

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0044
Prime Sponsor(s): Rep. Holbert
 Sen. Hill

Date: February 6, 2013
Bill Status: House Judiciary
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TITLE: CONCERNING THE AUTHORITY OF A LAW-ABIDING PERSON TO CARRY A CONCEALED HANDGUN WITHOUT A PERMIT.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
Cash Funds		
CBI Identification Cash Fund	Decrease — See State Revenue section.	
Fines Collection Cash Fund	Decrease — See State Revenue section.	
State Expenditures		
General Fund	See State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: See Local Government Impact Section.		

Summary of Legislation

Current law prohibits carrying a concealed weapon without a permit and carrying a weapon on school, college, or university grounds with certain exceptions. This bill expands the exceptions to include any person who is at least 21 years old and who may legally possess a handgun under United States and Colorado law. Pursuant to the bill, anyone who may legally possess a handgun and who carries a concealed handgun has the same rights and is subject to the same limitations as a concealed handgun permit holder. One such limitation is a prohibition on carrying a concealed handgun in public elementary, middle, or high schools. Unlawfully carrying a concealed weapon is a class 2 misdemeanor and unlawfully carrying a weapon on school, college, or university grounds is a class 6 felony.

State Revenue

It is unclear whether the number of applicants for concealed carry permits will change as a result of this bill. Although Colorado residents will no longer need a concealed carry permit in order to carry a concealed weapon in Colorado, some residents may still decide to purchase a permit because they are recognized as valid in 30 other states.

If applicants decline, the bill has the potential to decrease cash fund revenue from applicant fees. Currently, individuals who apply for a concealed carry permit must pay a \$52.50 fee to the Colorado Bureau of Investigation (CBI) to pay for a background and fingerprint check. Individuals who renew a concealed carry permit must pay a \$13 fee to the CBI. Revenue from such fees is deposited in the CBI Identification Unit Fund. Any potential decrease in applicants for concealed carry permits cannot be estimated at this time.

The bill also has the potential to decrease state cash fund revenue from fines because fewer people can be charged with a criminal offense for carrying a handgun. However, the annual revenue reduction is expected to be minimal. The penalty for a class 2 misdemeanor is 3 to 12 months in a county jail; a fine of \$250 to \$1,000; or both. The penalty for a class 6 felony is 1 year to 18 months in prison; a fine of \$1,000 to \$100,000, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined.

State Expenditures

Judicial Branch. Because fewer people can be charged with a criminal offense for carrying a handgun, the bill will reduce the trial caseload of the Judicial Branch. However, the reduction is expected to be minimal. The majority of individuals who are charged with carrying a concealed weapon or carrying a weapon on school grounds are also subject to other charges.

Department of Corrections. As of January 10, 2013, there were four offenders serving a prison sentence for the class 6 felony of unlawfully carrying a weapon on school, college, or university grounds. All of the offenders were convicted of other felony offenses in addition to unlawfully carrying a weapon. Therefore, the bill is not expected to reduce the number of individuals incarcerated in the Department of Corrections.

Higher educational institutions and the Department of Law. If higher educational institutions must update their security and disciplinary policies and procedures as a result of the bill, workload will increase on both the institutions' and the Department of Law's behalf. However, this fiscal note assumes that higher educational institutions and the Department of Law can accomplish this increased workload within existing appropriations.

Department of Public Safety. If fewer people apply for or renew concealed carry permits, the workload of the CBI may be reduced. However, the potential reduction in permits cannot be calculated at this time.

Local Government Impact

The bill has the potential to reduce the number of individuals incarcerated in county jails. The penalty for a class 2 misdemeanor is 3 to 12 months' imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine,

the impact at the local level cannot be determined. 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. It is assumed that the impact of this bill will be minimal.

If applicants for concealed carry permits decline, the bill also has the potential to reduce fee revenue for county sheriffs. Currently, individuals who apply for a concealed carry permit pay county sheriffs a fee of no more than \$100 in order to cover any administrative and training costs associated with granting the permit. Individuals who apply to renew a concealed carry permit pay a fee of no more than \$50. If the number of individuals who apply for or renew concealed carry permits decreases as a result of this bill, fee revenue for county sheriffs will also decrease. The potential reduction cannot be calculated at this time.

Departments Contacted

Corrections
Law
Education
Public Safety

Judicial
District Attorneys
Municipalities
Human Services

Counties
Local Affairs
Higher Education
Sheriffs