

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 13-0574.01 Richard Sweetman x4333

HOUSE BILL 13-1228

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A BILL FOR AN ACT

101 **CONCERNING REQUIRING THE COLORADO BUREAU OF INVESTIGATION**
102 **TO RECOUP THE COST OF PERFORMING AN INSTANT CRIMINAL**
103 **BACKGROUND CHECK PRIOR TO THE TRANSFER OF A FIREARM.**

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 Colorado bureau of investigation (CBI) shall impose a fee for performing an instant criminal background check pursuant to the transfer of a firearm. The amount of the fee shall not exceed the total amount of direct and indirect costs incurred by CBI in performing the background

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.

check.

The amount collected as fees shall be transferred to the state treasurer for credit to the instant criminal background check cash fund (fund), which fund is created in the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-424, **add**
3 (3.5) as follows:

4 **24-33.5-424. National instant criminal background check**
5 **system - state point of contact - fee - grounds for denial of firearm**
6 **transfer - appeal - rule-making - unlawful acts - fund created.**

7 (3.5) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3.5),
8 THE BUREAU SHALL IMPOSE A FEE FOR PERFORMING AN INSTANT CRIMINAL
9 BACKGROUND CHECK PURSUANT TO THIS SECTION. THE AMOUNT OF THE
10 FEE SHALL NOT EXCEED THE TOTAL AMOUNT OF DIRECT AND INDIRECT
11 COSTS INCURRED BY THE BUREAU IN PERFORMING THE BACKGROUND
12 CHECK.

13 (b) THE BUREAU SHALL TRANSMIT ALL MONEYS COLLECTED
14 PURSUANT TO THIS SUBSECTION (3.5) TO THE STATE TREASURER, WHO
15 SHALL CREDIT THE SAME TO THE INSTANT CRIMINAL BACKGROUND CHECK
16 CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS
17 SUBSECTION (3.5) AS THE "FUND".

18 (c) THE BUREAU IS AUTHORIZED TO EXPEND SUCH MONEYS FROM
19 THE FUND AS ARE NECESSARY TO PAY THE DIRECT AND INDIRECT COSTS
20 INCURRED BY THE BUREAU IN PERFORMING BACKGROUND CHECKS
21 PURSUANT TO THIS SECTION. THE STATE TREASURER MAY INVEST ANY
22 MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION
23 AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ANY

1 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
2 MONEYS IN THE FUND TO THE FUND.

3 (d) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING
4 IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND
5 AND SHALL NOT BE CREDITED TO ANY OTHER FUND. TO THE EXTENT
6 PRACTICABLE, THE BUREAU SHALL USE ANY SUCH REMAINING FUNDS TO
7 REDUCE THE AMOUNT OF THE FEE DESCRIBED IN PARAGRAPH (a) OF THIS
8 SUBSECTION (3.5).

9 (e) THE BUREAU IS AUTHORIZED TO CONTRACT WITH A PUBLIC OR
10 PRIVATE ENTITY FOR SERVICES RELATED TO THE COLLECTION OF THE FEE
11 DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3.5).

12 **SECTION 2. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety.