



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 25-003: SEMIAUTOMATIC FIREARMS & RAPID-FIRE DEVICES

Prime Sponsors:

Sen. Sullivan; Gonzales J.
Rep. Boesenecker; Froelich

Fiscal Analyst:

Clayton Mayfield, 303-866-5851
clayton.mayfield@coleg.gov

Published for: Senate State Affairs

Drafting number: LLS 25-0599

Version: Initial Fiscal Note

Date: January 23, 2025

Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill prohibits the manufacture, distribution, transfer, sale, or purchase of certain semiautomatic firearms and classifies rapid-fire devices as dangerous weapons.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis starting in FY 2025-26:

- State Revenue
- State Expenditures
- Local Government

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	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	0.0 FTE	0.0 FTE

Summary of Legislation

The bill prohibits the manufacture, distribution, transfer, sale, or possession of semiautomatic rifles or shotguns with detachable magazines and gas-operated semiautomatic handguns. Rifles that use .22 caliber, or lower, rim-fire ammunition are not prohibited, unless the rifle has separate upper and lower receivers. Other exceptions are provided in the bill for certain persons, including law enforcement. The Attorney General is authorized to provide guidance regarding implementation of the bill, including issuing opinions or providing other guidance about specific firearms to which the bill applies.

The penalty for a violation is a class 2 misdemeanor, or a class 6 felony for second or subsequent violations. Any conviction is grounds for denial of any future firearm transfers, and makes a person subject to the felony for possession of a weapon as a previous offender (POWPO) restrictions. Additionally, the Department of Revenue (DOR) must revoke the state firearm dealer permit of any dealer who is convicted for a violation.

The bill classifies rapid-fire devices as dangerous weapons, which are subject to other prohibitions and penalties in statute, and removes references to machine gun conversion devices.

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

Specified Semiautomatic Firearms

This bill creates the new offense of unlawful manufacture, distribution, transfer, sale, or purchase of a specified semiautomatic firearm, a class 2 misdemeanor for a first offense or a class 6 felony for a second or subsequent offense. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of unlawful sale, transfer, or possession of a large-capacity magazine, a class 2 misdemeanor, as a comparable crime. From FY 2021-22 to FY 2023-24, 203 offenders have been sentenced and convicted for this existing offense. Of the persons convicted, 198 were male and 5 were female. Demographically, 102 were white, 86 were Black/African-American, 9 were Hispanic, 3 were Asian, 2 were American Indian, and 1 was classified as "Other."

POWPO

The bill creates a new factual basis for the existing offense of possession of a weapon by a previous offender (POWPO), a class 5 felony, by adding a new potential felony conviction that would make a person ineligible to possess a firearm. From FY 2021-22 to FY 2023-24, 423 persons have been sentenced and convicted for this existing offense. Of the persons convicted, 399 were male, 20 were female, and 4 did not have a gender identified. Demographically, 291 were White, 96 were Black/African-American, 20 were Hispanic, 4 were Asian, 3 were American Indian, 8 were classified as "Other," and 1 did not have a race identified.

Dangerous Weapons

The bill creates a new factual basis for the existing offense of possession of a dangerous weapon, a class 5 felony, by removing machine gun conversion devices and adding rapid-fire devices to the list of dangerous weapons. From FY 2021-22 to FY 2023-24, 173 persons have been sentenced and convicted for this existing offense. Of the persons convicted, 160 were male, and 13 were female. Demographically, 125 were White, 26 were Black/African-American, 11 were Hispanic, 6 were Asian, 1 was American Indian, 3 were classified as "Other," and 1 did not have a race identified.

Assumptions

Overall, the fiscal note assumes that there will be minimal or no additional case filings or convictions from the new offense under the bill, or from the changes to existing offenses. The new offense under the bill does not prohibit possession, while the comparable crime includes this element. Additionally, prohibited conduct for the new offense will mostly impact firearm dealers, who are assumed to follow all laws regarding firearms. POWPO offenses require a previous felony conviction. Under the bill, a felony conviction is only possible after a first offense, which is assumed to minimally occur. Finally, replacing machine gun conversion devices with rapid-fire devices in the list of dangerous weapons is unlikely to increase case filings or convictions because the similarity of these devices means that possession of rapid-fire devices is likely already being prosecuted under current law. Visit leg.colorado.gov/fiscalnotes for more information about criminal justice costs in fiscal notes.

State Revenue

Based on the Comparable Crime Analysis section, this analysis assumes that there will be a minimal impact on state revenue. Under the bill, criminal fines and court fees, which are subject to TABOR, may increase by a minimal amount.

State Expenditures

The bill impacts state expenditures for several state agencies as described below.

Criminal Justice System

Based on the assumptions in the Comparable Crime Analysis section, this analysis assumes that there will be a minimal impact on the criminal justice system. Under the bill, 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, and to the Department of Corrections, are assumed to be minimal and no change in appropriations is required.

Department of Law

The bill authorizes, but does not require, the Department of Law (DOL) to provide guidance to the public and law enforcement agencies regarding implementation of the bill, including issuing opinions on specific models of firearms that are prohibited. Depending on the amount of guidance needed by the public and law enforcement, workload for the DOL may increase and could require additional resources. The fiscal note assumes that since the bill does not require the DOL to provide guidance, no additional appropriations are required at this time. If the DOL chooses to produce guidance which requires more resources to provide, this will be addressed through the annual budget process.

Department of Revenue

The bill requires the DOR to revoke the state firearm dealer permit of any dealer who violates the provisions of the bill. This increases workload for the DOR; however, based on the population of firearm dealers and an assumption that most dealers will follow the law, the increase is expected to be minimal and no additional appropriations are required.

Department of Public Safety

To the extent the bill results in the submission of firearms to the Colorado Bureau of Investigation (CBI) for functionality testing to determine if firearms are prohibited by the bill, workload will increase. Any workload increase is assumed to be minimal.

Local Government

Similar to the state, it is expected that any workload or cost increases 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.

Effective Date

The bill takes effect September 1, 2025, and applies to offenses committed on or after this date.

Departmental Difference

The Department of Public Safety (CDPS) estimates the bill requires \$4,655,352 General Fund and 8.0 FTE in FY 2025-26, and \$995,792 General Fund and 8.0 FTE in FY 2026-27 and ongoing. This is based on an assumption that the bill will result in the submission of an additional 1,000 firearms per year to the Colorado Bureau of Investigation (CBI) for functionality testing to determine if firearms are prohibited by the bill. The CDPS indicates that under current law 1,000 firearms per year are processed by forensic firearm examiners. The increase in workload would require additional forensic staff, support staff, forensic examination equipment, other specialized equipment, non-standard staff operating costs, and, due to the lack of space at the CBI lab in Pueblo for these additional staff and equipment, a remodel of the Pueblo lab and purchase of temporary leased space to house staff while the remodel is in progress.

Based on the Comparable Crime Analysis section above, responses of other agencies regarding the potential for violations to occur, and bill language allowing for the DOL to issue guidance or opinions regarding implementation of the bill, the fiscal note assumes a minimal amount of additional firearms may be submitted to the CBI. This increase in workload does not require additional appropriations, and the fiscal note does not include the CDPS's costs.

State and Local Government Contacts

Corrections	Natural Resources
District Attorneys	Public Safety
Judicial	Revenue
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](#).