

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 23-169

BY SENATOR(S) Mullica and Danielson, Bridges, Coleman, Cutter, Exum, Fields, Gonzales, Hansen, Jaquez Lewis, Kolker, Moreno, Rodriguez, Sullivan, Fenberg;
also REPRESENTATIVE(S) Duran and Hamrick, Kipp, Amabile, Bacon, Bird, Boesenecker, Brown, Daugherty, deGruy Kennedy, Dickson, English, Froelich, Gonzales-Gutierrez, Herod, Jodeh, Joseph, Lindsay, Lindstedt, Mabrey, McCormick, Michaelson Jenet, Parenti, Ricks, Sirota, Snyder, Valdez, Velasco, Weissman, Willford, Woodrow, McCluskie.

CONCERNING INCREASING THE LEGAL AGE TO PURCHASE A FIREARM TO TWENTY-ONE YEARS OF AGE, WITH LIMITED EXCEPTIONS.

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

SECTION 1. In Colorado Revised Statutes, 18-12-101, **add** (1)(b.7) and (1)(c.5) as follows:

18-12-101. Peace officer affirmative defense - definitions. (1) As used in this article 12, unless the context otherwise requires:

(b.7) "FIREARM" MEANS ANY WEAPON, INCLUDING A STARTER GUN, THAT CAN, IS DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

PROJECTILE BY THE ACTION OF AN EXPLOSIVE; THE FRAME OR RECEIVER OF A FIREARM; OR A FIREARM SILENCER. "FIREARM" DOES NOT INCLUDE AN ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16). IN THE CASE OF A LICENSED COLLECTOR, "FIREARM" MEANS ONLY CURIOS AND RELICS. "FIREARM" INCLUDES A WEAPONS PARTS KIT THAT IS DESIGNED TO OR MAY READILY BE COMPLETED, ASSEMBLED, RESTORED, OR OTHERWISE CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE. "FIREARM" DOES NOT INCLUDE A WEAPON, INCLUDING A WEAPONS PARTS KIT, IN WHICH THE FRAME OR RECEIVER OF THE FIREARM, AS DEFINED IN SUBSECTION (1)(c.5) OF THIS SECTION, OR THE WEAPON, IS DESTROYED.

(c.5) "FRAME OR RECEIVER OF A FIREARM" MEANS A PART OF A FIREARM THAT, WHEN THE COMPLETE FIREARM IS ASSEMBLED, IS VISIBLE FROM THE EXTERIOR AND PROVIDES HOUSING OR A STRUCTURE DESIGNED TO HOLD OR INTEGRATE ONE OR MORE FIRE CONTROL COMPONENTS, EVEN IF PINS OR OTHER ATTACHMENTS ARE REQUIRED TO CONNECT THE FIRE CONTROL COMPONENTS. ANY PART OF A FIREARM IMPRINTED WITH A SERIAL NUMBER IS PRESUMED TO BE A FRAME OR RECEIVER OF A FIREARM, UNLESS THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES MAKES AN OFFICIAL DETERMINATION OTHERWISE OR THERE IS OTHER RELIABLE EVIDENCE TO THE CONTRARY.

SECTION 2. In Colorado Revised Statutes, 18-12-112, **add** (2)(e), (2)(f), and (2)(g) as follows:

18-12-112. Private firearms transfers - sale and purchase - background check required - penalty - definitions. (2) (e) A PERSON WHO IS NOT A LICENSED GUN DEALER SHALL NOT MAKE OR FACILITATE THE SALE OF A FIREARM TO A PERSON WHO IS LESS THAN TWENTY-ONE YEARS OF AGE.

(f) IT IS UNLAWFUL FOR A PERSON WHO IS LESS THAN TWENTY-ONE YEARS OF AGE TO PURCHASE A FIREARM.

(g) SUBSECTIONS (2)(e) AND (2)(f) OF THIS SECTION DO NOT APPLY IF:

(I) THE PERSON IS AN ACTIVE MEMBER OF THE UNITED STATES ARMED FORCES WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE POLICIES OF THE UNITED STATES ARMED FORCES; OR

(II) THE PERSON IS A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION 16-2.5-101 AND SECTION 16-2.5-135; OR

(III) THE PERSON IS CERTIFIED BY THE P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102.

SECTION 3. In Colorado Revised Statutes, 18-12-112.5, **amend** (1) as follows:

18-12-112.5. Firearms transfers by licensed dealers - sale and purchase - background check required - penalty - definitions. (1) (a) It is unlawful for a licensed gun dealer to transfer a firearm to a transferee until the dealer has obtained approval for the firearms transfer from the bureau after the bureau has completed any background check required by state or federal law.

(a.3) A PERSON WHO IS A LICENSED GUN DEALER SHALL NOT MAKE OR FACILITATE THE SALE OF A FIREARM TO A PERSON WHO IS LESS THAN TWENTY-ONE YEARS OF AGE.

(a.5) IT IS UNLAWFUL FOR A PERSON WHO IS LESS THAN TWENTY-ONE YEARS OF AGE TO PURCHASE A FIREARM. THIS SUBSECTION (1)(a.5) AND SUBSECTION (1)(a.3) OF THIS SECTION DO NOT APPLY IF:

(I) THE PERSON IS AN ACTIVE MEMBER OF THE UNITED STATES ARMED FORCES WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE POLICIES OF THE UNITED STATES ARMED FORCES; OR

(II) THE PERSON IS A PEACE OFFICER, AS DESCRIBED IN SECTION 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION 16-2.5-101 AND SECTION 16-2.5-135; OR

(III) AN INDIVIDUAL CERTIFIED BY THE P.O.S.T. BOARD PURSUANT TO SECTION 16-2.5-102.

(b) Transferring OR SELLING a firearm in violation of this subsection (1) is a class 1 misdemeanor.

(c) PURCHASING A FIREARM IN VIOLATION OF THIS SUBSECTION (1)
IS A CLASS 2 MISDEMEANOR.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect

unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Steve Fenberg
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO