



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 20-1099**

# FINAL FISCAL NOTE

<b>Drafting Number:</b>	LLS 20-0007	<b>Date:</b>	July 6, 2020
<b>Prime Sponsors:</b>	Rep. Saine; Humphrey Sen. Marble	<b>Bill Status:</b>	Postponed Indefinitely
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**Bill Topic:** **REPEAL AMMUNITION MAGAZINE PROHIBITION**

<b>Summary of Fiscal Impact:</b>	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill would have repealed the prohibition of the selling, transferring, and possessing large-capacity magazines. The bill would have minimally decreased state and local revenue and expenditures on an ongoing basis.

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

**Fiscal Note  
Status:** This fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

## Summary of Legislation

This bill repeals the prohibition on the selling, transferring, and possessing large-capacity magazines. It also repeals the requirement that gun magazine manufacturers stamp their magazines to indicate that it was made after July 1, 2013.

## Comparable Crime and 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 changes an element of an existing crime that creates a new factual basis for the offense. This bill repeals the prohibition for a person to sell, transfer, or possess a large capacity magazine. The following sections outline data on crimes that are comparable to the offense in this bill and discuss assumptions on future rates of criminal convictions under the bill.

**Class 2 misdemeanors.** Under current law, it is a class 2 misdemeanor if an individual sells, transfers, or possesses a large capacity magazine if they did not already own it before July 1, 2013. From FY 2017-18 to FY 2019-20, there were 4 persons convicted and sentenced for selling, transferring, or possessing a large capacity magazine. Of the persons sentenced, 2 were White, 2 were African American, and all 4 were males. Of those sentenced, 3 were sentenced to county jail. Current law also requires magazine manufactures to stamp magazines to indicate that the magazine was made after July 1, 2013. Failure to do so is a class 2 misdemeanor. From FY 2017-18 to FY 2019-20, there were no persons convicted and sentenced for this offense.

**Class 1 misdemeanor.** Under current law, a person commits a class 1 misdemeanor if he or she commits a second or subsequent offense of selling, transferring, or possessing a large capacity magazine. From FY 2017-18 to FY 2019-20, there were no persons convicted and sentenced for this offense.

**Class 6 felony.** Under current law, a person commits a class 6 felony if the individual possesses a large-capacity magazine while committing any felony or crime of violence. From FY 2017-18 to FY 2019-20, there were 2 persons sentenced for possessing a large-capacity magazine while committing a felony or crime of violence. Of those sentenced, 1 was White, 1 was African American, and both were male. One person was sentenced to the Department of Corrections (DOC).

## State Revenue and Expenditures

Based on the comparable crime data listed above, this analysis assumes that there will be a minimal impact on the class 6 felony and class 2 misdemeanor case filings. As a result, any reduction in criminal fines and court fees, and the related TABOR impact is expected to be minimal. Similarly, potential workload reductions for the Judicial Department, the Division of Probation, agencies that provide representation to indigent persons, and the Department of Corrections require no change in appropriations. Visit [leg.colorado.gov/fiscalnotes](http://leg.colorado.gov/fiscalnotes) for more information about criminal justice costs in fiscal notes.

## Local Government

Similar to the state, it is expected that any workload or cost decreases for district attorneys to prosecute less offenses, or for county jails to imprison less individuals under the bill will be minimal. District attorney offices and county jails are funded by counties.

## Effective Date

This bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on January 23, 2020.

## State and Local Government Contacts

Corrections  
Municipalities  
Sheriffs

Information Technology  
Natural Resources

Judicial  
Public Safety