



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated March 16, 2023)

Drafting Number:	LLS 23-0811	Date:	March 27, 2023
Prime Sponsors:	Sen. Mullica; Danielson Rep. Duran; Hamrick	Bill Status:	House Third Reading
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Bill Topic: INCREASING MINIMUM AGE TO PURCHASE 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

The bill prohibits, with certain exceptions, the purchase of firearms by persons under 21 years of age and selling firearms to such persons. Starting in the current FY 2022-23, the bill may minimally impact state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is required.

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

Summary of Legislation

The bill prohibits the sale of a firearm to, or purchase of a firearm by, a person less than 21 years of age. Exceptions to this prohibition are made for persons who are:

- an active member serving in the US armed forces, while on duty;
- a peace officer serving with an employing law enforcement agency, while on duty; or
- certified by the Peace Officer Standards and Training (POST) board.

The prohibition applies to both private and licensed dealer transactions. Violations of the prohibition are a class 2 misdemeanor for purchasers, a class 2 misdemeanor for private sellers, or a class 1 misdemeanor for licensed dealers.

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 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. 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 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.
- **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 modest, 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 overall impact of the bill 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 takes effect 90 days following adjournment of the General Assembly sine die, 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