

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

INTRODUCED

LLS NO. 01-0458.02 Jeff Conway

HOUSE BILL 01-1327

HOUSE SPONSORSHIP

Fritz, and Lee

SENATE SPONSORSHIP

Owen

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE SHORTENING OF TIME FRAMES AFFECTING THE**
102 **ABILITY TO POSSESS WEAPONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Modifies the existing provision prohibiting possession of a weapon by a previous offender so that a person adjudicated for certain crimes against property may lawfully possess a firearm or other weapon after such adjudication if:

- The offense was a crime against property not related to an act of domestic violence; and
- Such possession of a weapon occurred more than 10 years after such adjudication, release from commitment, or

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.*

release from supervision.

Limits, to the 7 years preceding an instant criminal background check, the authority of the Colorado bureau of investigation ("bureau") to deny a transfer of a firearm based on either:

- The transferee's arrest for or being charged with a crime that, if convicted, would prohibit the transferee from purchasing, receiving, or possessing the firearm under state or federal law where there has been no final disposition of the case or the disposition is not noted in databases; or
- An indictment, an information, or a felony complaint filed against the transferee alleging commission of a felony where either there has been no final disposition of the case or the final disposition is not noted in the other databases.

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

2 **SECTION 1.** 24-33.5-424 (3) (a) and the introductory portion to
3 24-33.5-424 (3) (b) (I), Colorado Revised 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.** (3) (a) The bureau,
7 acting as the state point of contact for implementation of 18 U.S.C. sec.
8 922 (t), shall transmit a request for a background check in connection with
9 the prospective transfer of a firearm to the NICS system and may also
10 search other databases. The bureau shall deny a transfer of a firearm to
11 a prospective transferee if the transfer would violate 18 U.S.C. sec. 922
12 (g) or (n) or result in the violation of any provision of state law, including
13 but not limited to ~~section 18-12-108 (4) (c)~~ SECTION 18-12-108 (3),
14 C.R.S., involving CERTAIN SERIOUS acts ~~which, if committed by~~
15 ~~JUVENILES. an adult, would constitute a burglary, arson, or any felony~~
16 ~~involving the use of force or the use of a deadly weapon.~~

17 (b) (I) In addition to the grounds for denial specified in paragraph
18 (a) of this subsection (3), the bureau shall deny a transfer of a firearm if,

1 at any time the bureau transmits the request or searches other databases,
2 information indicates that the prospective transferee, WITHIN THE SEVEN
3 YEARS PRECEDING THE TRANSMISSION OF THE REQUEST OR SEARCH OF
4 OTHER DATABASES BY THE BUREAU:

5 **SECTION 2.** 18-12-108 (3) and (4) (b), Colorado Revised
6 Statutes, are amended to read:

7 **18-12-108. Possession of weapons by previous offenders.**

8 (3) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS
9 SUBSECTION (3), a person commits the crime of possession of a weapon
10 by a previous offender if the person knowingly possesses, uses, or carries
11 upon his or her person a firearm as described in section 18-1-901 (3) (h)
12 or any other weapon that is subject to the provisions of this article
13 subsequent to the person's adjudication for an act which, if committed by
14 an adult, would constitute a felony, or subsequent to the person's
15 adjudication for attempt or conspiracy to commit a felony, under Colorado
16 or any other state's law or under federal law.

17 (b) THIS SUBSECTION (3) SHALL NOT APPLY:

18 (I) IF A PERSON IS ADJUDICATED FOR A CRIME AGAINST PROPERTY,
19 OTHER THAN A CRIME USED AS A METHOD OF COERCION, CONTROL,
20 PUNISHMENT, INTIMIDATION, OR REVENGE DIRECTED AGAINST A PERSON
21 WITH WHOM THE ACTOR IS OR HAS BEEN INVOLVED IN AN INTIMATE
22 RELATIONSHIP; AND

23 (II) IF POSSESSION, USE, OR CARRYING OF A FIREARM OR OTHER
24 WEAPON AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (3) OCCURS
25 AS FOLLOWS:

26 (A) TEN YEARS OR MORE AFTER THE DATE OF ADJUDICATION, IF THE
27 PERSON WAS NOT COMMITTED TO THE DEPARTMENT OF INSTITUTIONS, OR

1 ON OR AFTER JULY 1, 1994, TO THE DEPARTMENT OF HUMAN SERVICES; OR

2 (B) TEN YEARS OR MORE AFTER THE DATE OF RELEASE FROM
3 COMMITMENT, IF SUCH PERSON WAS COMMITTED TO THE DEPARTMENT OF
4 INSTITUTIONS, OR ON OR AFTER JULY 1, 1994, TO THE DEPARTMENT OF
5 HUMAN SERVICES; OR

6 (C) IF SUBJECT TO SUPERVISION IMPOSED AS A RESULT OF AN
7 ADJUDICATION, TEN YEARS OR MORE AFTER THE DATE OF RELEASE FROM
8 SUCH SUPERVISION.

9 (4) (b) A person commits a class 5 felony, as provided by section
10 18-12-102, if the person violates ~~subsection (1)~~ SUBSECTION (3) of this
11 section and the weapon is a dangerous weapon, as defined in section
12 18-12-102 (1).

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