

**FINAL
FISCAL NOTE**

Drafting Number: LLS 15-0333
Prime Sponsor(s): Rep. Neville P.
 Sen. Neville T.

Date: June 1, 2015
Bill Status: Postponed Indefinitely
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BILL TOPIC: CONCEALED HANDGUN CARRY IN PUBLIC SCHOOLS

Fiscal Impact Summary*	FY 2014-15	FY 2015-2016	FY 2016-2017
State Revenue	Potential reduction	<(\$5,000)	<(\$5,000)
Cash Funds	Potential reduction	<(\$5,000)	<(\$5,000)
State Expenditures	Potential reduction	(\$86,874)	(\$86,874)
General Fund	Potential reduction	(\$86,874)	(\$86,874)
TABOR Set-Aside	Potential reduction	<(\$5,000)	<(\$5,000)
FTE Position Change			

Appropriation Required: See State Appropriations section.

* This summary shows changes from current law under the bill for each fiscal year. Parentheses indicate a decrease in funds.

Summary of Legislation

This bill removes the restriction that exists under current law which prohibits a person with a concealed carry permit from carrying a concealed weapon on the property of a public elementary, middle, junior high, or high school.

Background

Under current law, it is a class 6 felony for a person with a concealed carry permit to bring a weapon onto the property of a public school. The penalty for a class 6 felony is a sentence of one year to 18 months in prison, a fine of \$1,000 to \$100,000, or both. Over the past three years, there have been 29 convictions of this offense, including 11 per year in both 2013 and 2014. For cases adjudicated in 2013, five were sentenced to the Department of Corrections (DOC) and four were given jail sentences. For cases adjudicated in 2014, four were sentenced to the DOC and two were given jail sentences. Most offenders were ordered to pay victim assistance and docket fees, plus applicable supervision and restitution fees.

State Revenue

Beginning in the current FY 2014-15, this bill is anticipated to decrease state revenue collected by the Judicial Department. The fine penalty for a class 6 felony is \$1,000 to \$100,000. Offenders also pay various court fees, and, if sentenced to probation, a supervision fee of \$50 per month. Because the courts have the discretion of incarceration, imposing a fine, or both, the

precise impact to state revenue cannot be determined. However, based on the low number of convictions each year, the fiscal note assumes that any revenue reduction is likely to be less than \$5,000 per year.

TABOR Impact

The bill decreases state cash fund revenue from fees, which will reduce the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

State Expenditures

Overall, this bill will reduce state General Fund expenditures by \$86,874 per year in the DOC. The impact in the current FY 2014-15 is assumed to be minimal and contingent upon when the bill is signed into law. Workload and costs will also be reduced for agencies in the Judicial Department, as discussed below.

Department of Corrections. This bill is anticipated to decrease state General Fund expenditures by \$86,874 per year beginning in FY 2015-16 for the DOC. Savings in the current FY 2014-15 will be prorated to reflect the signing date of the bill. Savings are based on the assumption that four fewer offenders, who would have served an average length of stay of 11.8 months, will be sentenced to the DOC per year. Offenders placed in a private contract prison cost the state about \$60.46 per offender per day, including the current daily rate of \$55.08 and an estimated \$5.38 per offender per day for medical care provided by the DOC.

Judicial Department. By eliminating the crime of carrying a concealed handgun on public school property for concealed carry permit holders, workload for district trial courts will be reduced by about 11 cases per year. Workload will also be reduced for the Probation Division, which supervises the majority of the existing offenders. The bill is expected to reduce a minimal amount of workload and costs for the Office of the State Public Defender and Office of Alternate Defense Counsel, which provide representation for persons deemed to be indigent. The fiscal note assumes the reductions are minimal and will not require a decrease in appropriations for any agency within the Judicial Department.

Local Government Impact

First, the bill is expected to reduce workload for district attorneys that prosecute offenses. Second, under current law, a small number of offenders are being given jail sentences ranging from a few days to 120 days. Because the courts have the discretion of incarceration or imposing a fine, the precise impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on April 13, 2015.

State Appropriations

For FY 2015-16, the bill requires a reduction of \$86,874 General Fund to the Department of Corrections. Additional reductions for FY 2014-15 may be required depending on the effective date of the bill.

State and Local Government Contacts

Corrections
Education
Municipalities

Counties
Judicial
Sheriffs

District Attorneys
Local Affairs