

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0425.01 Conrad Imel x2313

SENATE BILL 21-078

SENATE SPONSORSHIP

Jaquez Lewis and Danielson, Bridges, Coleman, Fields, Ginal, Gonzales, Hansen, Kolker, Moreno, Pettersen, Story, Winter

HOUSE SPONSORSHIP

Sullivan and Herod, Amabile, Arndt, Bacon, Bernett, Bird, Caraveo, Cutter, Duran, Exum, Froelich, Garnett, Gonzales-Gutierrez, Gray, Hooton, Jackson, Jodeh, Kennedy, Kipp, Lontine, McCluskie, McCormick, Michaelson Jenet, Mullica, Ortiz, Ricks, Sirota, Snyder, Tipper, Valdez A., Weissman, Woodrow

Senate Committees
Judiciary

House Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING THE RESPONSIBILITY OF AN INDIVIDUAL FIREARM OWNER**
102 **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.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 3rd Reading
April 5, 2021

HOUSE
Amended 2nd Reading
April 1, 2021

SENATE
3rd Reading Unamended
March 10, 2021

SENATE
Amended 2nd Reading
March 9, 2021

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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-12-113 as
3 follows:

4 **18-12-113. Failure to report a lost or stolen firearm -**
5 **exception.** (1) (a) (I) A PERSON WHO OWNS A FIREARM AND WHO HAS
6 REASONABLE CAUSE TO BELIEVE THAT THE FIREARM HAS BEEN LOST OR
7 STOLEN SHALL REPORT SUCH FACT TO A LAW ENFORCEMENT AGENCY NOT
8 MORE THAN FIVE DAYS AFTER DISCOVERING THAT THE FIREARM HAS BEEN
9 LOST OR STOLEN. A REPORT OF A LOST OR STOLEN FIREARM MUST
10 INCLUDE, AND THE LAW ENFORCEMENT AGENCY RECEIVING THE REPORT
11 SHALL REQUEST, AN ACCURATE AND DETAILED DESCRIPTION OF THE
12 FIREARM, INCLUDING, TO THE EXTENT KNOWN, THE MANUFACTURER,
13 MODEL, SERIAL NUMBER, CALIBER, AND ANY OTHER IDENTIFICATION
14 NUMBER OR DISTINGUISHING MARK OF THE FIREARM BEING REPORTED.

15 (II) A PERSON OTHER THAN THE OWNER OF A LOST OR STOLEN
16 FIREARM WHO IS A MEMBER OF THE OWNER'S FAMILY OR WHO RESIDES
17 WITH THE OWNER MAY REPORT THE LOSS OR THEFT TO A LAW
18 ENFORCEMENT AGENCY. IF A PERSON WHO IS NOT THE OWNER OF A LOST
19 OR STOLEN FIREARM MAKES THE REPORT, THE OWNER IS NOT REQUIRED TO
20 REPORT PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION. MAKING A
21 REPORT PURSUANT TO THIS SUBSECTION (1)(a)(II) DOES NOT CONSTITUTE
22 ACKNOWLEDGMENT OF OWNERSHIP OF THE FIREARM FOR THE PURPOSES OF
23 ANY OTHER PROVISION OF LAW.

1 (b) A PERSON WHO PREVIOUSLY REPORTED A LOST OR STOLEN
2 FIREARM PURSUANT TO THIS SECTION WHO HAS FOUND OR OTHERWISE
3 RECOVERED THE FIREARM, OR ANY OTHER PERSON WHO HAS FOUND OR
4 RECOVERED THE FIREARM, SHALL REPORT TO THE LAW ENFORCEMENT
5 AGENCY THAT RECEIVED THE REPORT THAT THE FIREARM HAS BEEN
6 RECOVERED.

7 (c) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A
8 PERSON WHO KNOWINGLY VIOLATES SUBSECTION (1)(a)(I) OF THIS
9 SECTION COMMITS FAILURE TO REPORT A LOST OR STOLEN FIREARM.

10 (2) FAILURE TO REPORT A LOST OR STOLEN FIREARM IS A CIVIL
11 INFRACTION, PUNISHABLE BY A TWENTY-FIVE DOLLAR FINE; EXCEPT THAT
12 A SECOND OR SUBSEQUENT OFFENSE IS AN UNCLASSIFIED MISDEMEANOR
13 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT
14 MORE THAN FIVE HUNDRED DOLLARS.

15 (3) THIS SECTION DOES NOT APPLY TO A LICENSED GUN DEALER, AS
16 DEFINED IN SECTION 18-12-506.

17 (4) WITHIN FIVE DAYS AFTER RECEIVING A REPORT OF A LOST OR
18 STOLEN FIREARM PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT
19 AGENCY THAT RECEIVES THE REPORT SHALL ENTER ANY AVAILABLE
20 DESCRIPTIVE INFORMATION RELATED TO THE LOST OR STOLEN FIREARM
21 INTO THE COLORADO BUREAU OF INVESTIGATION CRIME INFORMATION
22 CENTER DATABASE.

23 (5) A PERSON WHO REPORTS A LOST OR STOLEN FIREARM
24 PURSUANT TO SUBSECTION (1) OF THIS SECTION IS IMMUNE FROM CRIMINAL
25 PROSECUTION FOR AN OFFENSE IN THIS PART 1 RELATED TO THE STORAGE
26 OF FIREARMS.

27 (6) THIS SECTION IS KNOWN AND MAY BE CITED AS THE "ISABELLA

1 JOY THALLAS ACT".

2 **SECTION 2. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2022 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.