

CHAPTER 370

GOVERNMENT - STATE

HOUSE BILL 10-1411

BY REPRESENTATIVE(S) Waller, Liston, Pace, Casso, Curry, DelGrosso, Gardner B., Gerou, Kagan, Kerr J., King S., Lambert, Looper, Massey, May, McFadyen, Murray, Nikkel, Priola, Rice, Roberts, Stephens, Tipton, Vigil;
also SENATOR(S) Tochtrop, Steadman.

AN ACT

CONCERNING THE PROCESS FOR RESOLVING A DENIAL OF A TRANSFER OF A FIREARM WHEN THE DENIAL IS BASED ON A PROSPECTIVE TRANSFEREE'S CRIMINAL RECORD, WHICH CRIMINAL RECORD INCLUDES A CASE FOR WHICH THERE APPEARS TO BE NO FINAL DISPOSITION.

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

SECTION 1. 24-33.5-424 (5) (b) and (5) (c), Colorado Revised Statutes, are amended to read:

24-33.5-424. National instant criminal background check system - state point of contact - grounds for denial of firearm transfer - appeal - rule-making - unlawful acts - repeal. (5) (b) Upon denial of a firearm transfer, the transferor shall provide the transferee with written information prepared by the bureau concerning the procedure by which the transferee, WITHIN THIRTY DAYS AFTER THE DENIAL, may request a review of the denial and of the instant criminal background check records that prompted the denial. WITHIN THIRTY DAYS OF RECEIVING SUCH A REQUEST, the bureau shall:

(I) PERFORM A THOROUGH REVIEW OF THE INSTANT CRIMINAL BACKGROUND CHECK RECORDS THAT PROMPTED THE DENIAL; AND

(II) Render a final administrative decision regarding THE denial within thirty days after receiving information from the transferee that ~~demonstrates~~ ALLEGES the transfer was improperly denied.

(c) In the case of any transfer denied pursuant to paragraph (b) of subsection (3) of this section, the inability of the ~~transferee~~ BUREAU to obtain the final disposition of a case that is no longer pending shall not constitute the basis for the continued

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

denial of the transfer. ~~so long as the transferee provides a letter signed and verified by the clerk of the court or his or her designee that indicates that no final case disposition information is available. Upon presentation of such letter to the bureau, the bureau shall reverse the denial.~~

SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 3. Specified effective date. This act shall take effect upon signature of the governor; except that, this act shall not take effect if House Bill 10-1391 is not enacted at the Second Regular Session of the Sixty-seventh General Assembly and does not become law.

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, and safety.

Approved: June 7, 2010