



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number: LLS 21-0618
Prime Sponsors: Rep. Hanks

Date: July 8, 2021
Bill Status: Postponed Indefinitely
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Bill Topic: **REPEAL AMMUNITION MAGAZINE PROHIBITION**

Summary of Fiscal Impact:

- | | |
|---|--|
| <input checked="" type="checkbox"/> State Revenue | <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This bill would have repealed the prohibition of the selling, transferring, and possessing large-capacity magazines. This bill would have minimally decreased state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation is 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.

Summary of Legislation

This bill repeals the prohibition on the selling, transferring, and possessing large-capacity magazines. It also repeals the requirement that gun magazine manufacturers stamp their magazine to indicate that it was made after July 1, 2013.

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.

Class 2 misdemeanors. Under current law, it is a class 2 misdemeanor if an individual sells, transfers, or possesses a large capacity magazine if they did not already own it before July 1, 2013. From 2018-2020, there were 9 persons convicted and sentenced for selling, transferring, or possessing a large capacity magazine. Of the persons sentenced, 5 were White, 4 were African American, and all 9 were male. Current law also requires magazine manufacturers to stamp magazines to indicate that the magazine was made after July 1, 2013. Failure to do so is a class 2 misdemeanor. From 2018-2020, there were no persons convicted and sentenced for this offense.

Class 1 misdemeanor. Under current law, a person commits a class 1 misdemeanor if he or she commits a second or subsequent offense of selling, transferring, or possessing a large capacity magazine. From 2018-2020 there were no persons convicted and sentenced for this offense.

Class 6 felony. Under current law, a person commits a class 6 felony if the individual possesses a large-capacity magazine while committing any felony or crime of violence. From 2018-2020, there were 3 persons sentenced for possessing a large-capacity magazine while committing a felony or crime of violence. Of those sentenced, 1 was White and 2 were African American, all 3 were male. Two people were sentenced to the Department of Corrections (DOC).

Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue and Expenditures

Based on the comparable crime data listed above, this analysis assumes that there will be a minimal impact on the class 6 felony and class 2 misdemeanor case filings. As a result, any reduction in criminal fines and court fees is expected to be minimal. Similarly, potential workload reductions for the trial courts, the Division of Probation, and agencies that provide representation to indigent persons in the Judicial Department are also assumed to be minimal. For the DOC, it is assumed that any person convicted and sentenced to the DOC for the class 6 felony being repealed by the bill would still be sentenced to the DOC for the associated felony or crime of violence. Thus, any change in periods of incarceration would be minimal and no change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute fewer offenses, or for county jails to imprison fewer individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

Effective Date

This bill was postponed indefinitely by the House State, Civic, Military, and Veterans Affairs Committee on March 17, 2021.

State and Local Government Contacts

Corrections
Municipalities
Sheriffs

Information Technology
Natural Resources

Judicial
Public Safety