

Proposition KK: Firearms and Ammunition Excise Tax

Placed on the ballot by the legislature • Passes with a majority vote

1 **Proposition KK proposes amending the Colorado statutes to:**

- 2 • create a new state tax on firearms sellers equal to 6.5 percent of their sales of
3 firearms, firearm parts, and ammunition, and exempts this money from the state's
4 revenue limit as a voter-approved revenue change; and
- 5 • use the new tax revenue to fund crime victim support services, mental health
6 services for veterans and youth, and school safety programs.

7 **What Your Vote Means**

8 **YES**

9 A "yes" vote on Proposition KK creates a
10 new tax on firearms, firearm parts, and
11 ammunition, and uses the revenue for
12 crime victim services, mental health
13 services for veterans and youth, and
14 school safety programs.

15 **NO**

16 A "no" vote on Proposition KK means the
17 state's taxation of firearms and
18 ammunition will not change.

19 **Summary and Analysis of Proposition KK**

20 **Why is this measure on the ballot?**

21 The Colorado Constitution requires voter approval of new taxes. This measure, referred by
22 the state legislature, asks voters to tax retail sales of firearms, firearm parts, and ammunition.

23 **How are firearms currently taxed?**

24 Since 1919, the federal government has levied an excise tax on retail sales of firearms and
25 ammunition by firearm manufacturers and importers. This federal tax is
26 currently 10.0 percent for handguns, and 11.0 percent for all other firearms and all
27 ammunition. This tax applies to retail sales in Colorado. The federal government uses the tax
28 revenue to fund wildlife conservation and hunting programs. In Colorado, retail sales of
29 firearms, firearm parts, and ammunition are also subject to state and local sales taxes that
30 apply to most goods.

31 **What firearm products are subject to the new tax, if approved?**

32 The 6.5 percent tax applies to retail sales of the following by vendors and manufacturers:

- 33 • firearms that are working or that can be made to work;

- 1 • certain firearm parts, components, and accessories, and parts that may be used to
- 2 construct a firearm;
- 3 • devices used for manufacturing a firearm; and
- 4 • ammunition and ammunition components.

5 **Who pays the new tax?**

6 Firearm dealers, firearm manufacturers, and ammunition sellers are responsible for paying
 7 the new tax on their retail sales. Sellers with annual sales of less than \$20,000 are exempt
 8 from the tax. Retail sales to law enforcement officers, law enforcement agencies, and active
 9 duty military members are also exempt from the tax. Private sales between individuals who
 10 are not firearm dealers, firearm manufacturers, or ammunition vendors are not subject to the
 11 new tax.

12 **How will the money collected from the new tax be used?**

13 After paying for administrative costs, the taxes collected will fund crime victim support
 14 services grants, veterans mental health services, youth behavioral health services, and school
 15 safety. The amounts of money dedicated to each program will vary depending upon the
 16 actual collections and will be distributed in the amounts and order shown in Table 1.

17 **Table 1**
 18 **Distribution of Firearms and Ammunition Tax Revenue**

Program	Maximum Distribution	What Will it Pay For?
Administrative Costs	\$0.2 – \$0.4 million	Costs for the Department of Revenue to administer the tax.
Crime Victim Services	\$30.0 million, adjusted for inflation	Grants to local governments, law enforcement, and nonprofit organizations to provide crime victim services, such as on-site crisis response, counseling, legal advocacy, and emergency financial assistance, among others.
Veterans Mental Health Services	\$5.0 million	Mental health services provided to eligible veterans in state-administered veterans living centers who have exhausted their federal benefits.
Children and Youth Behavioral Health Crisis Response System	\$3.0 million	Crisis-related behavioral health services for children and youth, including but not limited to counseling, referrals, and in-home support.
School Security Disbursement Grant Program	\$1.0 million	Grants to Colorado public schools for security enhancement projects, such as school emergency response training and capital construction that improves the school's safety against threats of physical harm.

1 The measure is expected to generate up to \$39.0 million in the first full year. If revenue is left
2 over after making the required annual distributions, it will remain available for future use as
3 determined by the state legislature. If the tax does not generate enough revenue to make
4 the required distributions in any year, recipient programs may receive less new funding than
5 shown in Table 1.

6 **How are the programs impacted by the measure currently funded?**

7 Programs funded through the measure currently receive a combination of federal and state
8 funds. Federal funding for victim services comes from fines paid by people convicted of
9 federal crimes, and the amount of federal payments to states has declined significantly in
10 recent years. The state has also spent some temporary COVID-19 relief funds received from
11 the federal government for public health services, including mental health and victim service
12 programs. School safety programs have received allocations of state funds in the past.

For information on those issue committees that support or oppose the measures on the ballot at the November 5, 2024, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<https://coloradosos.gov/pubs/elections/Initiatives/InitiativesHome.html>

13 **Arguments For Proposition KK**

- 14 1) Gun violence causes substantial physical, mental, emotional, and financial harm. Taxing
15 firearm and ammunition sellers is an appropriate way to fund programs that reduce the
16 negative impacts of gun violence. There is a connection between the prevalence of
17 firearms in the community and negative outcomes, including homicides, domestic
18 violence, suicide, and violent crimes, and the associated trauma and mental health harm.
19 This measure taxes firearms to provide much needed services to address these issues.
- 20 2) Reliable access to victim and mental health services is critical for impacted communities.
21 Victims of domestic violence, military veterans, and at-risk youth deserve dependable
22 support to recover from their trauma. Current funding sources for these services are
23 inconsistent and in some cases disappearing, while demand continues to rise. Without
24 steady funding, these services may be reduced or eliminated. Proposition KK provides
25 dedicated money to sustain and expand violence prevention, healing, and recovery
26 programs.

27 **Arguments Against Proposition KK**

- 28 1) Citizens have a state and federal constitutional right to own firearms. This measure
29 places an additional burden on the ability of law-abiding Coloradans to exercise this
30 right. Legal firearm sales should not be taxed to address problems caused by the harmful
31 or illegal use of firearms, or to fund other state programs addressing public health.
32 Furthermore, sales to people convicted of certain crimes are already prohibited and will
33 not contribute financially to solving the harms to society they have caused. If the state
34 wants to strengthen support for crime victims and persons needing mental health
35 services, it should prioritize these programs within the state's current resources.

1 2) Firearms are used for many legitimate purposes, including self-defense and personal and
 2 community safety. Placing an additional tax on firearms and ammunition reduces the
 3 ability of people, particularly those with limited financial means, to access these tools.
 4 People seeking to buy firearms may choose to buy them in other states to avoid the new
 5 state tax, hurting Colorado businesses and potentially encouraging illegal purchases of
 6 firearms.

7 **Fiscal Impact of Proposition KK**

8 **State revenue.** Proposition KK increases state revenue from a new tax on firearms and
 9 ammunition. In state budget year 2024-25, about \$9.0 million will be collected on a partial
 10 year basis (April through June 2025). In state budget year 2025-26, the first full year of
 11 collections, up to \$39.0 million will be received. Comparable amounts will be collected in
 12 future years, adjusted for inflation and trends in firearm and ammunition sales. This revenue
 13 is exempt from constitutional spending limits.

14 **State spending.** Proposition KK increases state spending on tax administration and
 15 compliance by about \$400,000 in state budget year 2024-25 and by about \$200,000 in
 16 future budget years. State spending on crime victim and mental health services will increase
 17 by up to \$8.6 million in state budget year 2024-25 and up to \$38.8 million in state budget
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 19 will vary based on revenue collected, and funds will be distributed subject to availability in
 20 the order listed above.

21 **Taxpayer impacts.** Proposition KK places a 6.5 percent tax on the retail sales of firearms,
 22 firearm parts, and ammunition, paid by firearm and ammunition sellers. The state will collect
 23 up to \$39.0 million in tax revenue based on about \$600.0 million in estimated retail sales of
 24 firearms, firearm parts, and ammunition. The table below presents potential examples of the
 25 tax burden for the retail sale of average-priced firearms and ammunition.

26 **Table 2**
 27 **Tax Due Under Proposition KK for Example Purchases**

	Handgun	Long Gun	Ammunition
Price Example	\$550	\$930	\$20
Proposition KK Tax	6.5%	6.5%	6.5%
Tax Due	\$35.75	\$60.45	\$1.30

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 26 prevention, healing, and recovery programs.

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Table 2

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Tax Owed Under Proposition KK for Example Purchases

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Proposition KK Tax	6.5%	6.5%	6.5%
Tax Collected	\$35.75	\$60.45	\$1.30

Last Draft Comments from Interested Parties

Proposition KK Firearms and Ammunition Excise Tax

Robert Edmiston, representing The Firearms Coalition of Colorado:

In Paragraph 1, in the *For Section*, "Gun Violence..." could be replaced by "Illegal use of guns..." All the "harm" related to firearms is caused by unlawful use. "Gun Violence" is a recently manufactured term that tends to distract from violence perpetrated through the use of other objects, or through the use of body parts, such as hands and feet.

In Paragraph 1, in the *For Section*, "is" regarding a connection between guns and negative outcomes should be replaced with "may be," or "appears to be." (Guns by themselves harm no one). There is persuasive evidence that the prevalence of firearms in a society does not increase "harm."

Drafters point out that taxes can result in increased illegal transactions. (It is currently illegal to purchase handguns from an out-of-state vendor without the involvement of a Colorado FFL holder. Long guns may only be purchased in a contiguous state.) Again, we suggest that the word "harmful" be replaced by "illegal" or "criminal" in Paragraph 1 of the *Against Section*, since inappropriate use of firearms is, by definition, against the law.

We would also suggest returning to the general use of the term, "firearm," as was the practice in the First Draft, as opposed to the repetitive use of the word, "gun." The repeated use of "gun," following "gun violence," creates an unnecessarily pejorative atmosphere regarding the use of firearms.

We believe this tax to be comparable to a poll tax on voting, or a tax on personal computers to mitigate the damage done by "misinformation/disinformation" and "hate speech." It would be useful to compare this situation to people who legally use controlled substances. Should they have to pay a tax to mitigate the societal damage caused by abusers? Should citizens who buy automobiles have to pay a tax to mitigate the damage caused by reckless drivers, or people who drive under the influence of drugs or alcohol?

We urge you to consider the above suggestions. Thank you for your consideration,

Scott Koehler, representing himself:

Hello,

Thank you for your work in preparing the Prop KK ballot analysis. In order to provide a clear, transparent overview of this proposition, I would like to request that the current State and Federal funding for the programs this proposition is going to support be

Last Draft Comments from Interested Parties

Scott Koehler, representing himself (Cont.):

included in the analysis. While the funding is somewhat addressed in the question on page 3 (How are the programs impacted by the measure currently funded?), the actual and/or estimated funding amounts for each program should be identified so provide voters with a clear understanding of the amount of funding currently allocated to these programs and the amount being increased through prop kk.

Thank you for the consideration.

Eileen McCarron, representing Colorado Ceasefire Legislative Action:

I suggest that the word "significantly" be added to line 9 on page 3, to read: "federal crimes, and the amount of federal payments to states has declined significantly in recent years."

I would suggest that the word "gun" be removed from line 25 page 3, to read: "Proposition KK provides dedicated money to sustain and expand violence " WHY?: For example: Although firearms are used in domestic violence murders and as a means of intimidation in domestic violence situations, the services offered by domestic violence shelters and counselors are valuable for preventing all sorts of violence, not just gun violence. The same goes for mental health programs.

Typo: line 4 page 4. There is an extra "to" in the sentence. It should read. Additionally, it needs a limitation to long guns: "People seeking to buy firearms may choose to buy them in other states to avoid the"

q3c6y6, representing himself:

I stand firmly opposed to proposition KK.

Courtney Sutton, representing Colorado Organization for Victim Assistance:

Thank you for the opportunity to provide feedback on Prop KK. I believe there is a lack of consistency throughout the language on who is taxed. I would suggest making it clear and consistent throughout the analysis it is an excise tax on firearm manufacturers, firearm sellers, and dealers. This measure does not make determinations for firearm manufacturers, sellers, and vendors to pass the tax onto the consumer that is left up to

Last Draft Comments from Interested Parties

Courtney Sutton, representing Colorado Organization for Victim Assistance (Cont.):

the individual businesses.

- Pg. 1 Line 10 new tax on firearms, firearm parts, and ammunition replace with “new tax on firearm sellers on retail sales of firearms, firearm parts, and ammunition”
- Pg. 1 Line 22 voters to tax retail sales of firearms, firearm parts, and ammunition replace with “voters to tax firearm sellers on retail sales of firearms, firearm parts, and ammunition.”
- Pg. 2 Section Who pays the new tax? Can a line be added that this is not a sales tax on the consumer?
- Pg. 3 Line 9 payments to states has declined in recent years replace with “payments to states have significantly declined in recent years” – the Federal Victims of Crime Act Funding for Colorado has declined over 76% since 2018 when we received \$56.7 million to \$13.5M in 2024 with additional cuts expected. The VOCA funding cut from 2023 to 2024 was 42% and we are anticipating more cuts in the future.
- Pg 3-4 Arguments against – the framing is that this is a sales tax that every consumer will be affected by the tax. Needs clarification that this is an excise tax on firearm sellers.
- Pg 4 Line 29 remove “law-abiding Coloradans”. This is inflammatory language. This is an excise that only paid by gun sellers on new purchases, not existing gun owners.
- Pg. 4 Table 2 Tax Collected replace with “Tax Collected from Firearm Sellers”
Best,

Proposition KK
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Contact List

Interested Party	Organization Name	Email Address
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Keith Emerson	Retired	kemerson2002@yahoo.com
Mallory Feeney	House Dems	mallory.feeney.house@gmail.com
Alan Fisher	N/A	alfisher@wispertel.net
Mark Fitzgerald	Better Tomorrow	mark@bettertomorrowco.org
Brie Franklin	Colorado Coalition Against Sexual Assault	brie@ccasa.org

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Interested Party	Organization Name	Email Address
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Cory Gaines	CTG	corytgaines@gmail.com
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Landon Gates		landon@capitolfocusllc.com
Daniel Gates	Coloradans for Responsible Wildlife Management	dgcritter91@gmail.com
Daphne Gervais	Colorado Department of Natural Resources	daphne.gervais@state.co.us
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Mark Grueskin	Recht Kornfeld	mark@rklawpc.com
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Melinda Kraus	CDOR	melinda.kraus@state.co.us
Andrea Kuwik		kuwik@bellpolicy.org
Deborah Lively	LeadingAge Colorado	deborah@leadingagecolorado.org
Elizabeth Lo	Husch Blackwell Strategies	elizabethl@hbstrategies.us
Meghan MacKillop	Nexus Policy Group	meghan@nexuspolicygroup.com
Joshua Mantell	The Bell Policy Center	mantell@bellpolicy.org
Rich Mauro	Denver Regional Council of Governments	rmpeoplespalate@gmail.com

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Eileen McCarron	Colorado Ceasefire	emccarron1@mindspring.com
Gordon McLaughlin	8th Judicial District Attorney	mclauggp@co.larimer.co.us
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Joe Meyer		thejoemeyer@gmail.com
Shannon Meyer	Response	shannon@responsehelps.org
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Kurt Morrison	Office of the Attorney General	kurtis.morrison@coag.gov
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Joshua Savani		JSavani@nrahq.org

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Proposition KK
Firearms and Ammunition Excise Tax

1 **Question:**

2 SHALL STATE TAXES BE INCREASED BY \$39,000,000 ANNUALLY TO FUND MENTAL HEALTH SERVICES,
3 INCLUDING FOR MILITARY VETERANS AND AT-RISK YOUTH, SCHOOL SAFETY AND GUN VIOLENCE
4 PREVENTION, AND SUPPORT SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE AND OTHER VIOLENT CRIMES BY
5 AUTHORIZING A TAX ON GUN DEALERS, GUN MANUFACTURERS, AND AMMUNITION VENDORS AT THE RATE
6 OF 6.5% OF THE NET TAXABLE SALES FROM THE RETAIL SALE OF ANY GUN, GUN PRECURSOR PART, OR
7 AMMUNITION, WITH THE STATE KEEPING AND SPENDING ALL OF THE NEW TAX REVENUE AS A
8 VOTER-APPROVED REVENUE CHANGE?