



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Fiscal Note

Drafting Number: LLS 22-0363 Date: January 28, 2022
Prime Sponsors: Rep. Sullivan; Bacon Bill Status: House SCMVA
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Bill Topic: THE VOTE WITHOUT FEAR ACT

- Summary of Fiscal Impact: [x] State Revenue [x] TABOR Refund
[x] State Expenditure [x] Local Government
[x] State Transfer [] Statutory Public Entity

The bill makes it illegal to openly carry a firearm at a polling location, drop box, or central counting facility during election activities. It increases state and local revenue and expenditures on an ongoing basis, beginning in FY 2022-23.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the introduced bill.

Summary of Legislation

The bill makes it illegal for a person to openly carry a firearm within a polling location or within 100 feet of a drop box or polling location while voting is permitted or on an election day. It is also illegal to openly carry a firearm inside or within 100 feet of a central counting facility during any election administration activity. The bill lists exceptions to these requirements, and makes a violation a misdemeanor and punishable by a fine, imprisonment, or both.

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 creates a new factual basis for 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 resulting from the bill.

Prior conviction data. This bill creates the new offense of openly carrying a firearm in the proximity of a polling location, drop box, or central counting facility, an unclassified misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of possessing a weapon on school grounds as a comparable crime. From FY 2018-19 to FY 2020-21, 24 people have been convicted and sentenced for this existing offense. Of the persons convicted, 24 were male and

4 were female. Demographically, 23 were White, 4 were Black/African American, and 1 was Hispanic. However, because the new offense is limited to times when election activities are taking place, the fiscal note assumes that the number of convictions will be minimal.

State Revenue and Expenditures

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue and expenditures. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount. Similarly, any increase in workload and costs for the Judicial Department, including the trial courts, Division of Probation, and agencies that provide representation to indigent persons, are assumed to be minimal and no change in appropriations is required.

Local Government

Beginning in FY 2022-23, this bill is expected to increase local government revenue, workload, and costs, as described below. The exact impact to a particular local government will vary depending on the number of offenses committed within its jurisdiction.

District attorneys. The bill increases workload and costs for district attorneys to prosecute a new misdemeanor offense. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

County jails. Based on the assumptions listed in the Comparable Crime Analysis section, the bill may increase county jail costs. However, because the courts have the discretion of incarceration or imposing a fine, the precise county impact cannot be determined.

Denver County Court. The bill increases revenue, workload, and costs for the Denver County Court, which is managed and funded by the City and County of Denver, to try misdemeanor cases under the bill. Probation services in the Denver County Courts may also experience an increase in revenue, costs, and workload revenue to supervise persons convicted under the bill within Denver County.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties	County Clerks
Judicial	Secretary of State