

CHAPTER 25

GOVERNMENT - STATE

HOUSE BILL 97-1090

BY REPRESENTATIVES Schwarz, Arrington, Dean, Kaufman, McElhaney, Owen, Paschall, Smith, Swenson, T. Williams, and Young;
also SENATORS Powers, Chlouber and Tebedo.

AN ACT

CONCERNING AMENDMENTS TO THE "INSTANT CRIMINAL BACKGROUND CHECK SYSTEM ACT" TO CONFORM TO FEDERAL STATUTES.

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

SECTION 1. 12-26.5-102 (5), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-26.5-102. Definitions. As used in this article, unless the context otherwise requires:

(5) "Transfer" means the sale or delivery of any handgun in this state by a transferor, as such term is defined in subsection (7) of this section, to a transferee, as such term is defined in subsection (6) of this section; EXCEPT THAT "TRANSFER" DOES NOT INCLUDE ANY TRANSACTION IN WHICH A HANDGUN IS RETURNED BY A TRANSFEROR TO THE PERSON FROM WHOM IT WAS RECEIVED, INCLUDING BUT NOT LIMITED TO RETURN OF THE HANDGUN BASED ON A CONSIGNMENT AGREEMENT, REPAIR AGREEMENT, OR ANY AGREEMENT WITH THE ENTITY OR PERSON RETURNING THE HANDGUN TO HOLD THE HANDGUN AS COLLATERAL.

SECTION 2. 12-26.5-106 (1) (a), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended, and the said 12-26.5-106 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

12-26.5-106. Persons exempt as transferees - transferors. (1) The provisions

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

of this article that apply to transferors or transferees shall not apply to:

(a) Any local, state, or federal law enforcement officer or agent, when the transfer is made to the officer or agent for official law enforcement purposes AND WHEN THE OFFICER OR AGENT MAY LAWFULLY POSSESS THE HANDGUN THAT IS TO BE TRANSFERRED;

(c) ANY TRANSFEREE WHO, AT THE TIME OF THE TRANSFER, IS IN LAWFUL POSSESSION OF A CONCEALED WEAPONS PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, C.R.S.

SECTION 3. 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.

Became Law: March 23, 1997