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SENATE BILL 25-205

BY SENATOR(S) Hinrichsen, Gonzales J., Jodeh, Kipp, Michaelson Jenet, Sullivan, Wallace, Weissman, Coleman;
also REPRESENTATIVE(S) Espenosa and Lindstedt, Bacon, Boesenecker, Brown, Froelich, Garcia, Gilchrist, Hamrick, Joseph, Lindsay, McCormick, Smith, Valdez.

CONCERNING A FIREARM SERIAL NUMBER CHECK, AND, IN CONNECTION THEREWITH, CREATING A STANDARDIZED PROCEDURE FOR A FEDERAL FIREARMS LICENSEE TO REQUEST A FIREARM SERIAL NUMBER CHECK AND IMPOSING A PENALTY UNDER CERTAIN CIRCUMSTANCES IF A LICENSEE DOES NOT FILE A REPORT WITH LAW ENFORCEMENT.

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

SECTION 1. In Colorado Revised Statutes, **add** 29-11.7-105 as follows:

29-11.7-105. Firearm serial number check - procedure - processing fee - penalty. (1) (a) A FEDERAL FIREARMS LICENSEE, AS DESCRIBED IN SECTION 18-12-101, MAY REQUEST A FIREARM SERIAL NUMBER CHECK PRIOR TO PURCHASING A FIREARM FROM AN INDIVIDUAL. IF A FEDERAL FIREARMS LICENSEE'S PLACE OF BUSINESS IS LOCATED WITHIN

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.

INCORPORATED CITY LIMITS AND REQUESTS A FIREARM SERIAL NUMBER CHECK, THE LICENSEE MUST REQUEST THE FIREARM SERIAL NUMBER CHECK FROM THE POLICE DEPARTMENT WITHIN THE CITY LIMITS IN WHICH THE FEDERAL FIREARMS LICENSEE'S PLACE OF BUSINESS IS LOCATED. IF A FEDERAL FIREARMS LICENSEE'S PLACE OF BUSINESS IS LOCATED IN AN UNINCORPORATED PART OF A COUNTY AND REQUESTS A FIREARM SERIAL NUMBER CHECK, THE LICENSEE MUST REQUEST THE FIREARM SERIAL NUMBER CHECK FROM THE SHERIFF'S DEPARTMENT OF THE COUNTY IN WHICH THE FEDERAL FIREARMS LICENSEE'S PLACE OF BUSINESS IS LOCATED.

(b) UPON REQUEST BY A FEDERAL FIREARMS LICENSEE, A SHERIFF'S OFFICE OR POLICE DEPARTMENT SHALL PERFORM THE FIREARM SERIAL NUMBER CHECK AND RESPOND WITH THE RESULT OF THE CHECK TO THE LICENSEE WITHIN THREE DAYS AFTER THE REQUEST.

(c) THE FIREARM SERIAL NUMBER CHECK MUST INCLUDE INFORMATION REGARDING WHETHER THE GUN IS REPORTED STOLEN, LOST, OR IS INVOLVED IN AN OPEN CRIMINAL INVESTIGATION.

(d) A SHERIFF'S OFFICE OR POLICE DEPARTMENT SHALL ESTABLISH A REASONABLE AND UNIFORM SYSTEM TO RECEIVE A FIREARM SERIAL NUMBER CHECK REQUEST AND PROVIDE A RESPONSE TO A REQUESTING LICENSEE.

(2) (a) A SHERIFF'S OFFICE OR POLICE DEPARTMENT MAY CHARGE A FEE TO PERFORM THE FIREARM SERIAL NUMBER CHECK. THE FEE AMOUNT MUST REFLECT THE ACTUAL AND INDIRECT COSTS TO THE SHERIFF'S OFFICE OR POLICE DEPARTMENT OF PERFORMING THE FIREARM SERIAL NUMBER CHECK.

(b) IF A SHERIFF'S OFFICE OR POLICE DEPARTMENT DOES NOT PERFORM THE FIREARM SERIAL NUMBER CHECK AND PROVIDE A RESPONSE TO THE LICENSEE WITHIN THREE DAYS AFTER THE REQUEST, THE SHERIFF'S OFFICE OR POLICE DEPARTMENT SHALL REFUND, OR SHALL NOT CHARGE, THE LICENSEE FOR THE FIREARM SERIAL NUMBER CHECK.

(3) EACH SHERIFF'S OFFICE OR POLICE DEPARTMENT SHALL BEGIN PROVIDING FIREARM SERIAL NUMBER CHECKS NO LATER THAN JULY 1, 2026.

(4) IF THE FEDERAL GOVERNMENT ALLOWS A FEDERAL FIREARMS LICENSEE TO ACCESS THE FEDERAL GOVERNMENT'S FIREARM TRACING

PROGRAM TO ALLOW THE FEDERAL FIREARMS LICENSEE TO PERFORM A FIREARM SERIAL NUMBER CHECK, THE FEDERAL FIREARMS LICENSEE MAY PERFORM THE FIREARMS SERIAL NUMBER CHECK THEMSELF. THE FEDERAL FIREARMS LICENSEE IS STILL SUBJECT TO THE REPORTING REQUIREMENTS DESCRIBED IN SUBSECTION (5) OF THIS SECTION. THIS SUBSECTION (4) WILL TAKE EFFECT AS SOON AS THE TECHNOLOGY AND INFRASTRUCTURE FOR A FEDERAL FIREARMS LICENSEE TO PERFORM A FIREARM SERIAL NUMBER SEARCH IS AVAILABLE.

(5) (a) IF A FIREARMS DEALER WHO HOLDS A STATE PERMIT TO DEAL FIREARMS PURSUANT TO SECTION 18-12-401.5 REASONABLY BELIEVES, KNOWS OR SHOULD KNOW, OR BECOMES AWARE THAT A PERSON SOLD OR ATTEMPTED TO SELL A FIREARM THAT IS STOLEN, LOST, OR INVOLVED IN AN OPEN CRIMINAL INVESTIGATION, THE DEALER SHALL REPORT THAT INFORMATION TO A LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER THE DEALER'S PLACE OF BUSINESS.

(b) FAILURE TO MAKE THE REPORT AS REQUIRED BY THIS SUBSECTION (5) WITHIN FORTY-EIGHT HOURS AFTER THE DEALER REASONABLY BELIEVES, KNOWS OR SHOULD KNOW, OR BECOMES AWARE OF THE FIREARM BEING STOLEN, LOST, OR INVOLVED IN AN OPEN CRIMINAL INVESTIGATION IS SUBJECT TO THE PENALTIES DESCRIBED IN SECTION 18-12-401.5 (7).

SECTION 2. In Colorado Revised Statutes, 18-12-401.5, **amend** (7)(a) introductory portion as follows:

18-12-401.5. Permit required - issuing agency - cash fund - inspections - penalty - report - rules - repeal. (7) (a) Except as provided in subsection (8) of this section, if the department finds that a dealer failed to post the required notice or make a report concerning unlawful purchases in violation of section 18-12-111; failed to make a record required pursuant to section 18-12-402; transferred a firearm without a locking device or failed to post the required notice concerning locking devices, in violation of section 18-12-405; failed to comply with any of the requirements of section 18-12-406; FAILED TO COMPLY WITH ANY OF THE REQUIREMENTS OF SECTION 29-11.7-105 (5); violated any other provision of this article 12 or any other state or local law concerning the sale of firearms; or violated any federal law or rule concerning the sale of firearms or firearm components for which the penalty includes potential revocation of the person's federal firearms license, the department shall:

SECTION 3. 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO