

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 10-1094.01 Richard Sweetman

HOUSE BILL 10-1411

HOUSE SPONSORSHIP

Waller, Liston, Pace

SENATE SPONSORSHIP

(None),

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROCESS FOR RESOLVING A DENIAL OF A TRANSFER**
102 **OF A FIREARM WHEN THE DENIAL IS BASED ON A PROSPECTIVE**
103 **TRANSFEREE'S CRIMINAL RECORD, WHICH CRIMINAL RECORD**
104 **INCLUDES A CASE FOR WHICH THERE APPEARS TO BE NO FINAL**
105 **DISPOSITION, AND MAKING AN APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill eliminates statutory language requiring the Colorado

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 30, 2010

bureau of investigation (CBI) to deny a transfer of a firearm if information from the national instant criminal background check system (NICS) indicates that (1) the prospective transferee has been arrested for or charged with a crime for which the prospective transferee, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a firearm; and (2) either there has been no final disposition of the case or the final disposition is not noted in the other databases. This language is replaced by new language that requires the CBI to deny a transfer of a firearm if information from the NICS indicates that (1) the prospective transferee has been arrested for or charged with a crime for which the prospective transferee, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a firearm; and (2) the prospective transferee either is released on bond or has been issued a summons to appear in court for resolution of the arrest or charge.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** 24-33.5-424 (5) (b) and (5) (c), Colorado Revised
3 Statutes, are amended to read:

4 **24-33.5-424. National instant criminal background check**
5 **system - state point of contact - grounds for denial of firearm transfer**
6 **- appeal - rule-making - unlawful acts - repeal.** (5) (b) Upon denial of
7 a firearm transfer, the transferor shall provide the transferee with written
8 information prepared by the bureau concerning the procedure by which
9 the transferee, **WITHIN THIRTY DAYS AFTER THE DENIAL**, may request a
10 review of the denial and of the instant criminal background check records
11 that prompted the denial. **WITHIN THIRTY DAYS OF RECEIVING SUCH A**
12 **REQUEST**, the bureau shall:

13 (I) **PERFORM A THOROUGH REVIEW OF THE INSTANT CRIMINAL**
14 **BACKGROUND CHECK RECORDS THAT PROMPTED THE DENIAL; AND**

15 (II) Render a final administrative decision regarding **THE denial**
16 **within thirty days after receiving information from the transferee that**
17 **demonstrates ALLEGES** the transfer was improperly denied.

1 (c) In the case of any transfer denied pursuant to paragraph (b) of
2 subsection (3) of this section, the inability of the transferee BUREAU to
3 obtain the final disposition of a case that is no longer pending shall not
4 constitute the basis for the continued denial of the transfer. so long as the
5 transferee provides a letter signed and verified by the clerk of the court
6 or his or her designee that indicates that no final case disposition
7 information is available. Upon presentation of such letter to the bureau,
8 the bureau shall reverse the denial.

9 **SECTION 2. Appropriation.** In addition to any other
10 appropriation, there is hereby appropriated out of any moneys in the
11 general fund, not otherwise appropriated, to the department of public
12 safety, colorado bureau of investigation, state point of contact - national
13 instant criminal background check program, for personal services and
14 operating expenses, for the fiscal year beginning July 1, 2010, the sum of
15 fifty-one thousand five hundred fifty-one dollars (\$51,551) and 1.3 FTE,
16 or so much thereof as may be necessary, for the implementation of this
17 act.

18 **SECTION 3. Specified effective date.** This act shall take effect
19 upon signature of the governor; except that, this act shall not take effect
20 if House Bill 10-1391 is not enacted at the Second Regular Session of the
21 Sixty-seventh General Assembly and does not become law.

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