

JBC Staff Fiscal Analysis
House Appropriations Committee

Concerning the penalty for theft of firearms.

Prime Sponsors:

Representatives Armagost; Duran
Senator Hinrichsen

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Fiscal Impacts

Appropriation Required, Amendments in Packet

General Fund and TABOR Impact

Future costs assumed to be addressed through annual budget process

Fiscal Note Status

The most recent Legislative Council Staff Fiscal Note (attached) reflects the fiscal impact of the bill as of 02/07/25.

No Change: Attached LCS Fiscal Note accurately reflects the fiscal impact of the bill.

The House Judiciary Committee Report (02/18/25) includes amendments to the bill that remove the Class 5 felony designation for repeat firearm theft offenses. LCS and JBC staff agree that these amendments do not have a fiscal impact because the fiscal impact of the bill, as shown in the most recent fiscal note, does not consider repeat offenses.

Amendments in This Packet

J.001	Staff-prepared appropriation amendment, applies to bill as amended by House Judiciary
L.003	Bill Sponsor amendment – changes fiscal impact, removes need for J.001

Current Appropriations Clause in Bill

The bill requires but does not contain an appropriation clause.

Description of Amendments in This Packet

J.001

Staff amendment **J.001** (attached) appropriates a total of \$323,825 General Fund to the Judicial Department for FY 2025-26. The appropriation reflects 2.8 FTE.

L.003

Bill Sponsor amendment **L.003** (attached) makes the bill effective on July 1, 2027. JBC and LCS staff agree that this pushes the fiscal impact of the bill back two years. The LCS memo dated March 27, 2025 (attached) provides additional details.

If the Committee adopts L.003, it should not adopt J.001.

Points to Consider

General Fund Impact

The Joint Budget Committee has proposed a budget package for FY 2025-26 based on the March 2025 Office of State Planning and Budgeting (OSPB) revenue forecast. The budget package includes \$18.2 million in set-asides for legislation outside of the package (see table below). The budget package accounts for the 15.0 percent reserve associated with the placeholders.

General Fund Appropriation Placeholders for Other 2025 Legislation	
Description	FY 2025-26 Appropriation
Juvenile diversion, deflection, or detention	\$10,000,000
General Assembly legislative priorities	6,521,739
Voter approved initiatives	1,700,000
Total	\$18,221,739

If bill sponsor amendment **L.003** is adopted, no General Fund appropriation is required in FY 2025-26. If bill sponsor amendment **L.003** is not adopted, this bill requires a General Fund appropriation of \$323,825 for FY 2025-26, reducing the \$18.2 million set aside by the same amount.

Future Fiscal Impact

If bill sponsor amendment **L.003** is adopted, this bill would not require a General Fund appropriation for FY 2025-26. However, it would require \$323,825 General Fund in FY 2027-28 and \$930,885 General Fund in FY 2028-29. If bill sponsor amendment **L.003** is not adopted, the bill would require an appropriation of \$930,885 General Fund in FY 2026-27.

Future Budget Processes

Certain aspects of the bill are assumed to be addressed through the annual budget process. This holds true whether or not bill sponsor amendment **L.003** is adopted. Per the fiscal note, the bill will increase workload and costs in the agencies that provide representation to indigent persons, including the Office of the State Public Defender and the Office of Alternate Defense Council. The exact impact will depend

on how many cases are assigned to these agencies, which cannot be estimated at this time. Should a change in funding be required for these agencies, the fiscal note assumes it will be addressed through the annual budget process.

TABOR/ Excess State Revenues Impact

If bill sponsor amendment **L.003** is adopted, this bill does not impact TABOR in FY 2025-26. If bill sponsor amendment **L.003** is not adopted, this bill is estimated to increase cash fund revenues by \$3,750 in FY 2025-26 and by \$11,624 in FY 2026-27, which will reduce the available General Fund in each fiscal year by equal amounts. This bill increases the TABOR refund made out of the General Fund by \$3,750 for FY 2025-26, reducing the \$18.2 million General Fund set aside for FY 2025-26 by the same amount.

Additional background

The March 2025 Office of State Planning and Budgeting (OSPB) revenue forecast projects a TABOR surplus liability of \$642.7 million for FY 2025-26 and \$775.8 million for FY 2026-27 to be refunded to taxpayers out of the General Fund. Legislation that reduces non-exempt revenue (such as cash funds) will reduce the TABOR refund from the General Fund.

The Joint Budget Committee has proposed a budget package for FY 2025-26 based on the March 2025 OSPB revenue forecast. The budget package includes \$18.2 million General Fund set aside for other legislation outside of the JBC budget package. This may be used for appropriations, transfers, or increases in TABOR refunds for FY 2025-26.