



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

**Revised Fiscal Note**

(replaces fiscal note dated February 28, 2024)

<b>Drafting Number:</b>	LLS 24-0282	<b>Date:</b>	March 22, 2024
<b>Prime Sponsors:</b>	Rep. Hernandez; Epps	<b>Bill Status:</b>	House Second Reading
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**Bill Topic: PROHIBIT CERTAIN WEAPONS USED IN MASS SHOOTINGS**

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

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

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

**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. Persons attempting to sell an assault weapon or rapid-fire trigger activator after July 1, 2024, are guilty of a petty offense. Exceptions are provided for the sale of remaining inventory after August 1, 2024, to nonresidents, and for military and peace officers, lawful transfers for maintenance, and forensic laboratories, 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 petty offenses and a new factual basis for an existing offense, as outlined below.

- **Unlawful manufacture, import, purchase, or sale of assault weapons.** This bill creates a new petty offense for unlawful manufacture, import, purchase, or sale of assault weapons. To form an estimate on the prevalence of this new penalty, the fiscal note analyzed the existing offense of unlawful transfer of a firearm by a licensed dealer, a class 1 misdemeanor. From FY 2020-21 to FY 2022-23, two white females were convicted and sentenced for this offense.
- **Unlawful possession of a rapid-fire trigger activator.** This bill creates a new petty offense for unlawful possession of a rapid-fire trigger activator. To form an estimate on the prevalence of this new penalty, the fiscal note analyzed the existing offense of unlawful possession of a large-capacity magazine, a class 2 misdemeanor. From FY 2020-21 to FY 2022-23, 129 persons were convicted and sentenced for this offense. Of the persons convicted, 127 were male and 2 were female. Demographically, 67 were White, 52 were Black/African American, 4 were Hispanic, 4 were Asian, 1 was American Indian, and 1 was classified as "Other."
- **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. 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 above data, the fiscal note makes the following assumptions on the prevalence of the new penalties and crimes.

- **Assault weapons and rapid-fire trigger activators.** Given the low prevalence of the comparable crimes, the fact that the petty offenses only apply to persons attempting sell these items rather than simply possessing them, and an assumption that most dealers will follow the law, this fiscal note assumes that there will be about 40 offenders convicted and sentenced per year for the offenses under the bill, with about 66 percent of these convictions occurring in Denver County Court, which is locally funded. Petty offenses are punishable by a sentence of up to ten days in jail, a fine of up to \$300, or both.
- **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](https://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## 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**

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

**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 petty offense 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**

District Attorneys  
Natural Resources

Judicial

Law

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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](#).