



**Legislative Council Staff**

*Nonpartisan Services for Colorado's Legislature*

**Fiscal Note**

<b>Drafting Number:</b>	LLS 24-0352	<b>Date:</b>	February 21, 2024
<b>Prime Sponsors:</b>	Sen. Jaquez Lewis; Kolker Rep. Brown; Lindsay	<b>Bill Status:</b>	Senate Judiciary
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**Bill Topic: PROHIBITING CARRYING FIREARMS IN SENSITIVE SPACES**

<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 open or concealed carry of firearms in certain locations open to the public and places of business. Starting in FY 2024-25, the bill may increase state and local revenue and expenditures on an ongoing basis.

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

**Fiscal Note Status:** The fiscal note reflects the introduced bill.

**Summary of Legislation**

The bill prohibits the open or concealed carry of firearms in a total of 19 specific locations listed in the bill, which include a variety of venues open to the public and places of business. A violation is an unclassified misdemeanor punishable by a \$250 fine for a first offense, and a \$1,000 fine for a second or subsequent offense. Exceptions apply for peace officers and members of the United States armed forces engaged in official duties, security personnel engaged in official duties who are retained by venues, storing firearms in a locked container in a vehicle in a parking area adjacent to venues, and for persons engaged in instruction for an authorized class.

Local governments may enact their own prohibitions, and may allow persons to carry firearms in their buildings or at their meetings. The bill does not prevent owners, managers, lessees, or occupants of private property from prohibiting the carrying of firearms on private property under their control. Additionally, the bill repeals a provision of law that allows concealed carry of a firearm pursuant to a permit on college or university grounds if allowed by a governing board.

Finally, the bill expands an existing prohibition on the open carry of firearms at polling locations to also apply to concealed carry.

## **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 and assumptions.** This bill creates the new offense of unlawfully carrying a firearm in certain locations, an unclassified misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of unlawfully carrying a concealed firearm, a class 1 misdemeanor, as a comparable crime. From FY 2020-21 to FY 2022-23, 44 persons have been convicted and sentenced for this existing offense. Of the persons convicted, 40 were male, 3 were female, and 1 did not have a gender identified. Demographically, 24 were White, 14 were Black/African American, 1 was Hispanic, 2 were Asian, and 3 did not have a race identified.

Based on a yearly average of about 15 convictions for this comparable crime, and the assumption that most individuals will follow the law, the fiscal note assumes that there will be minimal case filings and convictions for the new offense under the bill. Visit [leg.colorado.gov/fiscalnotes](http://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. Some state agencies may have a minimal workload increase to update policies and procedures to ensure the provisions of the bill are implemented at their facilities. No change in appropriations are required.

## **Local Government**

Similar to the state, the bill may increase revenue and expenditures to the Denver County Court and workload for district attorneys.

## **Technical Note**

**Department of Natural Resources.** This fiscal note assumes that the intent of the bill is not to prohibit otherwise lawful hunting and firearm recreation activity at any real property controlled by the state for those purposes. However, based on current language in the bill, some real property controlled by the Department of Natural Resources (DNR) where these activities occur falls outside exceptions provided for in the bill. The DNR estimates that the bill will decrease state revenue from hunting licenses and fees charged at certain recreation areas by about

\$13.7 million in FY 2024-25 and by \$13.9 million in FY 2025-26 if firearms are prohibited at these locations. Additionally, the bill will decrease state expenditures for operating costs by about \$2.8 million in FY 2024-25, and increase expenditures to repay grants used to develop firearm recreation facilities by \$8.0 million in FY 2025-26. Clarifying language added to the bill would mitigate these impacts.

**Effective Date**

The bill takes effect July 1, 2024, and applies to offenses committed on or after this date.

**State and Local Government Contacts**

Behavioral Health Administration	Corrections	District Attorneys
Early Childhood	Education	Higher Education
Human Services	Judicial	Public Health and Environment
Secretary of State		

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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](#).