



**Colorado
Legislative
Council
Staff**

SB17-008

**FINAL
FISCAL NOTE**

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

Drafting Number: LLS 17-0389
Prime Sponsor(s): Sen. Hill
Rep. Lebsack

Date: July 12, 2017
Bill Status: Signed into Law
Fiscal Analyst: Amanda Hayden (303-866-4918)

BILL TOPIC: LEGALIZE GRAVITY KNIVES AND SWITCHBLADES

Fiscal Impact Summary	FY 2017-2018	FY 2018-2019
State Revenue	<u>(<\$5,000)</u>	<u>(<\$5,000)</u>
Cash Funds	(<\$5,000)	(<\$5,000)
State Expenditures	Minimal workload decrease.	
Appropriation Required: None.		
Future Year Impacts: Ongoing decrease in state cash fund revenue and workload.		

Summary of Legislation

This bill removes gravity knives and switchblades from the definition of illegal weapons.

Background and Comparable Crime

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. Knowingly possessing an illegal weapon is a class 1 misdemeanor. The minimum penalty is 6 months in jail, a \$500 fine, or both. The maximum penalty is 18 months in jail, a \$5,000 fine, or both. In the last three years, 792 people have been convicted of this offense, 82 females and 710 males. Of this total, 3 were Asian, 88 were African American, 53 were Hispanic, 3 were Native American, 10 were classified as "Other", and 635 were White. It is unknown how many of these offenses involved the use of switchblades or gravity knives.

A gravity knife is defined as one that has a blade released from the handle or sheath by the force of gravity or the application of centrifugal force. A switchblade is a knife that opens via a spring or similar mechanism in the handle.

State Revenue

Beginning in FY 2017-18, this bill is anticipated to decrease state cash fund revenue by a minimal amount.

Criminal fines. This bill is anticipated to decrease state revenue by less than \$5,000 per year, credited to the Fines Collection Cash Fund in the Judicial Department. The fine penalty for a class 1 misdemeanor is \$500 to \$5,000. 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 criminal fines imposed in 2016, the fiscal note assumes that any revenue lost is likely to be less than \$5,000.

Court and administrative fees. Based on similar offenses, this bill may also decrease state fee revenue by a minimal amount, including the \$50 per month per offender probation supervision fee. Fees are imposed for a variety of court-related costs, which vary based on the offense and the type of court. Typical fees may include such items as drug or sex offender surcharges, genetic testing, victim compensation, late fees, and other administrative fees. Some fee revenue is shared with local governments; please refer to the Local Government Impact section for additional information.

State Expenditures

Beginning in FY 2017-18, this bill decreases workload for trial courts within the Judicial Department by a minimal amount as fewer misdemeanor cases are expected to be prosecuted. It may also decrease workload for the Division of Probation Services, as well as the Office of the State Public Defender and Office of Alternate Defense Counsel to provide representation for any persons deemed to be indigent. The fiscal note assumes any such decreases are minimal and will not require any change in appropriations for any agency within the Judicial Department.

Local Government Impact

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

County court revenue and expenditures. First, the bill decreases workload for district attorneys to prosecute misdemeanors under the bill. Second, to the extent that this bill decreases misdemeanor convictions and offenders are no longer sentenced to jail or to pay fines and fees, costs and revenue will decrease. Under current law, the penalty for a class 1 misdemeanor is between 6 and 18 months in jail, a fine of \$500 to \$5,000, or both. 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. It is assumed that the impact of this bill will be minimal.

Denver County expenditures. The bill may result in a decrease in workload and in revenue 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 and may collect less fine and fee revenue. Probation services in the Denver County Courts may also experience a minimal decrease in revenue and workload to supervise fewer persons under the bill.

Law enforcement expenditures. Law enforcement agencies may see a small reduction in their workload with the elimination of this element of the crime. Any change is expected to be minimal.

Effective Date

The bill was signed into law by the Governor on March 23, 2017, and takes effect August 9, 2017, assuming no referendum petition is filed.

State and Local Government Contacts

District Attorneys
Public Safety

Information Technology
Sheriffs

Judicial