behavior in a zone, and bringing a case against the local government that created the zone.

Departments Contacted

Judicial

Law