



## **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 creates a new factual basis for an existing crime. The following sections outline data on crimes that are comparable to the offenses in this bill and discuss assumptions on future rates of criminal convictions under the bill. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

- **Purchase of a firearm by a person less than 21 years of age.** This bill creates the new offense of purchase of a firearm by a person less than 21 years of age, a class 2 misdemeanor. To form an estimate of the prevalence of this new crime, the fiscal note analyzed the existing offense of possession of a large-capacity magazine, a class 2 misdemeanor. From FY 2019-20 to FY 2021-22, 80 offenders have been sentenced and convicted for this existing offense, or about 26 per year. Of the persons convicted, 76 were male, 3 were female, and 1 was unknown. Demographically, 45 were White, 31 were Black/African-American, 1 was Hispanic, 2 were Asian, and 1 was unknown. Of the 80 individuals sentenced, 56 were sentenced by Denver County Court, which is administered at the local level. The remaining 24 individuals, or about 8 per year, were sentenced by a court administered by the state.
- **Private sale or transfer of firearm to a person less than 21 years of age.** This bill creates the new offense of private sale or transfer of a firearm to a person less than 21 years of age, a class 2 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of failure to perform required background checks for private firearm transfers, a class 2 misdemeanor. From FY 2019-20 to FY 2021-22, 19 offenders have been sentenced and convicted for this existing offense, or about 6 per year. Of the persons convicted, 16 were male and 3 were female. Demographically, 14 were White, 4 were Black/African American, and 1 was Hispanic.
- **Licensed dealer sale or transfer of a firearm to a person less than 21 years of age.** This bill creates the new offense of sale or transfer of a firearm by a licensed dealer to a person less than 21 years of age, a class 1 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of failure to perform required background checks for firearm transfers by a licensed dealer, a class 1 misdemeanor. From FY 2019-20 to FY 2021-22, one offender was sentenced and convicted for this existing offense, a White female.

## **Assumptions**

The bill expands the pool of people who may be subject to the offenses in the bill by raising the age required to purchase a firearm from 18 to 21. However, given the relatively small number of cases and convictions under current law, the bill's exemptions, and the assumption that most people, especially businesses, will comply with the law, any increase in cases is assumed to be minimal, likely less than 15 misdemeanor cases per year. Also, many prosecutions under the bill will likely occur as part of a broader criminal action for other crimes, which will limit the bill's overall impact on the criminal justice system.

## **State Revenue and Expenditures**

Based on the assumptions above, this analysis assumes that there will be 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**

It is expected that the bill will increase costs for district attorneys to prosecute more offenses, or for county jails to imprison more individuals under the bill. District attorney offices and county jails are funded by counties.

## **Effective Date**

The bill was signed into law by the Governor on April 28, 2023, and takes effect on August 7, 2023, assuming no referendum petition is filed.

## **State and Local Government Contacts**

Corrections  
District Attorneys  
Judicial  
Sheriffs

Counties  
Human Services  
Municipalities

Denver County Courts  
Information Technology  
Public Safety