

HB1180_L.005

SENATE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Judiciary.

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

HB09-1180 be amended as follows:

1 Amend reengrossed bill, page 2, after line 1, insert the following:

2 "SECTION 1. 12-26.1-101, Colorado Revised Statutes, is
3 amended to read:

4 **12-26.1-101. Background checks at gun shows - penalty.**

5 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.5) OF THIS
6 SECTION, before a gun show vendor transfers or attempts to transfer a
7 firearm at a gun show, he or she shall:

8 (a) require that a background check, in accordance with section
9 24-33.5-424, C.R.S., be conducted of the prospective transferee; and

10 (b) obtain approval of a transfer from the Colorado Bureau of
11 Investigation after a background check has been requested by a licensed
12 gun dealer, in accordance with section 24-33.5-424, C.R.S.

13 (1.5) A TRANSFEREE WHO HOLDS A VALID PERMIT TO CARRY A
14 CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED
15 PURSUANT TO SECTION 18-12-203, C.R.S., ON OR AFTER THE EFFECTIVE
16 DATE OF THIS SUBSECTION (1.5), IS EXEMPT FROM THE BACKGROUND
17 CHECK REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF HE
18 OR SHE PRESENTS THE PERMIT TO A GUN SHOW VENDOR TRANSFEROR AT
19 THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM.

20 (2) A gun show promoter shall arrange for the services of one or
21 more licensed gun dealers on the premises of the gun show to obtain the
22 background checks required by this article.



1 (3) If any part of a firearm transaction takes place at a gun show,
2 no firearm shall be transferred unless a background check has been
3 obtained by a licensed gun dealer OR THE TRANSFEREE IS EXEMPT FROM
4 THE BACKGROUND CHECK REQUIREMENT PURSUANT TO SUBSECTION (1.5)
5 OF THIS SECTION.

6 (4) Any person violating the provisions of this section commits a
7 class 1 misdemeanor and shall be punished as provided in section
8 18-1.3-501, C.R.S."

9 Renumber succeeding sections accordingly.

10 Page 3, after line 20, insert the following:

11 "SECTION 5. Part 2 of article 12 of title 18, Colorado Revised
12 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
13 read:

14 **18-12-217. Exception to federal background check**
15 **requirement.** (1) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A
16 PERSON WHO HOLDS AND PRESENTS A VALID PERMIT TO CARRY A
17 CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED
18 PURSUANT TO THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR
19 AFTER THE EFFECTIVE DATE OF THIS SECTION, SHALL NOT BE REQUIRED TO
20 SUBMIT TO AN INSTANT CRIMINAL BACKGROUND CHECK, AS DESCRIBED IN
21 SECTION 24-33.5-424, C.R.S., AS A PREREQUISITE TO RECEIVING THE
22 TRANSFER OF A FIREARM.

23 (2) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A LICENSED
24 IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL NOT BE
25 REQUIRED TO CONTACT THE COLORADO BUREAU OF INVESTIGATION OR
26 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AS
27 DESCRIBED IN SECTION 24-33.5-424, C.R.S., BEFORE TRANSFERRING
28 POSSESSION OF A FIREARM TO A PERSON WHO HOLDS AND PRESENTS A
29 VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS
30 ISSUED OR RENEWED PURSUANT TO THE CRITERIA DESCRIBED IN SECTION
31 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION."

32 Renumber succeeding section accordingly.

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