



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 21-1005	Date:	May 3, 2021
Prime Sponsors:	Rep. Amabile; Woodrow Sen. Gonzales; Pettersen	Bill Status:	House Judiciary
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Bill Topic:	EXPAND FIREARM TRANSFER BACKGROUND CHECK REQUIREMENTS
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Summary of Fiscal Impact:	<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires licensed gun dealers to have approval from the Colorado Bureau of Investigation before transferring a gun; adds certain misdemeanors to the criminal offenses that result in a denial of a firearm transfer; and extends the deadline for the bureau to conduct appeals on transfer denials. It will impact state workload on an ongoing basis beginning in FY 2021-22.

Appropriation Summary:	No appropriation required.
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Fiscal Note Status:	This fiscal note reflects the introduced bill.
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Summary of Legislation

The bill makes it unlawful for licensed gun dealers to transfer a firearm before receiving a background check from the Colorado Bureau of Investigation (CBI) in the Department of Public Safety. A violation is a class 1 misdemeanor. The bill also requires the CBI to deny the transfer of a firearm if, through the background check, it is determined the transferee is prohibited to ship, transport, receive, or possess firearms under federal gun control provisions in 18 U.S.C. § 922 (g) or (n) or any provision of state law.

The CBI must deny the transfer if the transferee has been convicted in the last five years of a misdemeanor for the following offenses: assault in the third degree; a bias-motivated crime; child abuse; a crime against an at-risk person; cruelty to animals; harassment; menacing; possession of an illegal weapon; sexual assault; unlawful sexual contact; unlawfully providing a firearm other than a handgun to a juvenile; or violation of a protection order.

Finally, the bill extends the amount of time CBI has to respond to an appeal after a transferee has been denied a transfer from 30 to 60 days and removes the restriction that CBI cannot deny a transfer due to the inability to obtain a final disposition of a case that is no longer pending.

Comparable Crime Analysis

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 an existing crime. The following sections outline data on crimes that are comparable to the new class 1 misdemeanor offense in this bill and discuss assumptions of minimal future rates of criminal convictions under the bill.

Prior conviction data. This bill creates the new offense of transferring a firearm before receiving approval from CBI, a class 1 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of not conducting a background check for private sales, a class 1 misdemeanor, as a comparable crime. From FY 2017-18 to FY 2019-20, 8 individuals have been convicted and sentenced for this existing offense. Of the persons convicted, all were male, 7 were White, and 1 was African American.

Assumptions. This analysis assumes that the vast majority of licensed gun dealers will adhere to the requirements of bill. Due to this assumption and the low occurrence of the comparable crime above, the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels; therefore, these potential impacts are not discussed further in this fiscal note. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Expenditures

Starting in FY 2021-22, workload in the CBI in the Department of Public Safety will both increase and decrease. Workload will increase to check for additional criminal offenses during a background check, and workload will decrease as a result of the bill's extension of CBI's timeframe to respond to appeals. No change in appropriations is required.

Effective Date

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

State and Local Government Contacts

District Attorneys

Information Technology

Judicial

Public Safety