

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0009.01 Conrad Imel x2313

HOUSE BILL 23-1219

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A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING A MINIMUM THREE-DAY WAITING PERIOD**
102 **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

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

HOUSE
Amended 2nd Reading
March 10, 2023

\$5,000 fine for a second or subsequent offense.

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

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

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

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

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

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

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

24 (f) One study estimates that mandatory waiting periods to receive
25 firearms led to a 7 to 11 percent reduction in suicides by firearm; the

1 study also suggests that delaying the purchase of firearms by a few days
2 reduces firearm homicides by approximately 17 percent; and

3 (g) The Colorado bureau of investigation employs and trains
4 personnel to process background checks, in accordance with section
5 24-33.5-424 (7)(b)(IV)(C), Colorado Revised Statutes.

6 (2) Therefore, the general assembly declares that:

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

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

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

16 **18-12-115. Waiting period for firearms sales - background**
17 **check required - penalty - exceptions.** (1) (a) IT IS UNLAWFUL FOR ANY
18 PERSON WHO SELLS A FIREARM, INCLUDING A LICENSED GUN DEALER AS
19 DEFINED IN SECTION 18-12-506 (6), TO DELIVER THE FIREARM TO THE
20 PURCHASER UNTIL THE LATER IN TIME OCCURS:

21 (I) THREE DAYS AFTER A LICENSED GUN DEALER HAS INITIATED A
22 BACKGROUND CHECK OF THE PURCHASER THAT IS REQUIRED PURSUANT TO
23 STATE OR FEDERAL LAW; OR

24 (II) THE SELLER HAS OBTAINED APPROVAL FOR THE FIREARM
25 TRANSFER FROM THE BUREAU AFTER IT HAS COMPLETED ANY
26 BACKGROUND CHECK REQUIRED BY STATE OR FEDERAL LAW.

27 (b) A PERSON WHO VIOLATES THIS SUBSECTION (1) COMMITS A

1 CIVIL INFRACTION AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED
2 BY A FINE OF FIVE HUNDRED DOLLARS; EXCEPT THAT FOR A SECOND OR
3 SUBSEQUENT OFFENSE, THE FINE SHALL BE NOT LESS THAN FIVE HUNDRED
4 DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS.

5 (2) THIS SECTION DOES NOT APPLY TO:

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

9 (b) THE SALE OF A FIREARM BY A PERSON SERVING IN THE ARMED
10 FORCES OF THE UNITED STATES WHO WILL BE DEPLOYED OUTSIDE OF THE
11 UNITED STATES WITHIN THE NEXT THIRTY DAYS TO ANY IMMEDIATE
12 FAMILY MEMBER, WHICH IS LIMITED TO A SPOUSE, PARENT, CHILD, SIBLING,
13 GRANDPARENT, GRANDCHILD, NIECE, NEPHEW, FIRST COUSIN, AUNT, OR
14 UNCLE OF THE PERSON; OR

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

17 (3) PURSUANT TO THE AUTHORITY GRANTED IN SECTION
18 29-11.7-103, A LOCAL GOVERNMENT MAY ENACT AN ORDINANCE,
19 REGULATION, OR OTHER LAW CONCERNING A WAITING PERIOD.

20 **SECTION 3. Act subject to petition - effective date -**
21 **applicability.** (1) This act takes effect October 1, 2023; except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within the ninety-day period after final adjournment of the general
25 assembly, then the act, item, section, or part will not take effect unless
26 approved by the people at the general election to be held in November
27 2024 and, in such case, will take effect on the date of the official

1 declaration of the vote thereon by the governor.

2 (2) This act applies to offenses committed on or after the

3 applicable effective date of this act.