



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

HB 19-1049

# FINAL FISCAL NOTE

**Drafting Number:** LLS 19-0560  
**Prime Sponsors:** Rep. Neville

**Date:** June 13, 2019  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Aaron Carpenter | 303-866-4918  
Aaron.Carpenter@state.co.us

**Bill Topic:** CONCEALED HANDGUNS ON SCHOOL GROUNDS

**Summary of Fiscal Impact:**

<input checked="" type="checkbox"/> State Revenue ( <i>minimal</i> )	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill would have allowed concealed handgun permit holders to carry a concealed handgun onto the real grounds of a public school. The bill would have decreased state and local revenue and expenditures on an ongoing basis.

**Appropriation Summary:** No appropriation required.

**Fiscal Note Status:** This fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

**Table 1  
State Fiscal Impacts Under HB 19-1049**

		FY 2019-20	FY 2020-21
<b>Revenue</b>		-	-
<b>Expenditures</b>	General Fund	(\$52,440)	(\$3,803)
<b>Transfers</b>		-	-
<b>TABOR Refund</b>		-	-

## **Summary of Legislation**

This bill allows an individual with a concealed carry permit to carry a concealed handgun onto the real property of a public elementary, middle, junior high, or high school.

## **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 changes an element of an existing crime. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

**Unlawfully carrying or possession of a weapon on school grounds.** This bill allows concealed carry permit holders to carry a concealed handgun onto the real property of a public school. Under current law, a permit holder commits a class 6 felony if he or she carries a concealed handgun onto the real property of a public school. From FY 2016-17 to FY 2018-19, there have been fewer than 300 criminal cases filed with the courts. In that same period, 37 offenders have been convicted and sentenced for this offense. Of the persons sentenced, 34 were male, 3 were female. Demographically, 23 were White, 10 were African American, 2 were Hispanic, and 2 were Asian. During that period, 6 individuals were sentenced to county jail and 19 were sentenced to the Department of Corrections (DOC). In the last five years, only 4 offenders sentenced to the DOC where possession or carrying a weapon on school grounds was the most serious crime.

**Assumptions.** This analysis assumes that there will be approximately 100 fewer criminal case filings per year and that 2 offenders every five years will no longer be sentenced to DOC. The average Department of Corrections (DOC) length of stay for a class 6 felony is 7.4 months with an average parole length of stay of 9.6 months once he or she is released from prison.

Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## **State Revenue**

**Criminal fines and court fees.** Since the bill removes the class 6 felony for a concealed carry permit holder to carry a concealed handgun onto the real property of a public school, the bill will decrease state revenue from criminal fines and court fees by an unknown amount beginning in the current FY 2018-19, 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 6 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 decrease cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

**State Expenditures**

Beginning in the current FY 2018-19, this bill decreases workload and costs in the Judicial Department and agencies that provide representation to indigent persons. It will also decrease state General Fund expenditures in the Department of Corrections, as discussed below.

**Judicial Department.** This bill will decrease costs and workload for the trial courts in the Judicial Department to process additional criminal case filings. To the extent that offenders would have been sentenced to probation, costs and workload in the Division of Probation will decrease. Costs and workload may also decrease in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Council. Overall, this decrease in workload does not require a change in appropriations. Should a change in funding be required for any agency or division with the Judicial Department, the fiscal note assumes it will be addressed through the annual budget process.

**Department of Corrections - Five-year fiscal impact.** For informational purposes, based on the assumptions provided in the Comparable Crime Analysis section, this bill decreases prison operating, and parole costs for the DOC by a total of \$56,243 over the five-year period beginning in FY 2019-20. The fiscal note assumes no prison impact will occur in the current fiscal year. Table 2 shows the estimated cost of the bill over the next five fiscal years; however, the fiscal note assumes that any decrease in appropriations will be handled through the annual budget process based on prison population and future bed impact projections.

**Table 2  
Prison and Parole Costs Under HB18-1049**

Fiscal Year	Prison Bed Impact		Parole Impact		Total Cost
	Number	Operating Cost	Number	Operating Cost	
FY 2019-20	(1.2)	(\$48,898)	(0.8)	(\$3,542)	<b>(\$52,440)</b>
FY 2020-21	0	\$0	(0.8)	(\$3,803)	<b>(\$3,803)</b>
FY 2021-22	0	\$0	0	\$0	<b>\$0</b>
FY 2022-23	0	\$0	0	\$0	<b>\$0</b>
FY 2023-24	0	\$0	0	\$0	<b>\$0</b>
<b>Total Cost</b>		<b>(\$48,898)</b>		<b>(\$7,345)</b>	<b>(\$56,243)</b>

**TABOR refunds.** The bill is expected to minimally decrease state General Fund obligations for TABOR refunds in FY 2018-19. Under current law and the March 2019 Legislative Council Staff forecast, the bill will correspondingly reduce the amount refunded to taxpayers via reimbursements to local governments for property tax exemptions in FY 2019-20. The state is not expected to collect a TABOR surplus in FY 2019-20 or FY 2020-21.

**Local Government Impact**

Beginning in the current FY 2018-19, this bill is expected to decrease costs and workload for district attorneys that prosecute offenses involving carrying a concealed handgun onto the real property of a school. In addition, costs to county jails are expected to be reduced from offenders sentenced to county jails as part of a probation sentence. However, because the courts have the discretion of incarceration or imposing a fine, the precise county impact cannot be determined. Under current law, the state reimburses county jails for housing state inmates. Based on a 2018 Joint Budget Committee Staff county jail survey, the average cost to house an offender in a county jail is \$98.83 per day, but varies significantly from \$43.65 to \$350.21 per day depending on the county. The state reimburses county jails at a daily rate of \$54.39 in the current FY 2018-19 and by \$54.93 in FY 2019-20.

**Effective Date**

This bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on January 24, 2019.

**State and Local Government Contacts**

Corrections  
Education  
Judicial  
Sheriffs

Counties  
Higher Education  
Municipalities

District Attorneys  
Information Technology  
Public Safety