



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number:	LLS 21-0425	Date:	February 16, 2021
Prime Sponsors:	Sen. Jaquez Lewis; Danielson Rep. Sullivan; Herod	Bill Status:	Senate Judiciary
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Bill Topic: **LOST OR STOLEN FIREARMS**

Summary of Fiscal Impact:

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

This bill requires firearm owners to report any lost or stolen firearms. Failure to do so is a class 2 petty offense with a second or subsequent offense being a class 3 misdemeanor. This bill will minimally increase state revenue and expenditures, and increase local workload and costs on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

This bill requires the owner of a firearm who has reasonable cause to believe the firearm was lost or stolen to report to a law enforcement agency that the firearm has been lost or stolen within 5 days of making the discovery. Failure to report a lost or stolen firearm is a class 2 petty offense and is punishable by a \$25 fine. A second or subsequent offense is a class 3 misdemeanor. Any law enforcement agency that receives a report must enter available descriptive information related to the firearm into the National Crime Information Center Database and report the information to the Colorado Bureau of Investigations.

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. This section outlines data on crimes comparable to the offense in this bill and discusses assumptions on future rates of criminal conviction for those offense.

Prior conviction data. This bill creates the new offense of failure to report a lost or stolen firearm, a class 2 petty offense or a class 3 misdemeanor for a second or subsequent offense. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of failure to report child abuse by a mandatory reporter as a comparable crime. From 2018 to 2020, 5 offenders have been convicted and sentenced for this existing offense. Of the persons convicted, all were white, 3 were male and 2 were female.

Assumptions. Based on the comparable crime data above, an assumed high level of compliance, and the fact that many lost or stolen firearms will not be discovered unless they are later used in a crime, the fiscal note assumes that any increase in criminal case filings will be minimal.

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the assumptions above, this bill is expected to have a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, are assumed to be minimal and no change in appropriations is required.

Local Government

This bill will increase workload and costs to various local government agencies, as described below.

Law Enforcement. Workload for local law enforcement agencies will increase to receive reports on lost and stolen firearms and to input information into the National Crime Information Center Database and report it to the Colorado Bureau of Investigations.

District Attorneys. Similar to the state, it is expected that any workload or cost increase for district attorneys to prosecute the new class 2 petty offense and class 3 misdemeanor under the bill will be minimal. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Denver County Court. The bill increases revenue, costs and workload for the Denver County Court, which is managed and funded by the City and County of Denver, to try misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience an increase in revenue, costs, and workload revenue to supervise persons convicted under the bill within Denver County.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Counties
Judicial
Public Safety

District Attorneys
Municipalities
Sheriffs

Information Technology
Natural Resources