

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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

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,**
104 **AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN**
105 **APPROPRIATION.**

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

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
February 15, 2013

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 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 **repeal.** (3.5) (a) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
8 (3.5), THE BUREAU SHALL IMPOSE A FEE FOR PERFORMING AN INSTANT
9 CRIMINAL BACKGROUND CHECK PURSUANT TO THIS SECTION. THE AMOUNT
10 OF THE FEE SHALL NOT EXCEED THE TOTAL AMOUNT OF DIRECT AND
11 INDIRECT COSTS INCURRED BY THE BUREAU IN PERFORMING THE
12 BACKGROUND 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 MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL
19 APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT COSTS
20 ASSOCIATED WITH PERFORMING BACKGROUND CHECKS PURSUANT TO THIS
21 SECTION. THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
22 NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW.

1 THE STATE TREASURER SHALL CREDIT ANY INTEREST AND INCOME
2 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND TO
3 THE FUND.

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

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

13 (f) ON JANUARY 15, 2014, AND ON JANUARY 15 OF EACH
14 CALENDAR YEAR THEREAFTER, THE BUREAU SHALL REPORT TO THE JOINT
15 BUDGET COMMITTEE CONCERNING:

16 (I) THE NUMBER OF FULL-TIME EMPLOYEES USED BY THE BUREAU
17 IN THE PRECEDING YEAR FOR THE PURPOSE OF PERFORMING BACKGROUND
18 CHECKS PURSUANT TO THIS SECTION; AND

19 (II) THE CALCULATIONS USED BY THE BUREAU TO DETERMINE THE
20 AMOUNT OF THE FEE IMPOSED PURSUANT TO THIS SUBSECTION (3.5).

21 (g) (I) THE BUREAU IS AUTHORIZED TO CONTINUE USING GENERAL
22 FUND MONEYS APPROPRIATED TO THE BUREAU FOR THE 2013-14 FISCAL
23 YEAR FOR THE PURPOSE OF PERFORMING CRIMINAL BACKGROUND CHECKS
24 PURSUANT TO THIS SECTION UNTIL THE SOONER OF:

25 (A) A DATE SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS
26 PARAGRAPH (f); OR

27 (B) A DATE UPON WHICH SUFFICIENT MONEYS EXIST WITHIN THE

1 FUND TO PAY FOR THE PERFORMING OF CRIMINAL BACKGROUND CHECKS
2 PURSUANT TO THIS SECTION.

3 (II) THIS PARAGRAPH (f) IS REPEALED EFFECTIVE JULY 1, 2014.

4 **SECTION 2. Appropriation - adjustments to 2013 long bill.** (1)

5 For the implementation of this act, appropriations made in the annual
6 general appropriation act to the department of public safety for the fiscal
7 year beginning July 1, 2013, are adjusted as follow:

8 (a) The general fund appropriation for the executive director's
9 office is decreased by \$107,739.

10 (b) The general fund appropriation for the state point of
11 contact-national instant criminal background check program is decreased
12 by \$924,637 and 15.0 FTE.

13 (2) In addition to any other appropriation, there is hereby
14 appropriated, out of any moneys in the instant criminal background check
15 cash fund created in section 24-33.5-424 (3.5) (b), Colorado Revised
16 Statutes, not otherwise appropriated, to the department of public safety,
17 for the fiscal year beginning July 1, 2013, the sum of \$1,032,376 and 15.0
18 FTE, or so much thereof as may be necessary, to be allocated for the
19 implementation of this act as follows:

20 (a) \$107,739 for the executive director's office; and

21 (b) \$924,637 and 15.0 FTE for the state point of contact-national
22 instant criminal background check program.

23 **SECTION 3. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.