



**Colorado  
Legislative  
Council  
Staff**

**HB17-1097**

**FISCAL NOTE**

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

<b>Drafting Number:</b> LLS 17-0003	<b>Date:</b> January 24, 2017
<b>Prime Sponsor(s):</b> Rep. Saine; Humphrey Sen. Marble; Neville T.	<b>Bill Status:</b> House SVMA <b>Fiscal Analyst:</b> Kerry White (303-866-3469)

**BILL TOPIC:** REPEAL AMMO MAGAZINE PROHIBITION

<b>Fiscal Impact Summary</b>	<b>FY 2016-2017</b> <i>(current year)</i>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b> Cash Funds	Potential minimal reduction. See State Revenue section.		
<b>State Expenditures</b> General Fund	Minimal reduction. See State Expenditures section.		
<b>TABOR Impact</b>		Potential minimal reduction.	
<b>Appropriation Required:</b> None.			
<b>Future Year Impacts:</b> Ongoing minimal reduction in state revenue and expenditures.			

**Summary of Legislation**

This bill repeals the prohibition on the sale, transfer, and possession of large-capacity ammunition magazines. It also repeals the requirement that a magazine manufactured in Colorado have a permanent stamp or marking indicating it was produced after July 1, 2013.

**Background**

The law repealed under this bill was created by House Bill 13-1224. Among its provisions, that bill established four new criminal offenses (one class 6 felony, two class 1 misdemeanors, and one class 2 misdemeanor). The fiscal note assumed that one offender every five years would be convicted of a class 6 felony and be incarcerated in the custody of the Department of Corrections (DOC). However, the DOC did not receive an appropriation for this assumed violation with that bill. Since HB13-1224 took effect, 37 cases have been filed. Of these 37 cases, 2 misdemeanor convictions have been entered (for 1 Caucasian male and 1 Hispanic male).

**State Revenue**

The fiscal note for HB13-1224 assumed a potential increase in state cash fund revenue of less than \$5,000 per year as a result of any convictions. In the past year, no revenue has been received and very few cases have been filed. Therefore, the fiscal note assumes any potential future reduction in fee and fine revenue will be minimal.

**TABOR Impact**

To the extent that this bill reduces state cash fund revenue from court fees and fines, it will reduce the amount of money required to be refunded under TABOR in FY 2017-18 and FY 2018-19 only. TABOR refunds are paid out of 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**

Beginning in the current FY 2016-17, this bill will reduce state General Fund expenditures by a minimal amount, primarily by reducing workload for the trial courts in the Judicial Department. There have been 37 case filings and 2 convictions for violating the prohibition on high-capacity ammunition magazines and no cases of failure to apply a manufacturer's stamp since the enactment of HB13-1224. At the time that bill was enacted, it was assumed that any increase in workload for the courts and associated agencies within the Judicial Department could be addressed within existing appropriations. As such, no reductions in appropriations are required under this bill. In addition, while it was assumed one person every five years would be incarcerated for offenses of the prohibitions, no appropriation was provided to the DOC. Given that no one has been incarcerated under HB13-1224, no changes in costs for the DOC are anticipated with its repeal.

**Local Government Impact**

This bill could reduce costs and workload for local law enforcement and district attorneys not having to investigate or prosecute violations of the prohibitions against high-capacity ammunition magazines or failing to apply a manufacturer's stamp. It could also reduce jail costs and revenue for any persons who would have been convicted of an offense. Because the courts have the discretion of incarceration or imposing a fine, and no persons have been sentenced to jail, it is assumed that reductions in court revenue for the City and County of Denver, and costs for local governments under the bill will be minimal. 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.

**Effective Date**

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

Corrections	Counties	District Attorneys
Information Technology	Judicial	Local Affairs
Municipalities	Natural Resources	Sheriffs