



Legislative
Council Staff
Nonpartisan Services for Colorado's Legislature

**FINAL
FISCAL NOTE**

Drafting Number: LLS 18-0001
Prime Sponsors: Rep. Humphrey; Saine
Sen. Hill

Date: July 24, 2018
Bill Status: Postponed Indefinitely
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Bill Topic: REPEAL AMMO MAGAZINE PROHIBITION

Summary of Fiscal Impact:

<input checked="" type="checkbox"/> State Revenue	<input checked="" type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input checked="" type="checkbox"/> Local Government (<i>minimal</i>)
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill would have repealed the ban on large-capacity ammunition magazines. The bill would have reduced state revenue and expenditures and decreased local revenue and expenditures.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Table 1.
State Fiscal Impacts Under HB18-1015**

		FY 2017-18	FY 2018-19	FY 2019-20
Revenue	General Fund and Cash Funds	(less than \$5,000)	(less than \$5,000)	(less than \$5,000)
Expenditures		-	-	-
Transfers		-	-	-
TABOR Refund		(less than \$5,000)	(less than \$5,000)	(less than \$5,000)

Summary of Legislation

This bill repeals the prohibition of the sale, transfer, and possession of large-capacity ammunition magazines. It also repeals the requirement that manufacturers put a stamp or mark on large-capacity ammunition magazines made in Colorado after July 1, 2013.

Background & Comparable Crime

Legislative Council Staff is required to include certain information in the fiscal note for any bill that creates a new crime, changes the classification of an existing crime, or changes an element of the existing crime that creates a new factual basis for the offense. In 2013, the General Assembly passed House Bill 13-1224, which established four new criminal offenses for the manufacturing, sale, transfer or possession of large-capacity ammunition magazines. This bill eliminates these criminal offenses. From January 2015 to January 2018, there were 7 convictions for selling, transferring, or possessing a large-capacity magazine. All 7 convictions were committed by males; demographically, 4 were Caucasians and 3 were African American. Of the 7 convictions, 2 were convicted of possessing a large-capacity magazine while committing a crime, which is a class 6 felony, the rest were convicted of a class 2 misdemeanor. While some of the prohibited offenses are a class 1 misdemeanor, no convictions of class 1 misdemeanors were entered during this period.

State Revenue

The bill reduces state revenue by less than \$5,000. By eliminating the ban on large-capacity magazines, court fine and fee revenue credited to various Judicial Department cash funds and the General Fund will be eliminated. Class 2 misdemeanors have a fine of \$250 to \$1,000, class 1 misdemeanors have a fine of \$500 to \$5,000, and class 6 felonies have a fine of \$1,000 to \$100,000. 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 fines imposed by the courts, the fiscal note assumes that any reduction in revenue is likely to be less than \$5,000. Potential revenue from offenders sentenced to probation will also decrease. Individuals sentenced to probation pay a supervision fee of \$50 a month.

TABOR Refund

This bill reduces state revenue from criminal fines and court fees, which will reduce the amount of money required to be refunded under TABOR for FY 2018-19 and FY 2019-20. A TABOR refund obligation is not expected for the current FY 2017-18. 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

The bill will decrease the DOC expenditures and Judicial Department workload by a minimal amount.

Department of Corrections. By eliminating the ban on large-capacity magazines, the bill decreases DOC incarceration costs. Of the 47 large-capacity cases filed since 2015, only two were convicted of a class 6 felony. On average, class 6 felonies result in 9 months of incarceration in the DOC, but because the offense happens when an individual commits another crime, it is unknown if the offender would still be sentenced to the DOC under the bill. Any reduction resulting from this bill is anticipated to be minimal.

Judicial Department. The bill will reduce workload in the trial courts and probation division of the Judicial Department by a minimal amount as high capacity magazine related cases will no longer be brought to trial. As there have only been about 15 filings per year, no reduction in appropriations related to the Judicial Department are required.

Local Government Impact

This bill decreases local government revenue and costs as described below.

Criminal offenses. The measure reduces workload for local law enforcement and district attorneys to investigate and prosecute individuals and manufacturers who violate the large-capacity magazine ban.

Denver county court. For cases heard in Denver County Court, the bill reduces trial court and probation revenue and workload from fewer cases committed within its jurisdiction. These impacts are assumed to be minimal.

County jail. The measure will decrease county jail costs. However, because there have only been two class 2 misdemeanor cases that have resulted in a jail term since 2015, this reduction is assumed to be minimal. Under current law, a court may sentence an offender to jail for a class 2 misdemeanor for a period of between 3 and 12 months and a class 1 misdemeanor for a period of between 6 to 18 months. The cost to house an offender in county jails varies from about \$53 to \$114 per day. The state reimburses county jails at a daily rate of \$54.39 to house state inmates.

Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 21, 2018.

State and Local Government Contacts

Judicial
Sheriffs
Local Affairs
Public Safety

Counties
Corrections
Natural Resources

District Attorneys
Municipalities
Information Technology