



**Colorado
Legislative
Council
Staff**

HB16-1204

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0024
Prime Sponsor(s): Rep. Neville P.
Sen. Neville T.

Date: May 17, 2016
Bill Status: Postponed Indefinitely
Fiscal Analyst: Kerry White (303-866-3469)

BILL TOPIC: ALLOW CONCEALED CARRY ON PUBLIC SCHOOL GROUNDS

Fiscal Impact Summary	FY 2015-2016 (Current Year)	FY 2016-2017	FY 2017-2018
State Revenue		<(\$5,000)	<(\$5,000)
Cash Funds	Potential reduction.	<(5,000)	<(5,000)
State Expenditures		(\$21,864)	(\$182)
General Fund	Potential reduction.	(21,864)	(182)
TABOR Impact	Potential reduction.	<(\$5,000)	<(\$5,000)
Appropriation Required: (\$22,046) - Department of Corrections (FY 2016-17 - FY 2020-21).			
Future Year Impacts: Ongoing reduction in state revenue and expenditures.			

Summary of Legislation

This bill removes the restriction that exists under current law which prohibits a person with a concealed carry permit from carrying a concealed weapon on the property of a public elementary, middle, junior high, or high school.

Background

Under current law, it is a class 6 felony for a person with a concealed carry permit to bring a weapon onto the property of a public school. The penalty for a class 6 felony is a sentence of one year to 18 months in prison, a fine of \$1,000 to \$100,000, or both.

Over the past three years, there have been 53 convictions of this offense, including 1 unspecified, 5 females (1 African American, 1 Hispanic, and 3 Caucasian) and 47 males (2 Asian, 12 African American, 7 Hispanic, 1 Indian, 1 Other, and 24 Caucasian). For cases adjudicated in 2014, two were sentenced to the Department of Corrections (DOC) and two were given jail sentences. For cases adjudicated in 2015, six were sentenced to the DOC and two were given jail sentences. For the offenders sentenced to DOC, only 1 offender had no additional, more serious charges. Most offenders were ordered to pay victim assistance and docket fees, plus applicable supervision and restitution fees.

State Revenue

Beginning in the current fiscal year, FY 2015-16, this bill is anticipated to decrease state revenue collected by the Judicial Department. The fine penalty for a class 6 felony is \$1,000 to \$100,000. Offenders also pay various court fees, and, if sentenced to probation, a supervision fee of \$50 per month. Because the courts have the discretion of incarceration, imposing a fine, or both, the precise impact to state revenue cannot be determined. However, based on the low number of convictions each year, the fiscal note assumes that any revenue reduction is likely to be less than \$5,000 per year.

TABOR Impact

The bill decreases state cash fund revenue from fees, which will reduce the amount required to be refunded under TABOR. TABOR refunds are paid from the General Fund.

State Expenditures

Overall, this bill will reduce state General Fund expenditures by \$22,046 between FY 2016-17 and FY 2020-21 in the DOC. The impact in the current FY 2015-16 is assumed to be minimal and contingent upon when the bill is signed into law. Workload and costs will also be reduced for agencies in the Judicial Department, as discussed below.

Department of Corrections. Savings in the current fiscal year FY 2015-16 will be prorated to reflect the signing date of the bill. Savings are based on the assumption that one fewer offender, who would have served an average length of stay of 12.1 months, will be sentenced to the DOC every five years. Offenders placed in a private contract prison cost the state about \$59.90 per offender per day, including the current daily rate of \$56.02 and an estimated \$3.88 per offender per day for medical care provided by the DOC. Table 1 shows the estimated savings of the bill over the next five fiscal years.

Table 1. Five-Year Fiscal Impact On Correctional Facilities				
Fiscal Year	Inmate Bed Impact	Construction Cost	Operating Cost	Total Cost
FY 2016-17	(1.0)	\$0	(\$21,864)	(\$21,864)
FY 2017-18	(0.01)	\$0	(\$182)	(\$182)
FY 2018-19	0.0	\$0	\$0	\$0
FY 2019-20	0.0	\$0	\$0	\$0
FY 2020-21	0.0	\$0	\$0	\$0
Total			(\$22,046)	(\$22,046)

Judicial Department. By eliminating the crime of carrying a concealed handgun on public school property for concealed carry permit holders, workload for district trial courts will be reduced by about 18 cases per year. Workload will also be reduced for the Probation Division, which supervises the majority of the existing offenders. The bill is expected to reduce a minimal amount of workload and costs for the Office of the State Public Defender and Office of Alternate Defense

Counsel, which provide representation for persons deemed to be indigent. The fiscal note assumes the reductions are minimal and will not require a decrease in appropriations for any agency within the Judicial Department.

Local Government Impact

First, the bill is expected to reduce workload for district attorneys that prosecute offenses. Second, under current law, a small number of offenders are being given jail sentences ranging from 15 days to 90 days (in 2014, there was one 15 day sentence and one 30 day sentence; in 2015, there were two 90 day sentences). Because the courts have the discretion of incarceration or imposing a fine, the precise future impact at the local level cannot be determined. The cost to house an offender in county jails varies from about \$53 to \$114 per day. For the current fiscal year, the state reimburses county jails at a daily rate of \$52.74 to house state inmates. It is assumed that the impact of this bill will be minimal.

Effective Date

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on March 7, 2016.

State Appropriations

The bill requires the five-year reduction in appropriations to the DOC as shown in Table 1, above. Additional reductions for FY 2015-16 may be required depending on the effective date of the bill.

State and Local Government Contacts

Corrections
Education
Judicial
Sheriffs

Counties
Higher Education
Municipalities

District Attorneys
Information Technology
Public Safety