

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

REREVISED

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

LLS NO. 23-0811.02 Jane Ritter x4342

SENATE BILL 23-169

SENATE SPONSORSHIP

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HOUSE SPONSORSHIP

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Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Civic, Military, & Veterans Affairs

HOUSE
3rd Reading Unamended
March 27, 2023

HOUSE
Amended 2nd Reading
March 26, 2023

A BILL FOR AN ACT

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

SENATE
3rd Reading Unamended
March 13, 2023

SENATE
Amended 2nd Reading
March 10, 2023

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>.)

Current law allows a person who is 18 years of age or older to knowingly possess or purchase a firearm. The bill increases that age requirement to a person who is 21 years of age or older and adds "intentionally" to the mens rea required for a person under 21 years of age to commit the offense of possessing or purchasing a firearm. The bill lists

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.

exceptions to the offense.

Under current law, it is a class 4 felony to intentionally, knowingly, or recklessly provide, or allow to possess, a firearm, with or without remuneration, to any person under the age of 18 (juvenile). The bill makes it a class 2 misdemeanor to intentionally or knowingly sell or transfer a firearm to a juvenile.

The bill makes conforming amendments.

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

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

4 **18-12-101. Peace officer affirmative defense - definitions.**

5 **(1) As used in this article 12, unless the context otherwise requires:**

6 **(b.7) "FIREARM" MEANS ANY WEAPON, INCLUDING A STARTER GUN,**
7 **THAT CAN, IS DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A**
8 **PROJECTILE BY THE ACTION OF AN EXPLOSIVE; THE FRAME OR RECEIVER OF**
9 **A FIREARM; OR A FIREARM SILENCER. "FIREARM" DOES NOT INCLUDE AN**
10 **ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16). IN THE CASE**
11 **OF A LICENSED COLLECTOR, "FIREARM" MEANS ONLY CURIOS AND RELICS.**
12 **"FIREARM" INCLUDES A WEAPONS PARTS KIT THAT IS DESIGNED TO OR MAY**
13 **READILY BE COMPLETED, ASSEMBLED, RESTORED, OR OTHERWISE**
14 **CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE.**
15 **"FIREARM" DOES NOT INCLUDE A WEAPON, INCLUDING A WEAPONS PARTS**
16 **KIT, IN WHICH THE FRAME OR RECEIVER OF THE FIREARM, AS DEFINED IN**
17 **SUBSECTION (1)(c.5) OF THIS SECTION, OR THE WEAPON, IS DESTROYED.**

18 **(c.5) "FRAME OR RECEIVER OF A FIREARM" MEANS A PART OF A**
19 **FIREARM THAT, WHEN THE COMPLETE FIREARM IS ASSEMBLED, IS VISIBLE**
20 **FROM THE EXTERIOR AND PROVIDES HOUSING OR A STRUCTURE DESIGNED**
21 **TO HOLD OR INTEGRATE ONE OR MORE FIRE CONTROL COMPONENTS, EVEN**
22 **IF PINS OR OTHER ATTACHMENTS ARE REQUIRED TO CONNECT THE FIRE**

1 CONTROL COMPONENTS. ANY PART OF A FIREARM IMPRINTED WITH A
2 SERIAL NUMBER IS PRESUMED TO BE A FRAME OR RECEIVER OF A FIREARM,
3 UNLESS THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
4 EXPLOSIVES MAKES AN OFFICIAL DETERMINATION OTHERWISE OR THERE
5 IS OTHER RELIABLE EVIDENCE TO THE CONTRARY.

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

9 **18-12-112. Private firearms transfers - sale and purchase -**
10 **background check required - penalty - definitions.** (2) (e) A PERSON
11 WHO IS NOT A LICENSED GUN DEALER SHALL NOT MAKE OR FACILITATE THE
12 SALE OF A FIREARM TO A PERSON WHO IS LESS THAN TWENTY-ONE YEARS
13 OF AGE.

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

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

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

21 (II) THE PERSON IS A PEACE OFFICER, AS DESCRIBED IN SECTION
22 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE
23 POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION
24 16-2.5-101 AND SECTION 16-2.5-135; OR

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

27 **SECTION 3.** In Colorado Revised Statutes, 18-12-112.5, amend

1 (1) as follows:

2 **18-12-112.5. Firearms transfers by licensed dealers - sale and**
3 **purchase - background check required - penalty - definitions.**

4 (1) (a) It is unlawful for a licensed gun dealer to transfer a firearm to a
5 transferee until the dealer has obtained approval for the firearms transfer
6 from the bureau after the bureau has completed any background check
7 required by state or federal law.

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

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

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

17 (II) THE PERSON IS A PEACE OFFICER, AS DESCRIBED IN SECTION
18 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE
19 POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION
20 16-2.5-101 AND SECTION 16-2.5-135; OR

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

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

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

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1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article
5 V of the state constitution against this act or an item, section, or part of
6 this act within such period, then the act, item, section, or part will not
7 take effect unless approved by the people at the general election to be
8 held in November 2024 and, in such case, will take effect on the date of
9 the official declaration of the vote thereon by the governor.