

**STATE AND LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0045
Prime Sponsor(s): Rep. Garcia
 Sen. Crowder

Date: January 15, 2014
Bill Status: House SVMA
Fiscal Analyst: Hillary Smith (303-866-3277)

SHORT TITLE: NO DISORDERLY CONDUCT FOR BLANKS FIRED AT FUNERALS

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue <i>Revenue Change</i> Cash Funds	<u>Potential Reduction</u> Potential Reduction	<u>Potential Reduction</u> Potential Reduction
State Expenditures	Potential Reduction 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 specifies that the ritual discharge of blank ammunition cartridges at a funeral for a deceased veteran of the United States Armed Forces does not constitute disorderly conduct. Under current law, a person who is not a peace officer and who intentionally, knowingly, or recklessly discharges a firearm in a public place, other than while engaged in lawful target shooting or hunting, commits disorderly conduct. Disorderly conduct involving the discharge of a firearm is a class 2 misdemeanor.

State Revenue

Beginning in FY 2014-15, this bill has the potential to decrease state revenue credited to the Fines Collection Cash Fund in the Judicial Branch. The fine penalty for a class 2 misdemeanor is \$250 to \$1,000, and the bill decreases the situations in which charges may be filed. However disorderly conduct cases involving the discharge of blank firearms at military funerals are assumed to be very rare, and any decrease in such cases is expected to be minimal. Because the courts have the discretion of incarceration, imposing a fine, or both, the impact to state revenue cannot be determined, but is estimated to be minimal.

State Expenditures

This bill is assessed as having a minimal fiscal impact that will not reduce appropriations to any state agency.

Judicial Branch. Because the bill clarifies that certain behaviors may not be charged as disorderly conduct, there may be fewer cases filed in trial courts. Based on recent data, there are an average of 42 cases of disorderly conduct cases involving the discharge of a firearm per year. Disorderly conduct cases involving the discharge of blank firearms at military funerals are assumed to be very rare, and any decrease in such cases is expected to be minimal. Furthermore, in situations in which a member of the National Guard discharges a firearm at a funeral, such individuals are classified as peace officers under Colorado law and are would therefore not be subject to disorderly conduct charges under current law. Therefore, the bill does not require any adjustments to appropriations for the Judicial Branch or any of its related agencies, including the Office of the State Public Defender, the Office of the Alternate Defense Counsel, or the Office of the Child's Representative.

Local Government Impact

This bill impacts local governments by specifying that certain behavior does not fit the definition of the class 2 misdemeanor of disorderly conduct. 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. Because the courts have the discretion of incarceration or imposing a fine, the impact at the local level cannot be determined. 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. The Denver County Court may see a slight reduction in case filings as a result of the bill, but it is assumed that the overall local impact of this bill will be minimal.

Effective Date

The bill takes effect August 6, 2014, if the General Assembly adjourns on May 7, 2014, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Corrections	Counties	District Attorneys
Human Services	Judicial	Law
Local Affairs	Military Affairs	Municipalities
Public Safety	Sheriffs	