



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Revised Fiscal Note

(replaces fiscal note dated February 21, 2024)

Drafting Number:	LLS 24-0352	Date:	April 9, 2024
Prime Sponsors:	Sen. Jaquez Lewis; Kolker Rep. Brown; Lindsay	Bill Status:	House Judiciary
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Bill Topic: PROHIBITING CARRYING FIREARMS IN SENSITIVE SPACES

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

The bill prohibits the carrying of firearms in certain government buildings, schools, and polling places. Starting in FY 2024-25, the bill impacts 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 reengrossed bill.

**Table 1
State Fiscal Impacts Under SB 24-131**

		Budget Year FY 2024-25	Out Year FY 2025-26
Revenue		-	-
Expenditures	General Fund	-	(\$72,839)
Transfers		-	-
Other Budget Impacts	General Fund Reserve	-	(\$10,926)

Summary of Legislation

The bill prohibits the carrying of firearms in certain locations as described below.

Government buildings. Carrying firearms is prohibited on the property, offices, and adjacent parking areas of the General Assembly, local government governing bodies, and courthouses. Exceptions are provided for certain individuals in the performance of their duties, and for concealed carry permit holders only when in adjacent parking areas. Local governments are authorized to enact ordinances prohibiting or allowing firearms at government buildings within the scope of the bill. The penalty for a violation is a class 1 misdemeanor.

Educational institutions. The bill prohibits carrying firearms at public or private schools, colleges, and universities. Exceptions are provided for authorized activities, certain individuals in the performance of their duties, and concealed carry permit holders only when in adjacent parking areas. The bill changes the penalty for unlawfully carrying a firearm at educational institutions from a class 5 felony to a class 1 misdemeanor.

Polling locations. Under current law, open carry of firearms at or near polling locations is prohibited, punishable as a misdemeanor with fines and jail times specified in statute. The bill extends this prohibition to the concealed carry of firearms.

Finally, the bill clarifies that the current penalty for unlawfully carrying a concealed weapon does not apply to the prohibitions in the bill, and that the authority to carry a concealed handgun granted by a permit is subject to the prohibitions of the bill.

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.

Prior conviction data and assumptions. The following section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

- **Unlawful carrying of a firearm in government buildings.** This bill creates the new offense of unlawfully carrying a firearm in government buildings, a class 1 misdemeanor. To form and estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of unlawful possession of a weapon at the State Capitol, a class 1 misdemeanor. From FY 2020-21 to FY 2022-23, 1 White male was convicted and sentenced for this existing offense.

This fiscal note assumes that there will be minimal or no additional case filings or convictions based on the low number of convictions for the comparable crime.

- **Unlawful carrying of a firearm at educational institutions.** This bill reclassifies the existing offense of unlawful carrying of a firearm at an educational institution by changing the penalty from a class 5 felony to a class 1 misdemeanor. Prior to the enactment of [House Bill 23-1293](#), which modified certain felony offenses effective October 1, 2023, the penalty for this offense was a class 6 felony and included firearms and other dangerous weapons. From FY 2020-21 to FY 2022-23, 25 individuals were convicted and sentenced for this crime. Of the persons convicted, 23 were male and 2 were female. Demographically, 17 were White, 5 were Black/African-American, and 3 were Hispanic.

The reclassification of this existing offense from a class 5 felony to a class 1 misdemeanor is not expected to affect the number of cases filed or convictions, but will impact disposition of cases in the Judicial Department and sentencing to the Department of Corrections (DOC). Sentencing data specific to the class 5 felony is unavailable due to the recency of this classification. To determine the number of cases impacted, this fiscal note uses the data above, which includes sentences for both firearms and other dangerous weapons. Assuming 75 percent of the convictions were for firearms, the bill is expected to move about 6 cases per year from district courts to county courts, and result in 3 fewer individuals per year sentenced to the DOC.

- **Unlawfully carrying a firearm at a polling location.** This bill modifies the existing offense of unlawfully carrying a firearm at a polling location, a misdemeanor, by including concealed carry of firearms. From FY 2020-21 to FY 2022-23, zero individuals were convicted and sentenced for this crime.

The modification of the existing offense of unlawfully carrying a firearm at a polling location may minimally increase the number of case filings or convictions. Although there were no convictions for this offense, it has only existed since March 2022. Expanding prohibited conduct will likely increase cases filed and convictions, but only by a minimal amount.

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

State Revenue

Criminal fines and court fees. By creating a new misdemeanor offense and modifying an existing felony offense, the bill will minimally impact state revenue from criminal fines and court fees beginning in FY 2024-25, credited to the Fines Collection Cash Fund, various other cash funds in the Judicial Department, and the General Fund. The fine penalty for a class 1 misdemeanor is between \$500 and \$1,000, and the fine penalty for a class 5 felony is \$1,000 to \$100,000. Additionally, court fees may be imposed on a case by case basis for a variety of court related costs, such as probation supervision, drug surcharges, or late fees. Because the courts have the discretion of incarceration, imposing a fine, or both, a precise state revenue impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

State Expenditures

Beginning in FY 2024-25, this bill impacts state expenditures in the Judicial Department and the DOC as described below.

Judicial Department. The bill both increases workload and costs from the creation of a new misdemeanor offense and decreases workload and costs from the reclassification of a felony to a misdemeanor. On net, the impact to trial courts, Division of Probation, and agencies providing representation to indigent persons is expected to be minimal and no change in appropriations is required.

Department of Corrections. Section 2-2-701, C.R.S., requires Legislative Council Staff to provide information to the General Assembly on long-term costs for operations, and parole for any bill that potentially decreases periods of imprisonment in the DOC. These impacts are described below.

- **Prison and parole costs (five-year fiscal impact).** Based on the assumptions provided in the Comparable Crime Analysis section, this bill decreases prison operating costs for the DOC by a total of \$439,468 over the five-year period beginning in FY 2024-25. The fiscal note assumes no prison operating impacts will occur in the first year due to the amount of time required for criminal filing, trial, disposition, and sentencing of each case. The parole impact is assumed to first occur in FY 2026-27. Table 2 shows the estimated cost savings of the bill over the next five fiscal years.

**Table 2
 Prison and Parole Operating Costs Under SB 24-131**

Fiscal Year	Prison ADP Impact	Prison Cost	Parole ADP Impact	Parole Cost	Total Costs
FY 2024-25	-	-	-	-	-
FY 2025-26	(3.00)	(\$72,839)	-	-	(\$72,839)
FY 2026-27	(3.70)	(\$89,896)	(2.30)	(\$19,271)	(\$109,167)
FY 2027-28	(3.70)	(\$89,896)	(4.63)	(\$38,835)	(\$128,731)
FY 2028-29	(3.70)	(\$89,896)	(4.63)	(\$38,835)	(\$128,731)
Total					(\$439,468)

Local Government

Beginning in FY 2024-25, this bill is expected to impact local government revenue, workload, and costs to the extent cases are prosecuted by district attorneys and county jails receive offenders. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

Effective Date

The bill takes effect July 1, 2024, and applies to offenses committed on or after this date.

State and Local Government Contacts

Behavioral Health Administration	Corrections	District Attorneys
Early Childhood	Education	Higher Education
Human Services	Judicial	Public Health and Environment
Secretary of State		

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).