SENATE BILL 21-078

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill requires an individual who owns a firearm to report the loss or theft of that firearm to a law enforcement agency within 5 days after discovering that the firearm was lost or stolen. A first offense for failure to make such a report is a petty offense punishable by a $25 fine, and a second or subsequent offense is a class 3 misdemeanor. The 5-day reporting requirement does not apply to a licensed gun dealer.
The bill requires a law enforcement agency that receives a report of a lost or stolen firearm to enter information about the lost or stolen firearm into the national crime information center database and report the information to the Colorado bureau of investigation.

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 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.

(b)  A PERSON WHO PREVIOUSLY REPORTED A LOST OR STOLEN FIREARM PURSUANT TO THIS SECTION WHO HAS FOUND OR OTHERWISE 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 THIS SUBSECTION (1) 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 NATIONAL CRIME INFORMATION CENTER DATABASE AND REPORT THE INFORMATION TO THE COLORADO BUREAU OF INVESTIGATION.

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.