



COLORADO GUN LAWS

by Conrad Imel

Gun control is a much studied and debated topic. Proponents of gun control argue that the availability of firearms is directly linked to gun deaths and injury, especially in situations of domestic violence. Opponents counter that crime victims who defend themselves with guns are less likely to be injured or killed, and that gun possession is a civil right, guaranteed by the U.S. Constitution.

Public support for restrictions on the sale of firearms decreased from a high of 78 percent in the early 1990s to 43 percent in 2009, according to Gallup's annual Crime Poll. In 2013, 49 percent of the public supported restrictions. Federal and state laws impose requirements on gun sellers, buyers, and owners. This issue brief discusses some of those requirements as they relate to Colorado citizens.

Ineligibility to Sell, Transfer, or Possess a Firearm

Federal law. Federal law prohibits the following individuals from possessing, receiving, shipping, or transporting firearms or ammunition:

- those convicted of (or under indictment for) crimes punishable by a term of imprisonment of more than one year;
- fugitives from justice;
- U.S. citizens who have renounced their citizenship;
- illegal aliens;
- unlawful users of certain controlled substances;
- those adjudicated as mental defectives or incompetents or those committed to any mental institution;

- those dishonorably discharged from the armed forces
- any person subject to a court order restraining that person from harassing, stalking, or threatening an intimate partner; and
- those convicted in any court of a misdemeanor or felony crime of domestic violence.

Federal law prohibits the sale of all firearms and ammunition to individuals under the age of 18. The sale of shotguns and rifles (and related ammunition) is permitted to individuals who are at least 18 years old. Dealers are prohibited from selling *all other* types of firearms and ammunition to individuals under the age of 21.

Colorado law. Colorado law permits firearms to be sold to purchasers in another state, or purchased in Colorado from another state, so long as the transactions comply with federal law and the laws of the purchasing and selling states. Colorado restricts ownership of firearms and ammunition for persons subject to certain civil or mandatory protection orders and those convicted of certain offenses with an underlying domestic violence component.

Large-capacity magazines. Large-capacity magazines are those that can accept more than 15 rounds of ammunition or 28 inches of shotgun shells. It is a misdemeanor to sell, transfer, or possess large-capacity magazines in Colorado. It is a felony to use a large-capacity magazine in the commission of a felony or violent crime. Individuals may continue to possess large-capacity magazines owned on or before July 1, 2013.

Background Checks

Background checks by federally licensed firearms dealers. The federal Brady Handgun Violence Prevention Act of 1993 (Brady Act) requires federally licensed firearms dealers to request a background check on individuals who attempt buy or transfer a firearm. The Brady Act requires that dealers be able to receive requested background information immediately.

The Federal Bureau of Investigation's (FBI) Justice Information Services Division processes background checks for gun purchases and transfers through the National Instant Criminal Background Check System (NICS). The NICS processes background checks for firearms dealers by telephone or over the Internet. It should take approximately 30 seconds for a dealer to learn whether the transfer of a firearm will violate state or federal law.

Thirty states currently use the NICS to conduct all background checks. Thirteen states, including Colorado, have agencies that act on behalf of the NICS in a point-of-contact (POC) capacity. The POC states agree to implement and maintain their own NICS programs and conduct background checks for firearm transfers by electronically accessing the NICS. In Colorado, the POC is the Colorado Bureau of Investigation's (CBI) Instacheck Unit. The CBI is required by statute to charge a fee for performing the background checks. Seven states have a partial POC arrangement with the FBI; where the state agency performs background checks for handgun purchases and the FBI performs checks for long gun (shotgun and rifle) purchases.

Background checks by those other than federally licensed dealers. Since 2013 Colorado has required background checks on firearm transfers by any person who is not a licensed gun dealer. The firearm transferor must arrange for a licensed dealer to perform the background check. The licensed dealer may charge a fee up to \$10 for the service.

Concealed Carry Permits

Permit criteria. Forty-eight states, including Colorado, require individuals who wish to carry a concealed weapon to obtain a permit.¹ Colorado

¹Alaska and Vermont do not require a permit to carry a concealed handgun.

law requires sheriffs to issue a permit to any applicant who meets all of the specified criteria. The applicant must:

- be a legal resident of Colorado;
- be at least 21 years old;
- be eligible under state and federal laws to possess a firearm;
- not have a conviction for perjury relating to information provided or deliberately omitted on a permit application;
- not chronically or habitually use alcoholic beverages to the extent that normal faculties are impaired;
- not be an unlawful user of or addicted to a controlled substance;
- not be subject to a protection order; and
- demonstrate competence with a handgun through certification as a firearms safety instructor, participation in organized shooting competitions, current military service, certain prior military or law enforcement service, or by completing a handgun safety course not held entirely online.

Duties of the sheriff. Sheriffs may deny, revoke, or refuse to issue or renew a permit if the sheriff has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to himself or herself or others if he or she is issued a permit. A sheriff may suspend a permit if the permittee no longer meets the specified criteria or becomes a danger to himself or herself or to others.

Permit Renewal. Colorado permits are valid for five years and may be renewed any time within 120 days of the expiration date. Permittees must remain qualified with regard to the previously listed criteria at all times. Permits may not be renewed six months or more past the expiration date.

Reciprocity. An individual in Colorado may use a concealed carry permit issued by a state that recognizes the validity of Colorado permits if that individual is currently a resident of the issuing state or has lived in Colorado for no more than 90 days.²

²States that recognize Colorado permits are: Alabama, Alaska, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming.