



**Colorado
Legislative
Council
Staff**

HB17-1036

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 17-0384 **Date:** May 31, 2017
Prime Sponsor(s): Rep. Neville P.; Ransom **Bill Status:** Postponed Indefinitely
 Sen. Neville T. **Fiscal Analyst:** Kerry White (303-866-3469)

BILL TOPIC: CONCEALED CARRY IN PUBLIC SCHOOLS

Fiscal Impact Summary	FY 2016-2017 <i>(Current Year)</i>	FY 2017-2018	FY 2018-2019
State Revenue		<(\$5,000)	<(\$5,000)
Cash Funds	Potential reduction.	<(5,000)	<(5,000)
State Expenditures		(\$21,900)	(\$7,245)
General Fund	Potential reduction.	(21,900)	(7,245)
TABOR Impact		<(\$5,000)	<(\$5,000)
Appropriation Required: (\$29,145) - Department of Corrections (FY 2016-17 - FY 2020-21).			
Future Year Impacts: Ongoing reduction in state revenue and expenditures.			

NOTE: This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

This bill allows a person with a concealed carry permit to carry a concealed handgun 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 63 convictions of this offense, including 57 males, 5 females and 1 unspecified. The racial composition of these offenders included 35 Caucasian, 15 African American, 9 Hispanic, 1 unspecified, 1 Asian, 1 Indian, and 1 other. For the offenders sentenced to the Department of Corrections (DOC), only 1 offender had no additional, more serious charges. Most offenders were ordered to pay victim assistance and docket fees, plus applicable supervision and restitution fees.

State Revenue

Beginning in the current fiscal year, FY 2016-17, this bill is anticipated to decrease state cash fund 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 fines and fees, which will reduce the amount required to be refunded under TABOR for FY 2017-18 and FY 2018-19. TABOR refunds are paid from the General Fund. TABOR refund obligations are not expected for FY 2016-17. Since the bill reduces the TABOR refund obligation without a corresponding change in General Fund revenue, the amount of money available in the General Fund for the budget will increase by an identical amount.

State Expenditures

Overall, this bill will reduce state General Fund expenditures by \$29,145 between FY 2017-18 and FY 2021-22 in the DOC. The impact in the current FY 2016-17 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. Savings in the current fiscal year FY 2016-17 will be prorated to reflect the signing date of the bill. Savings are based on the assumption that one fewer offender, who would have served an average length of stay of 13.8 months, will be sentenced to the DOC every five years. Offenders placed in a private contract prison cost the state about \$60.00 per offender per day, including the current daily rate of \$56.02 and an estimated \$3.98 per offender per day for medical care provided by the DOC. Table 1 shows the estimated savings of the bill over the next five fiscal years.

Table 1. Five-Year Fiscal Impact On Correctional Facilities				
Fiscal Year	Inmate Bed Impact	Construction Cost	Operating Cost	Total Cost
FY 2017-18	(1.0)	\$0	(\$21,900)	(\$21,900)
FY 2018-19	(0.01)	\$0	(\$3,322)	(\$3,322)
FY 2019-20	0.0	\$0	\$0	\$0
FY 2020-21	0.0	\$0	\$0	\$0
FY 2021-22	0.0	\$0	\$0	\$0
Total			(\$25,222)	(\$25,222)

In addition to correctional facility savings, this bill will also reduce parole costs for each offender that is no longer sentenced to a term of incarceration. Based on the current estimated parole length of stay of 9.5 months for a class 6 felony, parole costs are reduced in FY 2018-19 by \$3,923.

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 21 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 15 to 90 days. Because the courts have the discretion of incarceration or imposing a fine, the precise future 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 on counties will be minimal.

Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 8, 2017.

State Appropriations

The bill requires the five-year reduction in appropriations to the DOC of \$29,145, of which \$25,222 is for correctional facilities and \$3,923 is for parole. Additional reductions for FY 2016-17 may be required depending on the effective date of the bill.

State and Local Government Contacts

Corrections	Counties	District Attorneys
Education	Higher Education	Information Technology
Judicial	Municipalities	Public Safety
Sheriffs		