

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

January 27, 2000  
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Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB00-1242 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause, and  
2 substitute the following:

3           **"SECTION 1.** 18-12-101 (1), Colorado Revised Statutes, is  
4 amended BY THE ADDITION OF THE FOLLOWING NEW  
5 PARAGRAPHS to read:

6           **18-12-101. Definitions.** (1) As used in this article, unless the  
7 context otherwise requires:

8           (e.2) "GUN SHOW" MEANS AN EVENT THAT IS SPONSORED TO  
9 FOSTER THE COLLECTING, COMPETITIVE USE, SPORTING USE, OR OTHER  
10 LEGAL USE OF FIREARMS AND AT WHICH FIFTY OR MORE FIREARMS ARE  
11 OFFERED OR EXHIBITED FOR SALE, TRANSFER, OR EXCHANGE AND AT  
12 WHICH THERE ARE AT LEAST TEN GUN SHOW VENDORS.

13           (e.3) "GUN SHOW ORGANIZER" MEANS ANY PERSON WHO  
14 ORGANIZES OR CONDUCTS A GUN SHOW.

15           (e.4) "GUN SHOW VENDOR" MEANS A PERSON WHO EXHIBITS,  
16 SELLS, OFFERS FOR SALE, TRANSFERS, OR EXCHANGES ONE OR MORE  
17 FIREARMS AT A FIXED, ASSIGNED, OR CONTRACTED LOCATION AT A GUN  
18 SHOW.

19           **SECTION 2.** Article 12 of title 18, Colorado Revised Statutes,

1 is amended BY THE ADDITION OF A NEW SECTION to read:

2 **18-12-111. Gun shows - background checks - civil immunity.**

3 (1) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (c) OF THIS  
4 SUBSECTION (1), IT SHALL BE UNLAWFUL FOR A GUN SHOW VENDOR TO  
5 SELL, EXCHANGE, OR OTHERWISE TRANSFER A FIREARM AT A GUN SHOW  
6 UNLESS HE OR SHE:

7 (I) CONDUCTS A NATIONAL INSTANT CRIMINAL BACKGROUND  
8 CHECK PURSUANT TO THE PROVISIONS OF 18 U.S.C. SEC. 922 (t) OF THE  
9 PERSON WHO IS PURCHASING OR RECEIVING THE EXCHANGE OR TRANSFER  
10 OF THE FIREARM; AND

11 (II) RECEIVES A RESPONSE AUTHORIZING THE GUN SHOW VENDOR  
12 TO PROCEED WITH THE SALE, EXCHANGE, OR TRANSFER.

13 (b) ANY SALE, EXCHANGE, OR TRANSFER OF A FIREARM BY A GUN  
14 SHOW VENDOR AT A GUN SHOW IN VIOLATION OF THIS SUBSECTION (1) IS  
15 A CLASS 1 MISDEMEANOR.

16 (c) THE PROVISIONS OF THIS SUBSECTION (1) SHALL NOT APPLY:

17 (I) TO THE SALE, EXCHANGE, OR TRANSFER OF AN ANTIQUE  
18 FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (16), OR A CURIO OR  
19 RELIC, AS DEFINED IN 27 CFR SEC. 178.11;

20 (II) TO THE SALE, EXCHANGE, OR TRANSFER OF A FIREARM TO A  
21 PERSON WHO DEMONSTRATES THAT:

22 (A) HE OR SHE HAS A VALID, WRITTEN PERMIT TO CARRY A  
23 CONCEALED WEAPON ISSUED PURSUANT TO SECTION 18-12-105.1 WITHIN  
24 THE PRECEDING FIVE YEARS; AND

25 (B) THE ISSUING AUTHORITY, PRIOR TO ISSUING THE PERMIT,  
26 DETERMINED THAT, BASED ON THE INFORMATION AVAILABLE, POSSESSION  
27 OF A FIREARM BY THE PERSON WOULD NOT BE IN VIOLATION OF LAW;

28 (III) TO THE SALE, EXCHANGE, OR TRANSFER OF A FIREARM TO A  
29 PERSON WHO PROVIDES WRITTEN EVIDENCE CERTIFIED BY AN EMPLOYEE  
30 OF THE COLORADO BUREAU OF INVESTIGATION THAT, DURING THE COURSE  
31 OF THE GUN SHOW AT WHICH THE SALE, EXCHANGE, OR TRANSFER IS TO

1 OCCUR, AN EMPLOYEE OF THE COLORADO BUREAU OF INVESTIGATION, IF  
2 ALLOWED BY FEDERAL LAW, HAS:

3 (A) CONDUCTED A NATIONAL INSTANT CRIMINAL BACKGROUND  
4 CHECK PURSUANT TO THE PROVISIONS OF 18 U.S.C. SEC. 922 (t) OF THE  
5 PERSON WHO IS PURCHASING OR RECEIVING THE EXCHANGE OR TRANSFER  
6 OF THE FIREARM; AND

7 (B) RECEIVED A PROCEED RESPONSE.

8 (2) IF A GUN SHOW VENDOR IS NOT A LICENSED IMPORTER,  
9 LICENSED MANUFACTURER, OR LICENSED DEALER, AS DEFINED IN 18 U.S.C.  
10 SEC. 921 (9), (10), AND (11), RESPECTIVELY, THE GUN SHOW VENDOR  
11 SHALL USE THE SERVICES OF A LICENSED DEALER TO CONDUCT THE  
12 NATIONAL INSTANT CRIMINAL BACKGROUND CHECK PURSUANT TO THE  
13 PROVISIONS OF 18 U.S.C. SEC. 922 (t), AS REQUIRED IN SUBSECTION (1) OF  
14 THIS SECTION. A LICENSED DEALER MAY CHARGE A FEE OF UP TO TEN  
15 DOLLARS FOR CONDUCTING A NATIONAL INSTANT CRIMINAL BACKGROUND  
16 CHECK ON BEHALF OF A GUN SHOW VENDOR. THE GUN SHOW ORGANIZER  
17 SHALL ENSURE THAT AT LEAST ONE LICENSED DEALER IS AVAILABLE AT  
18 THE GUN SHOW TO ASSIST GUN SHOW VENDORS IN COMPLYING WITH THE  
19 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

20 (3) ONE OR MORE EMPLOYEES OF THE COLORADO BUREAU OF  
21 INVESTIGATION, UPON REQUEST OF A GUN SHOW ORGANIZER, MAY ATTEND  
22 A GUN SHOW TO CONDUCT, IF ALLOWED BY FEDERAL LAW, A NATIONAL  
23 INSTANT CRIMINAL BACKGROUND CHECK PURSUANT TO THE PROVISIONS  
24 OF 18 U.S.C. SEC. 922 (t), ON ANY PERSON ATTENDING THE GUN SHOW,  
25 UPON SAID PERSON'S REQUEST. THE EMPLOYEE SHALL PROVIDE TO SAID  
26 PERSON CERTIFIED, WRITTEN EVIDENCE OF THE RESPONSE RECEIVED IN  
27 CONDUCTING THE BACKGROUND CHECK AND THE DATE AND TIME SUCH  
28 RESPONSE WAS RECEIVED.

29 (4) THE COLORADO BUREAU OF INVESTIGATION SHALL NOT RETAIN  
30 ANY RECORD OBTAINED OR CREATED IN THE COURSE OF CONDUCTING A  
31 BACKGROUND CHECK PURSUANT TO THIS SECTION FOR MORE THAN  
32 FORTY-EIGHT HOURS AFTER THE DAY ON WHICH THE BUREAU RECEIVES A  
33 PROCEED RESPONSE.

34 (5) ANY TRANSFEROR WHO COMPLIES WITH THE PROVISIONS OF  
35 THIS SECTION SHALL NOT BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY

1 OR REGULATORY SANCTION THAT MAY ARISE FROM THE LAWFUL TRANSFER  
2 OR LAWFUL DENIAL OF THE TRANSFER OF A FIREARM.

3           **SECTION 3. Effective date - applicability.** This act shall take  
4 effect upon passage, and shall apply to offenses committed on or after  
5 said date.

6           **SECTION 4. Safety clause.** The general assembly hereby finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, and safety.".

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