

Colorado Legislative Council Staff Fiscal Note

**FINAL
FISCAL NOTE**

Drafting Number: LLS 14-0341 **Date:** May 13, 2014
Prime Sponsor(s): Rep. Humphrey **Bill Status:** Postponed Indefinitely
 Sen. Renfroe **Fiscal Analyst:** Hillary Smith (303-866-3277)

SHORT TITLE: POLICIES ALLOWING CONCEALED CARRY IN PUBLIC SCHOOL

| Fiscal Impact Summary* | FY 2014-2015 | FY 2015-2016 |
|--------------------------------------|--|--------------|
| State Revenue | Potential Increase See State Revenue section. | |
| <i>Revenue Change</i> Cash Funds | Potential Increase | |
| State Expenditures | Minimal Impact See State Expenditures section | |
| FTE Position Change | | |
| Appropriation Required: None. | | |

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

This bill authorizes a local board of education, or the board of directors of a charter school, to adopt a written policy permitting an employee of the district or of the school who holds a valid concealed handgun permit to carry a conceal handgun on school property. Under current law, an individual with a concealed handgun permit is not allowed to carry a handgun at any public elementary, middle, or high school. Currently, individuals who are employed by or are under contract with a school district as a school security officer are exempt from this prohibition.

State Revenue

The bill has the potential to increase state revenue if the number of individuals who apply for concealed handgun permits increases. However, any increase depends on policy changes made by local school boards. In addition, this fiscal note assumes that some school employees already have concealed handgun permits. Any increase in applications for concealed handgun permits and corresponding increase in state revenue is expected to be minimal. In addition, any decrease in criminal fines as a result of reduced case filings is expected to be minimal.

Fees related to concealed handgun permits. Currently, individuals who apply for a concealed handgun permit must pay a \$52.50 fee to the Colorado Bureau of Investigation (CBI) in the Department of Public Safety (DPS) to pay for a background and fingerprint check. Individuals who renew a concealed handgun permit must pay a \$30.25 fee to the CBI. For each new and renewed application, \$13 of the fee goes to the Instant Criminal Background Check Cash Fund and is used to run a background check, and \$17.25 of the fee is passed through to the

Federal Bureau of Investigation to run a fingerprint check. For each new application, \$22.25 goes to the Identification Unit Cash Fund and is used to process fingerprints. The bill has the potential to increase state revenue from fees paid for concealed handgun permits, but any increase is expected to be minimal.

Criminal fines. The bill also has the potential to decrease state cash fund revenue from fines because if schools change their policies to allow more individuals to carry concealed weapons, fewer people can be charged with a criminal offense for carrying a weapon on school grounds. However, this fiscal note assumes that school employees currently follow the law and school policy regarding weapons on school property. Therefore, the reduction in case filings and fines as a result of this bill is expected to be minimal. The penalty for a class 2 misdemeanor is 3 to 12 months in a county jail; a fine of \$250 to \$1,000; or both. The penalty for a class 6 felony is 1 year to 18 months in prison; a fine of \$1,000 to \$100,000, or both. Fine revenue that is not otherwise appropriated is deposited into the Fines Collection Cash Fund in the Judicial Department. Because the courts have the discretion of incarceration, imposing a fine, or both, the reduction in revenue was not estimated.

State Expenditures

The bill may increase state expenditures. To the extent that more people apply for concealed handgun permits, the workload for the CBI at the DPS will increase. This increase is expected to be minimal. If fewer people are charged with unlawfully carrying a concealed weapon, filings in trial courts will decrease. Any decrease is expected to be very minimal. The bill does not require changes to appropriations for any state agency.

Department of Public Safety. If more people apply for concealed handgun permits as a result of the bill, costs and workload for the CBI within the DPS will increase in order to run the background checks. However, any increase is dependent on changes in school policies and decisions by individual employees, and is expected to be minimal.

Department of Education and Department of Law. To the extent that the Department of Education requires legal counsel regarding changes in school policies, workload at the Department of Law may increase by a minimal amount. However, the bill primarily impacts local school boards and charter schools, rather than the Department of Education, and no increase in appropriations is needed.

Judicial Department. Because fewer people can be charged with a criminal offense for carrying a concealed handgun or carrying a handgun on school grounds, the bill has the potential to reduce the trial caseload of the Judicial Department. However, this fiscal note assumes that school employees currently follow the law and school policy regarding weapons on school property. Therefore, this fiscal note assumes that the reduction in case filings as a result of this bill will be minimal.

Department of Corrections. If fewer people are convicted of the class 6 felony of carrying a weapon on school property as a result of the bill, expenditures at the Department of Corrections has the potential to decrease. However because the bill only affects school employees in school districts that change their policies, and because offenders convicted of carrying a weapon on school property are generally convicted of other felonies, no reduction in expenditures at the Department of Corrections is expected from this bill.

Local Government Impact

If more people apply for concealed handgun permits, the bill will increase fee revenue and workload for county sheriffs. Currently, individuals who apply for a concealed carry permit pay county sheriffs a fee of no more than \$100 in order to cover any administrative and training costs associated with granting the permit. Individuals who apply to renew a concealed carry permit pay a fee of no more than \$50. Any workload increase is expected to be minimal.

The bill has the potential to reduce the number of individuals incarcerated in county jails and the workload of district attorneys, but this fiscal note assumes that any decrease will be minimal. The penalty for a class 2 misdemeanor is 3 to 12 months' imprisonment in a county jail, a fine of \$250 to \$1,000, or both. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level was not estimated. The cost to house an offender in county jails varies from \$45 to \$50 per day in smaller rural jails to \$62 to \$65 per day for larger Denver-metro area jails. It is assumed that the impact of this bill will be minimal.

School District Impact

The bill allows, but does not require, a local board of education to adopt a concealed carry policy for its employees. In any district that considers such a policy, district resources will be spent for staff to research and present policy options to the local school board, and to develop an implementation process for schools. Districts can also anticipate managing additional public input during policy deliberations, and scheduling extra board time in order to adopt and implement a concealed carry policy. These costs are conditional on a district choosing to consider such a policy.

Pursuant to Section 22-32-143, C.R.S., as specified by House Bill 11-1277, school districts and Boards of Cooperative Educational Services (BOCES) may submit estimates of fiscal impacts within seven days of a bill's introduction. As of the date of this fiscal note, no summaries of fiscal impacts were submitted by districts or BOCES for this bill. If summaries of fiscal impacts are submitted by districts or BOCES in the future, they will be noted in subsequent revisions to the fiscal note and posted at this address: <http://www.colorado.gov/lcs>.

Effective Date

The bill was postponed indefinitely by the House Judiciary Committee on February 13, 2014.

State and Local Government Contacts

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| Counties | District Attorneys | Education |
| Judicial | Law | Local Affairs |
| Municipalities | Public Safety | School Districts |
| Sheriffs | | |