



**Colorado
Legislative
Council
Staff**

SB17-005

**REVISED
FISCAL NOTE**

(replaces fiscal note dated January 19, 2017)

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

Drafting Number: LLS 17-0022
Prime Sponsor(s): Sen. Holbert
Rep. Neville P.

Date: March 14, 2017
Bill Status: House SVMA
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BILL TOPIC: HANDGUN SAFETY TRAINING FOR SCHOOL EMPLOYEES

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue Cash Fund	Potential minimal revenue decrease.	
State Expenditures	See State Expenditures Section.	
TABOR Impact	Potential minimal decrease.	
Appropriation Required: None.		
Future Year Impacts: Ongoing minimal workload impact and revenue decrease.		

Summary of Legislation

Under current law, persons with a permit to carry a concealed handgun (permittee) are not permitted to carry a concealed handgun on public school premises, with exceptions made for school security officers and handguns that remain in locked vehicles. Under the **reengrossed** bill, a permittee may carry a concealed handgun onto the grounds of a public school if:

- the permittee completes a school employee handgun safety course provided by a county sheriff;
- the local school district board of education or state Charter School Institute (CSI) has approved the safety course curriculum;
- the permittee receives permission from the local board of education, charter school board, or CSI to carry a concealed handgun on school grounds; and
- the permittee has notified the school administration that he or she may be carrying a concealed handgun on school grounds.

The bill allows a county sheriff to provide a handgun safety training course to any employee of a public school who has a permit to carry a concealed handgun. The sheriff must consult with each board of education in the county to establish the curriculum, which must consider the district's school response framework and satisfy the insurability standards for armed school employees set by the school district self-insurance pool. The sheriff may charge a fee to course participants to cover the costs incurred in providing the course, and must also:

- provide a certificate of completion, which includes certain information, to each person who completes the course;

- set a uniform time frame for expiration or renewal of certificates;
- ensure that a person satisfies requalification requirements for armed school employees, as set by the school district self-insurance pool.

The bill allows local school district boards of education or the CSI to approve a safety course curriculum and allow a permittee who has completed the above requirements to carry a handgun on school grounds. Each school district or charter school board, or the CSI, may establish a maximum number of employees who may carry a concealed handgun in each school. Should school districts adopt these policies, they must incorporate them into the district's safe school plan. In addition, the bill specifies that any records personally identifying employees who are authorized to carry a concealed handgun on school premises are not subject to the Colorado Open Records Act.

Comparable Crime and Assumptions

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 changes an element of the existing crime that creates a new factual basis for the offense. Unlawful carrying or possessing of a weapon on school, college, or university grounds is a class 6 felony, punishable by 12 to 18 months in prison, a \$1,000 to \$100,00 fine, or both.

In the last three years, there have been 51 adults charged with and 37 convicted of unlawful carrying or possessing a weapon on school, college, or university grounds. Of the adults convicted, 34 were male, 3 were female, 2 were Asian, 7 were African American, 4 were Hispanic, 1 was American Indian, and 23 were Caucasian. Sixteen received sentences in the Department of Corrections (average of 23 months), 6 received jail sentences (average of 72 days), 5 were sentenced to community corrections, and 20 were sentenced to probation. It is unknown how many of these cases involved a school employee.

Assumptions. The fiscal note assumes that any reduction in the number of adults charged with unlawful carrying or possessing a weapon on school, college, or university grounds will be minimal, as school employees who may otherwise be charged will be allowed to carry on school grounds if certain conditions are met, and individuals who are charged with carrying a weapon on school grounds are often also subject to other charges.

State Revenue

Beginning in FY 2017-18, this bill may impact state revenue by a minimal amount, as detailed below.

Criminal fines. This bill is anticipated to decrease state revenue to the Fines Collection Cash Fund in the Judicial Department by less than \$5,000 per year, based on the assumed low number of relevant cases, and the assumed minimal decrease in cases as a result of the bill.

Court and administrative fees. To the extent convictions decrease, this bill also decreases state fee revenue by a minimal amount. Fees are imposed for a variety of court-related costs, which vary based on the offense and the type of court. The average fees paid by an adult convicted of unlawful carrying or possession of a weapon on school, college, or university grounds in the last three years is \$1,400.

Fingerprint background checks. To the extent that school employees apply for a concealed carry permit as a result of the bill, state cash fund revenue from background checks will increase. The fee for fingerprint background check is \$39.50, \$17.50 of which is reappropriated to the Federal Bureau of Investigation. Any increase in revenue is assumed to be minimal.

TABOR Impact

To the extent that this bill changes state cash fund revenue, it will change the amount of money required to be refunded under TABOR. TABOR refunds are paid out of the General Fund.

State Expenditures

The bill may impact costs and workload for the Judicial Department, Department of Corrections, and the Department of Public Safety beginning in FY 2017-18. The specific impacts are detailed below.

Judicial Department. The bill may decrease the workload of the trial courts by a minimal amount, if criminal cases related to unlawful carry or possession of a weapon on school grounds decrease.

Office of the State Public Defender (OSPD). Workload and costs for the OSPD may decrease, if fewer people are charged and require a public defender.

Office of the Alternate Defense Counsel (ADC). The ADC represents clients when the OSPD has a conflict and, therefore, may incur savings under the bill. The savings are anticipated to be similar to those described for the OSPD.

Department of Corrections (DOC). To the extent that this bill decreases the number of persons sentenced to the DOC, costs will decrease. The fiscal note assumes that any decrease will be minimal, and that any adjustments in appropriations will be addressed through the annual budget process. For informational purposes, it costs DOC about \$21,900 per year per prison bed.

Fingerprint background check costs. To the extent that school employees apply for a concealed carry permit as a result of the bill, it will increase workload and costs in the Department of Public Safety to conduct background checks for school employees. The fiscal note assumes that any increase will be minimal and can be accomplished within existing appropriations.

Local Government Impact

Sheriff's departments. Beginning in FY 2017-18, the bill will increase revenue and expenditures for county sheriff's departments in several ways. Revenue and expenditures will increase for sheriff's departments that choose to offer a handgun safety courses. Costs will differ by county, but one sheriff's office anticipates that it may cost approximately \$1,000 in employee hours to offer a course. The bill allows sheriff's offices to charge course fees; as a result, the fiscal note assumes that the fee revenue will cover the cost of providing a course.

The bill may also increase the number of school employees who apply for a concealed carry permit, and thus increase the workload for sheriff's departments to issue them and the fee revenue received from those new applications. The fee for a new permit is no more than \$100 for a new permit and \$50 for a renewal. Any workload and fee revenue increase is expected to be minimal.

District attorneys. To the extent that fewer people are charged with unlawful carrying or possessing of a weapon on school grounds, the workload for district attorneys may decrease. Any decrease is expected to be minimal.

County jails. To the extent that the bill reduces the number of individuals incarcerated in county jails, county jail costs may decrease. It is assumed that any reduction will be minimal.

School District Impact

Beginning in FY 2017-18, the bill increases the workload for school districts that collaborate with the county sheriff on the course curriculum, establish a process to permit employees who meet the criteria to carry a concealed handgun, establish a maximum number of employees who may carry a concealed handgun in each school, and update its school safety policy accordingly. The bill may also impact insurance costs for school districts. The fiscal note assumes that any increase will be minimal.

Effective Date

The bill takes effect August 9, 2017, if the General Assembly adjourns on May 10, 2017, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Counties
Information Technology
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Sheriffs

District Attorneys
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Public Safety

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School Districts