

CHAPTER 156

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 00-1214

BY REPRESENTATIVES Decker, Dean, Gordon, Lee, McKay, Scott, Sinclair, Stengel, Swenson, Bacon, Hefley, King, May, S. Williams, Windels, Young, Zimmerman, Allen, Fairbank, Hagedorn, Hoppe, Johnson, Kaufman, Lawrence, Mace, McElhany, Miller, Mitchell, Nuñez, Paschall, Pfiffner, Saliman, Spence, Spradley, Tapia, Tochtrop, Tool, Veiga, and Witwer; also SENATORS Sullivant, Andrews, Evans, Powers, and Wham.

AN ACT

CONCERNING PROHIBITION OF THE PURCHASE OF FIREARMS BY PERSONS ON BEHALF OF OTHER PERSONS WHO ARE INELIGIBLE TO POSSESS FIREARMS, AND MAKING AN APPROPRIATION THEREFOR.

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

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

18-12-111. Unlawful purchase of firearms. (1) ANY PERSON WHO KNOWINGLY PURCHASES OR OTHERWISE OBTAINS A FIREARM ON BEHALF OF OR FOR TRANSFER TO A PERSON WHOM THE TRANSFEROR KNOWS OR REASONABLY SHOULD KNOW IS INELIGIBLE TO POSSESS A FIREARM PURSUANT TO FEDERAL OR STATE LAW COMMITS A CLASS 4 FELONY.

(2) (a) ANY PERSON WHO IS A LICENSED DEALER, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (11), SHALL POST A SIGN DISPLAYING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION IN A MANNER THAT IS EASILY READABLE. THE PERSON SHALL POST SUCH SIGN IN AN AREA THAT IS VISIBLE TO THE PUBLIC AT EACH LOCATION FROM WHICH THE PERSON SELLS FIREARMS TO THE GENERAL PUBLIC.

(b) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBSECTION (2) COMMITS A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF TWO HUNDRED FIFTY DOLLARS.

SECTION 2. Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

17-1-129. Appropriation to comply with section 2-2-703 - HB00-1214.

(1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 00-1214, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2000, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWO DOLLARS (\$416,802).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWO DOLLARS (\$416,802).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED FIFTY- SEVEN THOUSAND FOUR HUNDRED TWENTY-EIGHT DOLLARS (\$157,428).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF TWO HUNDRED FIFTY THOUSAND EIGHTY-ONE DOLLARS (\$250,081).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THREE HUNDRED FOURTEEN THOUSAND EIGHT HUNDRED FIFTY-SIX DOLLARS (\$314,856).

(d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FOUR HUNDRED NINE THOUSAND THREE HUNDRED THIRTEEN DOLLARS (\$409,313).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FOUR HUNDRED NINE THOUSAND THREE HUNDRED THIRTEEN DOLLARS (\$409,313).

SECTION 3. 24-75-302 (2) (m), (2) (n), and (2) (o) are amended to read:

24-75-302. Capital construction fund - capital assessment fees - calculation.

(2) As of July 1, 1988 and July 1 of each year thereafter through July 1, 2002, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(m) On July 1, 2000, one hundred million dollars, plus one hundred eighty-four thousand ninety dollars pursuant to H.B. 97-1186; plus four hundred seventy-eight thousand six hundred thirty-four dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus twelve thousand two hundred seventeen dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus seventy-one thousand two hundred seven dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS FOUR HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWO DOLLARS PURSUANT TO H.B. 00-1214, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY;

(n) On July 1, 2001, one hundred million dollars, plus one hundred fifty-four thousand six hundred thirty-six dollars pursuant to H.B. 97-1186; plus nine hundred five thousand seven hundred twenty-three dollars pursuant to H.B. 97-1077, enacted at the first regular session of the sixty-first general assembly; plus nine thousand eight hundred ninety dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus three hundred forty-nine thousand fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; PLUS FOUR HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED TWO DOLLARS PURSUANT TO H.B. 00-1214, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY; and

(o) On July 1, 2002, thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; ASSEMBLY; PLUS TWO HUNDRED FIFTY THOUSAND EIGHTY-ONE DOLLARS PURSUANT TO H.B. 00-1412, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SECOND GENERAL ASSEMBLY.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2000, and shall apply to offenses committed on or after said date.

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

Approved: May 19, 2000