



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 25-1171: POSSESSION OF WEAPON BY PREVIOUS OFFENDER CRIMES

Prime Sponsors:

Rep. Bird; Boesenecker

Fiscal Analyst:

Aaron Carpenter, 303-866-4918
aaron.carpenter@coleg.gov

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Fiscal note status: This fiscal note reflects the introduced bill, as amended by House Judiciary.

Summary Information

Overview. The bill adds motor vehicle theft in the first to crime of possession of weapons by a previous offender.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- Minimal State Expenditures
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact ¹	Budget Year FY 2025-26	Out Year FY 2026-27
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0 FTE	0 FTE

¹ Fund sources for this impact are shown in the table below.

Summary of Legislation

The bill adds motor vehicle theft in the first degree to crime of possession of weapons by a previous offender (POWPO).

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 a new factual basis for the existing offense of POWPO by adding motor vehicle theft to the list of crimes where an offender cannot possess a firearm. From FY 2021-22 to FY 2023-24, 3,051 individuals have been convicted and sentenced for this offense. Of the persons convicted, 2,863 were male, 169 were female, and 19 did not have a gender identified. Demographically, 2,007 were White, 802 were Black/African American, 149 were Hispanic, 22 were Asian, 23 were American Indian, 31 were classified as "Other," and 17 did not have a race identified.

Assumptions

Based on an analysis of POWPO criminal histories and sentencing conducted by the Judicial Department, and because the vast majority of motor vehicle theft convictions are for second or third degree theft, the fiscal note estimates that a minimal amount of cases per year will result from the bill. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

Based on the low number of new cases assumed in the Comparable Crime Analysis section, the fiscal note assumes that any increase in revenue from criminal fines and fees will be minimal. The fine penalty for a class 5 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 impact cannot be determined. Criminal fine and court fee revenue is subject to TABOR.

State Expenditures

The bill may minimally impact costs in the Judicial Department and in the Department of Corrections, as described below.

Judicial Department

Courts and Probation

The bill increases workload in the trial courts to hear additional criminal cases, and in the Division of Probation to the extent more individuals are sentenced to probation. Based on the assumed low number of additional cases, any workload increase is assumed to be minimal.

Agencies Representing Indigent Offenders

Workload and costs may increase in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Counsel. Overall, it is assumed these impacts can be accomplished within existing appropriations.

Department of Corrections

To the extent that this bill increases the number of persons sentenced to prison for POWPO, costs will increase. However, at this time it is assumed that the likelihood of persons being sentenced to the custody of the DOC is minimal.

Local Government

By changing the elements of POWPO, the bill will increase workload and costs for district attorneys to prosecute these cases. District attorney offices are funded by counties, with each county in a judicial district contributing based on its population.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to offenses on or after this date.

State and Local Government Contacts

Corrections

Judicial

District Attorneys