

HB21-1298

Expand Firearm Transfer Background Check Requirements

Concerning the conditions under which a firearm transfer may be prohibited following a background check, and, in connection therewith, requiring approval of a firearm transfer prior to a transfer by a licensed dealer, establishing grounds for denying a transfer, and clarifying the process to appeal a denied transfer.

SESSION:

2021 Regular Session

SUBJECT:

Crimes, Corrections, & Enforcement

BILL SUMMARY

The act requires a licensed gun dealer to obtain approval for a firearms transfer from the Colorado bureau of investigation (bureau) prior to transferring a firearm.

The act prohibits the bureau from approving the transfer of a firearm to a person who was convicted of specified misdemeanor offenses. The bureau is also prohibited from approving a firearms transfer until it determines that its background investigation is complete and that the transfer would not violate federal prohibitions on firearms possession or result in a violation of state law.

A person may be denied a firearms transfer if there has not been a final disposition in criminal proceedings for certain offenses for which the prospective transferee, if convicted, would be prohibited from purchasing, receiving, or possessing a firearm. The act permits continued denial of the transfer when the bureau is unable to obtain the final disposition of a case that is no longer pending.

A person who has been denied a firearms transfer following a background check can appeal the denial. The act establishes a 60-day deadline for the bureau to review background check records that prompted the denial and render a final administrative decision regarding the denial.

(Note: This summary applies to this bill as enacted.)