

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

INTRODUCED

LLS NO. 01-0981.01 Jeff Conway

SENATE BILL 01-225

SENATE SPONSORSHIP

Linkhart,

HOUSE SPONSORSHIP

Groff,

Senate Committees

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING PARENTAL CONSENT FOR THE TRANSFER OF HANDGUNS**
102 **TO UNDERAGE PERSONS.**

Bill Summary

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

Makes the transfer of a handgun to an underage person without the consent of the underage person's parent or guardian a class 3 misdemeanor.

Defines "underage person" as a person who is at least 18 years of age but not yet 21 years of age.

Makes the failure to request valid identification from an underage person prior to the transfer of a handgun a class 3 misdemeanor.

Makes it a class 3 misdemeanor to knowingly make a false

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.

statement or present a false identification with the intent to deceive the transferor of a handgun.

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

2 **SECTION 1.** Article 12 of title 18, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW SECTION to read:

4 **18-12-108.9. Transfer of handguns to underage persons -**
5 **parental consent required - penalty.** (1) AS USED IN THIS SECTION,
6 UNLESS THE CONTEXT OTHERWISE REQUIRES, "UNDERAGE PERSON" MEANS
7 ANY PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT YOUNGER
8 THAN TWENTY-ONE YEARS OF AGE.

9 (2) (a) ANY PERSON WHO SELLS, RENTS, OR OTHERWISE TRANSFERS
10 OWNERSHIP OF A HANDGUN TO AN UNDERAGE PERSON WITHOUT THE
11 CONSENT OF THE UNDERAGE PERSON'S PARENT OR GUARDIAN COMMITS THE
12 OFFENSE OF UNLAWFUL SALE OF A HANDGUN TO AN UNDERAGE PERSON.

13 (b) THE CONSENT REQUIREMENT DESCRIBED IN PARAGRAPH (a) OF
14 THIS SUBSECTION (2) SHALL BE DEEMED TO BE SATISFIED IF:

15 (I) THE UNDERAGE PERSON'S PARENT OR GUARDIAN IS PHYSICALLY
16 PRESENT WHEN THE HANDGUN IS TRANSFERRED AND GIVES EITHER VERBAL
17 OR WRITTEN CONSENT; OR

18 (II) PRIOR TO THE TRANSFER, THE UNDERAGE PERSON PRESENTS TO
19 THE POTENTIAL HANDGUN TRANSFEROR A SIGNED AND DATED STATEMENT
20 OF CONSENT OF THE UNDERAGE PERSON'S PARENT OR GUARDIAN.

21 (3) ANY PERSON WHO FAILS TO REQUEST VALID IDENTIFICATION
22 FROM AN UNDERAGE PERSON PRIOR TO THE TRANSFER OF A HANDGUN TO
23 THE UNDERAGE PERSON COMMITS THE OFFENSE OF UNLAWFUL FAILURE TO
24 REQUEST IDENTIFICATION FOR A HANDGUN TRANSFER.

25 (4) ANY PERSON WHO KNOWINGLY MAKES A FALSE OR FICTITIOUS

1 ORAL OR WRITTEN STATEMENT OR KNOWINGLY FURNISHES OR EXHIBITS
2 FALSE, FICTITIOUS, OR MISREPRESENTED IDENTIFICATION THAT IS
3 INTENDED TO DECEIVE A POTENTIAL HANDGUN TRANSFEROR WITH RESPECT
4 TO ANY FACT MATERIAL TO THE LAWFULNESS OF THE TRANSFER COMMITS
5 THE OFFENSE OF UNLAWFUL PROVISION OF FALSE INFORMATION FOR A
6 HANDGUN TRANSFER.

7 (5) UNLAWFUL SALE OF A HANDGUN TO AN UNDERAGE PERSON,
8 UNLAWFUL FAILURE TO REQUEST IDENTIFICATION FOR A HANDGUN
9 TRANSFER, AND UNLAWFUL PROVISION OF FALSE INFORMATION FOR A
10 HANDGUN TRANSFER ARE CLASS 3 MISDEMEANORS.

11 **SECTION 2. Effective date - applicability.** This act shall take
12 effect upon passage and shall apply to offenses committed on or after said
13 date.

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