



Colorado Legislative Council Staff Fiscal Note

NO FISCAL IMPACT

Drafting Number: LLS 09-0356**Date:** January 21, 2009**Prime Sponsor(s):** Sen. Brophy**Bill Status:** Senate SVMA**Fiscal Analyst:** Sara McPhee (303-866-4782)

TITLE: CONCERNING THE PROTECTION OF RIGHTS GUARANTEED BY THE SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION.**Summary of Legislation**

This bill prohibits local governments from enacting any ordinance, regulation, or law that requires a person to store a gun in any way that renders it inoperable. This includes requiring the gun to be disassembled or secured with a trigger lock device. Any existing local law or ordinance requiring these provisions becomes void when the bill is enacted.

The bill also permits a gun manufacturer in Colorado to sell any gun or gun accessories within Colorado to a Colorado resident if the items were manufactured in Colorado, even if federal law prohibits it. This bill becomes law upon signature by the Governor or upon the bill becoming law without his signature.

Assessment

Any local government that currently has a law requiring gun owners to store their weapons in a way that renders them inoperable will have to change the law in order to comply with state law. Local governments may have some administrative costs associated with changing an ordinance; however, these costs are expected to be minimal.

This fiscal note assumes that the proposed law is constitutional; therefore, the bill is assessed as having no fiscal impact. However, any law enacted by the General Assembly is subject to legal challenge. If local governments or citizen groups challenge the law, the Department of Law may incur costs for litigation. Local governments with an ordinance that requires a gun to be inoperable when stored may challenge the law under home rule. Citizen groups may challenge the provision allowing gun dealers to sell any weapon regardless of federal law under the supremacy clause of the U.S. Constitution.

Departments Contacted

Law

Judicial

Public Safety

Local Affairs