



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated March 6, 2023)

Drafting Number: LLS 23-0811 Date: March 16, 2023
Prime Sponsors: Sen. Mullica; Danielson Bill Status: House State Affairs
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Bill Topic: INCREASING MINIMUM AGE TO PURCHASE FIREARMS

Summary of Fiscal Impact: [X] State Revenue [X] State Expenditure [ ] State Transfer [ ] TABOR Refund [X] Local Government [ ] Statutory Public Entity

The bill prohibits, with exceptions, the possession of firearms by persons under 21 years of age and providing firearms to such persons. Starting in the current FY 2022-23, the bill may minimally impact state and local revenue and expenditures.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This revised fiscal note reflects the reengrossed bill.

Summary of Legislation

Current law prohibits a person under the age of 18 from possessing or purchasing a handgun (a class 2 misdemeanor for a first offense and a class 5 felony for a second offense). Current law also prohibits a person from intentionally, knowingly, or recklessly providing or allowing a juvenile under the age of 18 to possess a handgun (a class 4 felony).

The bill prohibits the purchase or possession of any firearm by a person who is not 21 years of age or older. Correspondingly, the bill prohibits a person from knowingly or intentionally selling or transferring any firearm to a person who is not yet 21 years of age, both for private party transactions or transactions through licensed firearm dealers. Along with exemptions outlined in current law, the bill adds the following exceptions to these prohibitions:

- temporary possession for attending a hunter education of firearms safety course;
• temporary possession for legal hunting or trapping;
• temporary possession for participating in sanctioned events under the supervision of a peace officer, certified hunter education instructors older than 25 years of age, or firearms training instructors older than 25 years of age;
• temporary possession for participating in accredited gunsmithing courses;
• possession for self-defense or defense of livestock;

- possession by active members of the armed forces while on duty;
- possession by a peace officer while on duty;
- possession by a P.O.S.T. certified individual; and
- possession by a person who was at least 18 years of age when the bill is enacted.

Failure to comply with the law is a class 2 misdemeanor for the first offense, and a class 5 felony for subsequent offenses. Persons convicted of the class 5 felony are prohibited from possessing any weapons pursuant to law.

The bill also prohibits a person from recklessly providing or allowing a juvenile under the age of 18 to possess any firearm, a class 4 felony. Under current law, this offense only applies to recklessly providing or allowing a juvenile to possess a handgun.

## **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.

- **Possession of handgun by a juvenile.** This bill creates a new factual basis for the existing offense of possession of a handgun by a juvenile, a class 2 misdemeanor for a first offense and a class 5 felony for subsequent offenses, by increasing the age to possess any firearm to 21 years. From FY 2019-20 to FY 2021-22, seven offenders have been sentenced and convicted for this offense. Of the persons convicted, six were male and one was female. Demographically, four were White and three were Black/African-American.
- **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 7 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.
- **Sale or transfer of a firearm to a person less than 21 years of age by licensed dealers.** This bill creates the new offense of sale or transfer of a firearm 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.

- **Unlawfully providing or permitting a juvenile to possess a handgun.** This bill creates a new factual basis for the existing offense of unlawfully providing or permitting a juvenile under the age of 18 to possess a handgun, a class 4 felony, by changing “handgun” to “firearm.” From FY 2019-20 to FY 2021-22, eight offenders have been sentenced and convicted for this offense as it exists under current law. Of the persons convicted, six were male and two were female. Demographically, all were White.
- **Unlawfully providing or permitting a juvenile to possess a firearm other than a handgun.** The bill creates a new factual basis for the existing offense of unlawfully providing or permitting a juvenile under the age of 18 to possess a firearm other than a handgun, a class 1 misdemeanor, by including firearms other than handguns in the components of providing a handgun to a juvenile, a class 4 felony. From FY 2019-20 to FY 2021-22, seven offenders have been sentenced and convicted for this offense as it exists under current law. Of the persons convicted, four were male and three were female. Demographically, six were white and one was Hispanic.
- **Assumptions.** The bill expands the pool of people who may be subject to the weapons-related offenses in the bill by raising the age limit from 18 to 21, as well as the type of weapons that are covered by the offenses (all firearms, not just handguns). The latter change applies to all people under 21. However, given the relatively small number of cases and convictions under current law, the bill’s various exceptions, and the assumption that most people, especially businesses, will comply with the law, any increase in cases is assumed to be modest, likely less than 15 misdemeanor cases per year. Felony cases are assumed to be rare. Also, many prosecutions under the bill, especially for possession-related offenses, will likely occur as part of a broader criminal action for other crimes, which will limit the overall impact of the bill’s new and modified offenses 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, and to the Department of Corrections, 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 takes effect upon signature of the Governor, or upon becoming law without his signature.

**State and Local Government Contacts**

Corrections  
District Attorneys  
Judicial  
Sheriffs

Counties  
Human Services  
Municipalities

Denver County Courts  
Information Technology  
Public Safety