



**Colorado  
Legislative  
Council  
Staff**

**SB17-006**

**FISCAL NOTE**

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

**Drafting Number:** LLS 17-0456

**Date:** January 18, 2017

**Prime Sponsor(s):** Sen. Cooke  
Rep. Nordberg

**Bill Status:** Senate Judiciary

**Fiscal Analyst:** Kerry White (303-866-3469)

**BILL TOPIC:** CONCEALED CARRY FOR MILITARY UNDER 21

<b>Fiscal Impact Summary</b>	<b>FY 2017-2018</b>	<b>FY 2018-2019</b>
<b>State Revenue</b> Cash Funds*	See State Revenue section.	
<b>State Expenditures</b>	See State Expenditures section.	
<b>TABOR Impact</b>	See TABOR Impact section.	
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing increases and decreases in state revenue and expenditures.		

\* A portion of these are pass through moneys to the federal government, treated as reappropriated funds. See the State Revenue section.

**Summary of Legislation**

This bill lowers the age requirement to obtain a concealed carry permit from 21 to 18 years of age, provided that person is on active duty in, or has been honorably discharged from, any branch or reserve branch of the United States military, including the National Guard.

**Background**

Colorado is one of at least 32 states that have reciprocal agreements to honor concealed carry permits issued in another state. In calendar year 2016, a total of 61,505 concealed carry permits were processed, including 14,816 renewals and 46,689 new applications. Under current law, unlawfully carrying a concealed weapon is a class 2 misdemeanor. The penalty for this offense is a fine of between \$250 and \$1,000, a sentence of between 3 and 12 months in county jail, or both.

Over the past three years, there have been 1,854 cases with at least one charge of this offense. This includes 154 females, 1,691 males, and 9 individuals for which gender information was not available; and 307 African Americans, 22 American Indians, 17 Asians, 1,364 Caucasians, 121 Hispanics, and 23 Unknown/Other. It is not known how many of these cases involved persons between the ages of 18 and 21 that were on active duty or honorably discharged from the military.

## **State Revenue**

Beginning in FY 2017-18, this bill may both increase and decrease state revenue. The fiscal note assumes any changes under the bill are minimal.

***Increases from concealed carry permits.*** To the extent the bill causes additional people to apply for concealed carry permits, revenue will increase. Each applicant for a concealed carry permit pays a fee of \$39.50 to the Colorado Bureau of Investigation (CBI) in the Department of Public Safety for a fingerprint-based background check. Of this amount, \$22.25 is credited to the CBI Identification Unit Fund and \$17.25 is transmitted to the federal government and classified as reappropriated funds.

***Decreases from criminal offenses.*** Under current law, the penalty for unlawfully carrying a concealed weapon is a class 2 misdemeanor. To the extent that this bill reduces criminal convictions, fine revenue and any associated court and probation fees will be reduced. The fine penalty for a class 2 misdemeanor ranges between \$250 and \$1,000, and is credited to the Fines Collection Cash Fund in the Judicial Department. Offenders on probation pay a supervision fee of \$50 per month and other court fees. 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 fines imposed in 2016, the fiscal note assumes that any reductions in revenue are likely to be minimal.

## **TABOR Impact**

This bill both increases and reduces state cash fund revenue, which may affect the amount of money required to be refunded under TABOR; the net change has not been estimated. TABOR refunds are paid from the General Fund.

## **State Expenditures**

Beginning in FY 2017-18, this bill increases and decreases workload and costs for the Department of Public Safety and agencies within the Judicial Department. These impacts are assumed to be minimal and will not result in a change in appropriations for any state agency.

***Department of Public Safety.*** The bill may increase the number of concealed carry permits issued by county sheriffs, and in future years, may increase renewals. To the extent this occurs, the CBI will experience an increase in workload to perform fingerprint-based background checks. Expenditures include \$17.25 per check, which is transmitted to the federal government.

***Judicial Department.*** By allowing certain individuals to apply for concealed carry permits, the bill may reduce trial court and probation workload associated with cases of unlawfully carrying a concealed weapon. In addition, to the extent that any persons age 18 to 21 who are on active duty or honorably discharged from the military are indigent, it may reduce workload and costs for agencies that provide criminal representation, including the Office of the State Public Defender and Office of the Alternate Defense Counsel.

## **Local Government Impact**

This bill will affect local governments in several ways, as discussed below.

**Misdemeanor offenses.** First, the bill may reduce workload for district attorneys that prosecute offenses for unlawfully carrying a concealed weapon. Second, to the extent that this bill reduces misdemeanor convictions and the number of persons sentenced to jail, costs will decrease. Under current law, a court may sentence an offender to jail for a class 2 misdemeanor for a period of between 3 and 12 months. Because the courts have the discretion of incarceration or imposing a fine, the precise 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.

**Denver County Court.** The bill results in a reduction in fee and fine revenue and workload for the Denver County Court, managed and funded by the City and County of Denver. The court will try fewer misdemeanor cases under the bill for unlawfully carrying a concealed weapon. Probation services in the Denver County Courts may also experience a minimal decrease in probation workload and revenue.

**Concealed carry permits.** The bill may increase the number of concealed carry permits issued by county sheriffs, and in future years, may increase renewals. Currently, individuals who apply for a concealed handgun permit pay county sheriffs a fee of no more than \$100 in order to cover any administrative and training costs associated with granting the permit. Individuals who apply to renew a concealed handgun permit pay a fee of no more than \$50. Any increase in workload as a result of the increase in applications is expected to be funded by fee revenue.

## **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**

Corrections	Counties	District Attorneys
Information Technology	Judicial	Local Affairs
Military Affairs	Municipalities	Public Safety
Sheriffs		