



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 24-0282	Date:	June 5, 2024
Prime Sponsors:	Rep. Hernandez; Epps Sen. Gonzales	Bill Status:	Postponed Indefinitely
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Bill Topic: **PROHIBIT CERTAIN WEAPONS USED IN MASS SHOOTINGS**

Summary of	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> Local Government
Fiscal Impact:	<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> TABOR Refund	<input type="checkbox"/> Statutory Public Entity

The bill would have prohibited the manufacture, import, purchase, or sale of assault weapons and rapid-fire trigger activators. Starting in FY 2024-25, the bill would have increased state and local revenue and expenditures on an ongoing basis.

Appropriation Summary: No appropriation was required.

Fiscal Note Status: The final fiscal note reflects the engrossed bill. This bill was postponed indefinitely by the Senate State, Veterans, & Military Affairs Committee on May 7, 2024; therefore, the impacts identified in this analysis do not take effect.

Summary of Legislation

The bill prohibits the manufacture, import, purchase, or sale of assault weapons, as defined by the bill, and the possession or sale of rapid-fire trigger activators. Attempting to sell an assault weapon or rapid-fire trigger activator after July 1, 2025, is punishable depending on the party attempting the sale as follows:

- a private party is subject to a civil infraction of \$750; and
- a licensed dealer, gun show vendor, or other person with a permit to sell firearms is subject administrative actions taken by the Department of Revenue (DOR).

Certain exceptions to these prohibitions are provided in the bill, including for military personnel and peace officers, among others.

Finally, the bill adds assault weapons to the list of firearms it is unlawful to provide to juveniles without parental or guardian consent.

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 section outlines crimes that are comparable to the offense in this bill and discusses assumptions on future rates of criminal convictions resulting from the bill.

Prior conviction data. This bill creates two new civil penalties in the criminal code and a new factual basis for an existing offense, as outlined below.

- **Unlawful sale of assault weapons or rapid-fire trigger.** This bill creates two new civil penalties for unlawful sale of assault weapons and unlawful sale of rapid-fire triggers by a private party. To form an estimate on the prevalence of these new penalties, the fiscal note analyzed the existing offense of unlawful private firearm transfer, a class 2 misdemeanor. From FY 2020-21 to FY 2022-23, 11 persons were convicted and sentenced for this existing offense, or about 4 per year. Of the persons convicted, 8 were male and 3 were female. Demographically, 9 were White, 1 was Black/African-American, and 1 was Hispanic.
- **Unlawfully providing a firearm to a juvenile.** This bill creates a new factual basis for the existing offense of unlawfully providing a juvenile a firearm other than a handgun, a class 1 misdemeanor, by including assault weapons. From FY 2020-21 to FY 2022-23, five persons were sentenced and convicted for this offense, or about 2 per year. Of the persons convicted, two were male and three were female. Demographically, three were White, one was Black/African American, and one was Hispanic.

Assumptions. Based on the low prevalence of comparable crimes, the fiscal note assumes a minimal impact on the criminal justice system, as outlined below.

- **Assault weapons and rapid-fire trigger activators.** Given the low prevalence of the comparable crime, the fact that the civil penalties only apply to private parties attempting to sell these items, and an assumption that most individuals will follow the law, this fiscal note assumes that the number of new civil penalties under the bill will be minimal.
- **Unlawfully providing a firearm to a juvenile.** Based on the low average annual convictions for the comparable crime, this fiscal note assumes there will be minimal or no additional case filings for this existing offense.

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

State Revenue

Based on the assumptions above, this analysis assumes that there will be a minimal impact on state revenue. Under the bill, civil penalties, which are subject to TABOR, may increase by a minimal amount.

State Expenditures

Beginning in FY 2024-25, the bill increases workload in the Judicial Department and the DOR.

Judicial Department. The bill increases trial court workload in the Judicial Department to handle additional civil penalty cases. Depending on how cases are filed, the impact may vary. Overall, any increase in case filings is expected to be minimal. No change in appropriations is required.

Department of Revenue. To the extent firearm dealer permit holders violate the provisions of the bill, workload may increase for the DOR to issue additional warnings or process additional permit revocations—see Technical Note. It is assumed that most permit holders will follow the law to avoid permit revocation, and any increase is expected to be minimal. No change in appropriations is required.

Local Government

Similar to the state, it is expected that any workload or cost increases for district attorneys to prosecute more violations will be minimal. District attorney offices are funded by counties.

Technical Note

The penalties for firearms dealers in this bill references a permitting process administered by the DOR that does not exist under current law, but is contemplated in [House Bill 24-1353](#).

Effective Date

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

State and Local Government Contacts

District Attorneys
Natural Resources

Judicial

Law

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).