

Colorado Legislative Council Staff

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 04-0825

Date: January 30, 2004

Prime Sponsor(s): Sen. Gordon

Bill Status: Senate SVMA

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

Fiscal Impact Summary	FY 2004/2005	FY 2005/2006
State Revenues		
General Fund - Fines	<\$5,000	<\$5,000
State Expenditures		
General Fund		
FTE Position Change	0.0 FTE	0.0 FTE
Other State Impact: TABOR revenue impact		
Effective Date: July 1, 2004		
Appropriation Summary for FY 2004/2005: None		
Local Government Impact: Minimal increase to county court cases and county jail sentences.		

Summary of Legislation

This bill creates negligent storage of a firearm as a class 3 misdemeanor. A firearm owner or custodian commits negligent storage of a firearm if he or she, acting with criminal negligence, stores the firearm and it comes into the possession of a person under the age of 18 years who then discharges the firearm and as a result of the discharge kills himself, herself, or another person. The bill specifies certain exemptions to those conditions.

State Revenues

Fines. Per Section 18-1.3-501, C.R.S., the penalty for a class 3 misdemeanor is six months imprisonment in county jail or a fine of \$50 to \$750, or both. Fine revenue not otherwise appropriated is deposited into the state General Fund. Because the courts have the discretion of incarceration or imposing a fine, the impact to the state General Fund cannot be determined. However, this fiscal note anticipates the state to receive a minimal amount of fine revenue (less than \$5,000 per year) due to the passage of this bill. This fine revenue will count toward the state's constitutional revenue limit and any potential refund of excess revenue under the terms of TABOR.

State Expenditures

Judicial Branch. This bill creates a new criminal class of county court cases. The number of new cases is anticipated to be minimal, and any associated costs may be absorbed within existing budgetary resources.

Local Government Impact

The penalty for a class 3 misdemeanor is six months imprisonment in a county jail or a fine of \$50 to \$750, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. While the cost to house an offender in county jails varies, the FY 2003-04 rate the state pays local jails for holding state inmates is \$46.49 per day or \$16,969 per year. It is assumed that the impact of this new misdemeanor will be minimal and will not create the need for additional jail space at the county level.

State Appropriations

No new state appropriations will be required for FY 2004-05.

Departments Contacted

Alternate Defense Counsel

Judicial

Public Defender

Public Safety