

Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 02-0777.01 John Hershey

HOUSE BILL 02-1287

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

(None)

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ACCESS TO RECORDS FOR PURPOSES OF BACKGROUND
102 CHECKS CONDUCTED IN CONNECTION WITH FIREARM
103 TRANSFERS.

Bill Summary

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

Directs the state court administrator to provide access to the integrated Colorado on-line network (ICON) and other electronic databases of court records to the Colorado bureau of investigation for use in background investigations for firearm transfers. Specifies that the bureau may search the ICON and other databases maintained by the state judicial department.

Directs the clerk of the court of every judicial district in the state

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.

and the probate court of the city and county of Denver to report to the national instant criminal background check system the name of each person with respect to whom the court has issued:

- A finding of incapacity;
- An order of commitment to the custody of the division of alcohol and drug abuse in the department of human services; and
- An order for involuntary certification for short-term treatment of mental illness, for extended certification for treatment of mental illness, or for long-term care and treatment of mental illness.

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

SECTION 1. 13-3-101, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-3-101. State court administrator. (7) BEGINNING JULY 1, 2002, THE STATE COURT ADMINISTRATOR SHALL PROVIDE ACCESS TO THE INTEGRATED COLORADO ON-LINE NETWORK AND ANY OTHER ELECTRONIC DATABASE OF COURT RECORDS MAINTAINED BY THE STATE JUDICIAL DEPARTMENT TO THE COLORADO BUREAU OF INVESTIGATION FOR PURPOSES OF CONDUCTING BACKGROUND INVESTIGATIONS RELATING TO AUTHORIZATION OF FIREARMS TRANSFERS PURSUANT TO SECTION 24-33.5-424, C.R.S.

SECTION 2. Part 1 of article 5 of title 13, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

13-5-142. National instant criminal background check system - reporting. (1) BEGINNING JULY 1, 2002, THE CLERK OF THE COURT OF EVERY JUDICIAL DISTRICT IN THE STATE SHALL PERIODICALLY REPORT THE FOLLOWING INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED BY THE FEDERAL "BRADY

1 HANDGUN VIOLENCE PREVENTION ACT" (P.L. No. 103-159), THE
2 RELEVANT PORTION OF WHICH IS CODIFIED AT 18 U.S.C. SEC. 922 (t):

3 (a) THE NAME OF EACH PERSON WHO HAS BEEN FOUND TO BE
4 INCAPACITATED BY ORDER OF THE COURT PURSUANT TO PART 3 OF ARTICLE
5 14 OF TITLE 15, C.R.S.;

6 (b) THE NAME OF EACH PERSON WHO HAS BEEN COMMITTED BY
7 ORDER OF THE COURT TO THE CUSTODY OF THE DIVISION OF ALCOHOL AND
8 DRUG ABUSE IN THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO
9 SECTION 25-1-311 OR 25-1-1107, C.R.S.; AND

10 (c) THE NAME OF EACH PERSON WITH RESPECT TO WHOM THE
11 COURT HAS ISSUED AN ORDER FOR INVOLUNTARY CERTIFICATION FOR
12 SHORT-TERM TREATMENT OF MENTAL ILLNESS PURSUANT TO SECTION
13 27-10-107, C.R.S., FOR EXTENDED CERTIFICATION FOR TREATMENT OF
14 MENTAL ILLNESS PURSUANT TO SECTION 27-10-108, C.R.S., OR FOR
15 LONG-TERM CARE AND TREATMENT OF MENTAL ILLNESS PURSUANT TO
16 SECTION 27-10-109, C.R.S.

17 **SECTION 3.** Article 9 of title 13, Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW SECTION to read:

19 **13-9-123. National instant criminal background check system**
20 **- reporting.** (1) BEGINNING JULY 1, 2002, THE CLERK OF THE PROBATE
21 COURT SHALL PERIODICALLY REPORT THE FOLLOWING INFORMATION TO
22 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM CREATED
23 BY THE FEDERAL "BRADY HANDGUN VIOLENCE PREVENTION ACT" (P.L.
24 No. 103-159), THE RELEVANT PORTION OF WHICH IS CODIFIED AT 18
25 U.S.C. SEC. 922 (t):

26 (a) THE NAME OF EACH PERSON WHO HAS BEEN FOUND TO BE
27 INCAPACITATED BY ORDER OF THE COURT PURSUANT TO PART 3 OF ARTICLE

1 14 OF TITLE 15, C.R.S.;

2 (b) THE NAME OF EACH PERSON WHO HAS BEEN COMMITTED BY
3 ORDER OF THE COURT TO THE CUSTODY OF THE DIVISION OF ALCOHOL AND
4 DRUG ABUSE IN THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO
5 SECTION 25-1-311 OR 25-1-1107, C.R.S.; AND

6 (c) THE NAME OF EACH PERSON WITH RESPECT TO WHOM THE
7 COURT HAS ISSUED AN ORDER FOR INVOLUNTARY CERTIFICATION FOR
8 SHORT-TERM TREATMENT OF MENTAL ILLNESS PURSUANT TO SECTION
9 27-10-107, C.R.S., FOR EXTENDED CERTIFICATION FOR TREATMENT OF
10 MENTAL ILLNESS PURSUANT TO SECTION 27-10-108, C.R.S., OR FOR
11 LONG-TERM CARE AND TREATMENT OF MENTAL ILLNESS PURSUANT TO
12 SECTION 27-10-109, C.R.S.

13 **SECTION 4.** 24-33.5-424 (3) (a), Colorado Revised Statutes, is
14 amended to read:

15 **24-33.5-424. National instant criminal background check**
16 **system - state point of contact - grounds for denial of firearm transfer**
17 **- appeal - rule-making - unlawful acts - repeal.** (3) (a) The bureau,
18 acting as the state point of contact for implementation of 18 U.S.C. sec.
19 922 (t), shall transmit a request for a background check in connection
20 with the prospective transfer of a firearm to the NICS system and may
21 also search other databases, INCLUDING, BUT NOT LIMITED TO, THE
22 INTEGRATED COLORADO ON-LINE NETWORK AND ANY OTHER ELECTRONIC
23 DATABASE OF COURT RECORDS MAINTAINED BY THE STATE JUDICIAL
24 DEPARTMENT. The bureau shall deny a transfer of a firearm to a
25 prospective transferee if the transfer would violate 18 U.S.C. sec. 922 (g)
26 or (n) or result in the violation of any provision of state law, including but
27 not limited to section 18-12-108 (4) (c), C.R.S., involving acts which

1 THAT, if committed by an adult, would constitute a burglary, arson, or any
2 felony involving the use of force or the use of a deadly weapon.

3 **SECTION 5. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.