A BILL FOR AN ACT

CONCERNING ESTABLISHING A MINIMUM THREE-DAY WAITING PERIOD PRIOR TO THE DELIVERY OF A PURCHASED 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 establishes a waiting period before a firearms seller may deliver a firearm to a purchaser. The waiting period is the later in time of 3 days after the initiation of a required background check of the purchaser or when the purchase is approved following any background check. Delivering a firearm prior to the expiration of the waiting period is a civil infraction, punishable by a $500 fine for a first offense and a $500 to
$5,000 fine for a second or subsequent offense.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) In 2020, according to the Centers for Disease Control and Prevention, firearm-related injury was among the five leading causes of death for people ages 1 to 44 in the United States;

(b) From 2014 to 2019, the number of firearm-related deaths in Colorado was greater than the number of deaths due to motor vehicle crashes, opioid overdoses, HIV, and colon cancer. Among firearm-related deaths, more than 75 percent were caused by intentional self-harm or suicide and more than 20 percent were as a result of assaults or homicides.

(c) In 2021, Colorado had its highest number of homicides by discharge of a firearm since 2000. There were 274 homicides by firearm in Colorado in 2021, and the age group with the highest rate of firearm homicide victims was people ages 15 to 24, with 74 deaths.

(d) In 2020, Colorado had the seventh highest suicide rate in the United States; in 2021, there were 740 suicides by firearm in Colorado, which was more than half of all suicides in the state;

(e) Nationwide, from 2000 to 2018, rural suicide rates were higher than urban suicide rates, and although suicide rates increased in both rural and urban areas during that period, since 2007, rural suicide rates increased at a greater rate than in urban areas;

(f) One study estimates that mandatory waiting periods to receive firearms led to a 7 to 11 percent reduction in suicides by firearm; the
study also suggests that delaying the purchase of firearms by a few days reduces firearm homicides by approximately 17 percent; and

(g) The Colorado bureau of investigation employs and trains personnel to process background checks, in accordance with section 24-33.5-424 (7)(b)(IV)(C), Colorado Revised Statutes.

(2) Therefore, the general assembly declares that:

(a) Delaying immediate access to firearms by establishing a waiting period for receipt of firearms can help prevent impulsive acts of firearm violence, including homicides and suicides; and

(b) The establishment of a waiting period is a matter of mixed state and local concern because the state has an interest in preventing suicides and homicides, and local governments are equipped to determine the length of waiting periods best suited for their jurisdictions.

SECTION 2. In Colorado Revised Statutes, add 18-12-115 as follows:

18-12-115. Waiting period for firearms sales - background check required - penalty - exceptions. (1) (a) It is unlawful for any person who sells a firearm, including a licensed gun dealer as defined in section 18-12-506 (6), to deliver the firearm to the purchaser until the later in time occurs:

(I) three days after a licensed gun dealer has initiated a background check of the purchaser that is required pursuant to state or federal law; or

(II) the seller has obtained approval for the firearm transfer from the bureau after it has completed any background check required by state or federal law.

(b) a person who violates this subsection (1) commits a
CIVIL INFRACTION AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED
BY A FINE OF FIVE HUNDRED DOLLARS; EXCEPT THAT FOR A SECOND OR
SUBSEQUENT OFFENSE, THE FINE SHALL BE NOT LESS THAN FIVE HUNDRED
DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS.

(2) THIS SECTION DOES NOT APPLY TO:

(a) THE SALE OF AN ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C.
SEC. 921 (a)(16), AS AMENDED, OR A CURIO OR RELIC, AS DEFINED IN 27
CFR 478.11, AS AMENDED;

(b) THE SALE OF A FIREARM BY A PERSON SERVING IN THE ARMED
Forces of the United States who will be deployed outside of the
United States within the next thirty days to any immediate
family member, which is limited to a spouse, parent, child, sibling,
grandparent, grandchild, niece, nephew, first cousin, aunt, or
uncle of the person; or

(c) A FIREARM TRANSFER FOR WHICH A BACKGROUND CHECK IS
NOT REQUIRED PURSUANT TO STATE OR FEDERAL LAW.

(3) PURSUANT TO THE AUTHORITY GRANTED IN SECTION
29-11.7-103, A LOCAL GOVERNMENT MAY ENACT AN ORDINANCE,
REGULATION, OR OTHER LAW CONCERNING A WAITING PERIOD.

SECTION 3. Effective date - applicability. This act takes effect
October 1, 2023, and applies to offenses committed on or after said date.

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