

CHAPTER 38

CRIMINAL LAW AND PROCEDURE

SENATE BILL 21-078

BY SENATOR(S) Jaquez Lewis and Danielson, Bridges, Coleman, Fields, Ginal, Gonzales, Hansen, Kolker, Moreno, Pettersen, Story, Winter;
 also REPRESENTATIVE(S) Sullivan and Herod, Amabile, Arndt, Bacon, Bernett, Bird, Caraveo, Cutter, Duran, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Sirota, Snyder, Tipper, Valdez A., Weissman, Woodrow, Garnett.

AN ACT**CONCERNING THE RESPONSIBILITY OF AN INDIVIDUAL FIREARM OWNER TO REPORT A MISSING FIREARM.**

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

SECTION 1. In Colorado Revised Statutes, **add** 18-12-113 as follows:

18-12-113. Failure to report a lost or stolen firearm - exception. (1) (a) (I) A PERSON WHO OWNS A FIREARM AND WHO HAS REASONABLE CAUSE TO BELIEVE THAT THE FIREARM HAS BEEN LOST OR STOLEN SHALL REPORT SUCH FACT TO A LAW ENFORCEMENT AGENCY NOT MORE THAN FIVE DAYS AFTER DISCOVERING THAT THE FIREARM HAS BEEN LOST OR STOLEN. A REPORT OF A LOST OR STOLEN FIREARM MUST INCLUDE, AND THE LAW ENFORCEMENT AGENCY RECEIVING THE REPORT SHALL REQUEST, AN ACCURATE AND DETAILED DESCRIPTION OF THE FIREARM, INCLUDING, TO THE EXTENT KNOWN, THE MANUFACTURER, MODEL, SERIAL NUMBER, CALIBER, AND ANY OTHER IDENTIFICATION NUMBER OR DISTINGUISHING MARK OF THE FIREARM BEING REPORTED.

(II) A PERSON OTHER THAN THE OWNER OF A LOST OR STOLEN FIREARM WHO IS A MEMBER OF THE OWNER'S FAMILY OR WHO RESIDES WITH THE OWNER MAY REPORT THE LOSS OR THEFT TO A LAW ENFORCEMENT AGENCY. IF A PERSON WHO IS NOT THE OWNER OF A LOST OR STOLEN FIREARM MAKES THE REPORT, THE OWNER IS NOT REQUIRED TO REPORT PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION. MAKING A REPORT PURSUANT TO THIS SUBSECTION (1)(a)(II) DOES NOT CONSTITUTE ACKNOWLEDGMENT OF OWNERSHIP OF THE FIREARM FOR THE PURPOSES OF ANY OTHER PROVISION OF LAW.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) A PERSON WHO PREVIOUSLY REPORTED A LOST OR STOLEN FIREARM PURSUANT TO THIS SECTION WHO HAS FOUND OR OTHERWISE RECOVERED THE FIREARM, OR ANY OTHER PERSON WHO HAS FOUND OR RECOVERED THE FIREARM, SHALL REPORT TO THE LAW ENFORCEMENT AGENCY THAT RECEIVED THE REPORT THAT THE FIREARM HAS BEEN RECOVERED.

(c) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A PERSON WHO KNOWINGLY VIOLATES SUBSECTION (1)(a)(I) OF THIS SECTION COMMITS FAILURE TO REPORT A LOST OR STOLEN FIREARM.

(2) FAILURE TO REPORT A LOST OR STOLEN FIREARM IS A CIVIL INFRACTION, PUNISHABLE BY A TWENTY-FIVE DOLLAR FINE; EXCEPT THAT A SECOND OR SUBSEQUENT OFFENSE IS AN UNCLASSIFIED MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS.

(3) THIS SECTION DOES NOT APPLY TO A LICENSED GUN DEALER, AS DEFINED IN SECTION 18-12-506.

(4) WITHIN FIVE DAYS AFTER RECEIVING A REPORT OF A LOST OR STOLEN FIREARM PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT AGENCY THAT RECEIVES THE REPORT SHALL ENTER ANY AVAILABLE DESCRIPTIVE INFORMATION RELATED TO THE LOST OR STOLEN FIREARM INTO THE COLORADO BUREAU OF INVESTIGATION CRIME INFORMATION CENTER DATABASE.

(5) A PERSON WHO REPORTS A LOST OR STOLEN FIREARM PURSUANT TO SUBSECTION (1) OF THIS SECTION IS IMMUNE FROM CRIMINAL PROSECUTION FOR AN OFFENSE IN THIS PART 1 RELATED TO THE STORAGE OF FIREARMS.

(6) THIS SECTION IS KNOWN AND MAY BE CITED AS THE "ISABELLA JOY THALLAS ACT".

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 19, 2021