

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

INTRODUCED

LLS NO. 23-0811.02 Jane Ritter x4342

SENATE BILL 23-169

SENATE SPONSORSHIP

Mullica and Danielson,

HOUSE SPONSORSHIP

Duran and Hamrick, Kipp

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE LEGAL AGE FOR CERTAIN CONDUCT**
102 **RELATED TO A FIREARM, AND, IN CONNECTION THEREWITH,**
103 **INCREASING THE LEGAL AGE TO PURCHASE, POSSESS, SELL, OR**
104 **TRANSFER A 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>.)

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

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.

"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 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; A FIREARM SILENCER; AND A DESTRUCTIVE DEVICE, AS
10 DEFINED IN SECTION 18-9-101. "FIREARM" DOES NOT INCLUDE AN ANTIQUE
11 FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16). IN THE CASE OF A
12 LICENSED COLLECTOR, "FIREARM" MEANS ONLY CURIOS AND RELICS.
13 "FIREARM" INCLUDES A WEAPONS PARTS KIT THAT IS DESIGNED TO OR MAY
14 READILY BE COMPLETED, ASSEMBLED, RESTORED, OR OTHERWISE
15 CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE.
16 "FIREARM" DOES NOT INCLUDE A WEAPON, INCLUDING A WEAPON PARTS
17 KIT, IN WHICH THE FRAME OR RECEIVER OF THE FIREARM, AS DEFINED IN
18 SUBSECTION (1)(c.5) OF THIS SECTION, OR THE WEAPON, IS DESTROYED.

19 (c.5) "FRAME OR RECEIVER OF A FIREARM" MEANS A PART OF A
20 FIREARM THAT, WHEN THE COMPLETE FIREARM IS ASSEMBLED, IS VISIBLE

1 FROM THE EXTERIOR AND PROVIDES HOUSING OR A STRUCTURE DESIGNED
2 TO HOLD OR INTEGRATE ONE OR MORE FIRE CONTROL COMPONENTS, EVEN
3 IF PINS OR OTHER ATTACHMENTS ARE REQUIRED TO CONNECT THE FIRE
4 CONTROL COMPONENTS. ANY PART OF A FIREARM IMPRINTED WITH A
5 SERIAL NUMBER IS PRESUMED TO BE A FRAME OR RECEIVER OF A FIREARM,
6 UNLESS THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
7 EXPLOSIVES MAKES AN OFFICIAL DETERMINATION OTHERWISE OR THERE
8 IS OTHER RELIABLE EVIDENCE TO THE CONTRARY.

9 **SECTION 2.** In Colorado Revised Statutes, **amend** 18-12-108.5
10 as follows:

11 **18-12-108.5. Possession, purchase, sale, or transfer of firearms**
12 **- prohibited - exceptions - penalty.** (1) (a) Except as provided in this
13 section, it is unlawful for any person who ~~has not attained the age of~~
14 ~~eighteen~~ IS NOT TWENTY-ONE years OF AGE OR OLDER TO INTENTIONALLY
15 OR knowingly ~~to have any handgun in such person's possession~~ PURCHASE
16 OR POSSESS ANY FIREARM. THIS SUBSECTION (1)(a) DOES NOT APPLY IF:

17 (I) THE PERSON IS AT LEAST EIGHTEEN YEARS OF AGE, HAS A
18 HUNTING LICENSE, AND PURCHASES OR POSSESSES A FIREARM THAT IS NOT
19 A HANDGUN OR SEMI-AUTOMATIC CENTER FIRE RIFLE; OR

20 (II) THE PERSON IS EIGHTEEN YEARS OF AGE OR OLDER BUT LESS
21 THAN TWENTY-ONE YEARS OF AGE AND POSSESSES A HANDGUN OR
22 SEMI-AUTOMATIC CENTER FIRE RIFLE WHILE UNDER THE DIRECT
23 SUPERVISION OF AN IMMEDIATE FAMILY MEMBER WHO IS TWENTY-FIVE
24 YEARS OF AGE OR OLDER; OR

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

1 (IV) THE PERSON IS A PEACE OFFICER, AS DEFINED IN SECTION
2 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE
3 POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION
4 16-2.5-101 (2).

5 (a.5) EXCEPT AS PROVIDED IN THIS SECTION, IT IS UNLAWFUL FOR
6 ANY PERSON TO INTENTIONALLY OR KNOWINGLY SELL OR TRANSFER A
7 FIREARM TO A PERSON WHO IS LESS THAN TWENTY-ONE YEARS OF AGE;
8 EXCEPT THAT THIS SUBSECTION (1)(a.5) DOES NOT APPLY IF THE TRANSFER
9 IS:

10 (I) A BONA FIDE GIFT TO AN IMMEDIATE FAMILY MEMBER WHO IS
11 EIGHTEEN YEARS OF AGE OR OLDER BUT LESS THAN TWENTY-ONE YEARS
12 OF AGE; OR

13 (II) TO A PERSON WHO IS AN ACTIVE MEMBER OF THE UNITED
14 STATES ARMED FORCES WHILE ON DUTY AND SERVING IN CONFORMANCE
15 WITH THE POLICIES OF THE UNITED STATES ARMED FORCES; OR

16 (III) TO A PEACE OFFICER, AS DEFINED IN SECTION 16-2.5-101,
17 WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE POLICIES OF
18 THE EMPLOYING AGENCY, AS SET FORTH IN SECTION 16-2.5-101 (2).

19 ~~(b) Any person possessing any handgun in violation of paragraph~~
20 ~~(a) of this subsection (1) commits the offense of illegal possession of a~~
21 ~~handgun by a juvenile.~~

22 ~~(c) (I) Illegal possession of a handgun by a juvenile is a class 2~~
23 ~~misdemeanor.~~

24 ~~(II) For any second or subsequent offense, illegal possession of a~~
25 ~~handgun by a juvenile is a class 5 felony.~~

26 ~~(d) A person under the age of eighteen years who is taken into~~
27 ~~custody by a law enforcement officer for an offense pursuant to this~~

1 ~~section must be taken into temporary custody in the manner described in~~
2 ~~section 19-2.5-305.~~

3 (2) SUBSECTION (1)(a) OF this section ~~shall~~ DOES not apply to:

4 (a) ~~Any~~ A person ~~under the age of eighteen years~~ WHO IS LESS
5 THAN TWENTY-ONE YEARS OF AGE, WITH RESPECT TO A FIREARM OTHER
6 THAN A HANDGUN OR SEMI-AUTOMATIC CENTER FIRE RIFLE, who is:

7 (I) In attendance at a hunter's safety course or a firearms safety
8 course; or

9 (II) Engaging in practice in the use of a firearm or target shooting
10 at an established range authorized by the governing body of the
11 jurisdiction in which ~~such~~ THE range is located or any other area where
12 the discharge of a firearm is not prohibited; or

13 (III) Engaging in an organized competition involving the use of
14 a firearm or participating in or practicing for a performance ~~by an~~
15 ~~organized group under 501 (c)(3) as determined by the federal internal~~
16 ~~revenue service which~~ THAT uses firearms as a part of such performance;
17 or

18 (IV) Hunting or trapping pursuant to a valid license issued to such
19 person pursuant to article 4 of title 33; ~~C.R.S.~~; or

20 (V) Traveling with ~~any handgun in such person's possession being~~
21 ~~unloaded~~ AN UNLOADED FIREARM to or from any activity described in
22 ~~subparagraph (I), (II), (III), or (IV) of this paragraph~~ (a) SUBSECTION
23 (2)(a)(I), (2)(a)(II), (2)(a)(III), OR (2)(a)(IV) OF THIS SECTION; OR

24 (b) ~~Any~~ A person ~~under the age of~~ WHO IS LESS THAN eighteen
25 years OF AGE who is on real property under the control of ~~such~~ THE
26 person's parent, legal guardian, or grandparent and who has the
27 permission of ~~such~~ THE person's parent or legal guardian to possess a

1 ~~handgun~~ FIREARM THAT IS NOT A HANDGUN OR SEMI-AUTOMATIC CENTER
2 FIRE RIFLE; OR

3 (c) ~~Any person under the age of eighteen years~~ A PERSON WHO IS
4 LESS THAN TWENTY-ONE YEARS OF AGE who is at ~~such~~ THE person's
5 residence and who, with the permission of ~~such~~ THE person's parent or
6 legal guardian, possesses a ~~handgun~~ FIREARM for the purpose of
7 exercising the rights contained in section 18-1-704 or ~~section~~ 18-1-704.5;
8 OR

9 (d) A PERSON WHO IS AN ACTIVE MEMBER OF THE UNITED STATES
10 ARMED FORCES.

11 (3) For the purposes of subsection (2) of this section, a ~~handgun~~
12 FIREARM is "loaded" if:

13 (a) There is a cartridge in the chamber of the ~~handgun~~ FIREARM;
14 or

15 (b) There is a cartridge in the cylinder of the ~~handgun~~ FIREARM if
16 the ~~handgun~~ FIREARM is a revolver; or

17 (c) The ~~handgun~~ FIREARM, and the ammunition for ~~such handgun~~
18 THE FIREARM, is carried on the person of a person ~~under the age of~~
19 ~~eighteen years~~ WHO IS LESS THAN TWENTY-ONE YEARS OF AGE or is in
20 such close proximity to ~~such~~ THE person that ~~such~~ THE person could
21 readily gain access to the ~~handgun~~ FIREARM and the ammunition and load
22 the ~~handgun~~ FIREARM.

23 (4) Repealed.

24 (5) (a) A PERSON WHO VIOLATES SUBSECTION (1)(a) OF THIS
25 SECTION COMMITS THE OFFENSE OF ILLEGAL POSSESSION, PURCHASE, SALE,
26 OR TRANSFER OF A FIREARM.

27 (b) (I) ILLEGAL POSSESSION, PURCHASE, SALE, OR TRANSFER OF A

1 FIREARM IS A CLASS 2 MISDEMEANOR.

2 (II) FOR ANY SECOND OR SUBSEQUENT OFFENSE, ILLEGAL
3 POSSESSION, PURCHASE, SALE, OR TRANSFER OF A FIREARM IS A CLASS 5
4 FELONY.

5 (c) A PERSON WHO IS LESS THAN EIGHTEEN YEARS AGE WHO IS
6 TAKEN INTO CUSTODY BY A LAW ENFORCEMENT OFFICER FOR AN OFFENSE
7 PURSUANT TO THIS SECTION MUST BE TAKEN INTO TEMPORARY CUSTODY
8 IN THE MANNER DESCRIBED IN SECTION 19-2.5-305.

9 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-12-108.7
10 as follows:

11 **18-12-108.7. Unlawfully providing or permitting a juvenile to**
12 **possess a firearm - penalty.** (1) (a) ~~Any~~ A person who ~~intentionally,~~
13 ~~knowingly,~~ or recklessly provides a ~~handgun~~ FIREARM, with or without
14 remuneration, to any person under the age of eighteen years in violation
15 of section 18-12-108.5 or any person who knows of such juvenile's
16 conduct ~~which~~ THAT violates section 18-12-108.5 and fails to make
17 reasonable efforts to prevent such violation commits the crime of
18 unlawfully providing a ~~handgun to a juvenile~~ or permitting a juvenile to
19 possess a ~~handgun~~ FIREARM.

20 (b) Unlawfully providing a ~~handgun to a juvenile~~ or permitting a
21 juvenile to possess a ~~handgun~~ FIREARM in violation of this subsection (1)
22 is a class 4 felony.

23 (2) (a) ~~Any~~ A person who ~~intentionally, knowingly,~~ or recklessly
24 provides a ~~handgun to a juvenile~~ or permits a juvenile to possess a
25 ~~handgun~~ FIREARM, even though ~~such~~ THE person is aware of a substantial
26 risk that ~~such~~ THE juvenile will use a ~~handgun~~ FIREARM to commit a
27 felony offense, or who, being aware of such substantial risk, fails to make

1 reasonable efforts to prevent the commission of the offense, commits the
2 crime of unlawfully providing or permitting a juvenile to possess a
3 ~~handgun~~ FIREARM. A person ~~shall be deemed to have violated this~~
4 ~~paragraph (a) if such~~ VIOLATES THIS SUBSECTION (2)(a) IF THE person
5 provides a ~~handgun~~ to or permits the possession of a ~~handgun~~ FIREARM
6 by ~~any~~ A juvenile who has been convicted of a crime of violence, as
7 defined in section 18-1.3-406, or ~~any~~ A juvenile who has been adjudicated
8 a juvenile delinquent for an offense ~~which~~ THAT would constitute a crime
9 of violence, as defined in section 18-1.3-406, if ~~such~~ THE juvenile were
10 an adult.

11 (b) Unlawfully providing a ~~handgun to a juvenile~~ or permitting a
12 juvenile to possess a ~~handgun~~ FIREARM in violation of this subsection (2)
13 is a class 4 felony.

14 (3) ~~With regard to firearms other than handguns, no person shall~~
15 ~~sell, rent, or transfer ownership or allow unsupervised possession of a~~
16 ~~firearm with or without remuneration to any juvenile without the consent~~
17 ~~of the juvenile's parent or legal guardian. Unlawfully providing a firearm~~
18 ~~other than a handgun to a juvenile in violation of this subsection (3) is a~~
19 ~~class 1 misdemeanor.~~

20 (4) It ~~shall~~ IS not ~~be~~ an offense under this section if a person
21 believes that a juvenile will physically harm the person if the person
22 attempts to disarm the juvenile or prevent the juvenile from committing
23 a violation of section 18-12-108.5.

24 **SECTION 4.** In Colorado Revised Statutes, 18-12-108, **amend**
25 (7) introductory portion and (7)(ww) as follows:

26 **18-12-108. Possession of weapons by previous offenders.** (7) In
27 addition to a conviction for felony crime as defined in section 24-4.1-302

1 (1), a felony conviction or adjudication for one of the following felonies
2 prohibits a person from possessing, using, or carrying upon ~~his or her~~ THE
3 person a firearm as defined in section 18-1-901 (3)(h) or any other
4 weapon that is subject to this article 12 pursuant to subsection (1) or (3)
5 of this section:

6 (ww) Possession, PURCHASE, SALE, OR TRANSFER of a ~~handgun by~~
7 ~~a juvenile~~ FIREARM in violation of section 18-12-108.5;

8 **SECTION 5.** In Colorado Revised Statutes, 19-1-304, **amend**
9 (5.5) as follows:

10 **19-1-304. Juvenile delinquency records - division of youth**
11 **services critical incident information - definitions.** (5.5) Whenever a
12 petition is filed in juvenile court alleging a class 1, class 2, class 3, or
13 class 4 felony; a level 1, level 2, or level 3 drug felony; an offense
14 involving unlawful sexual behavior as defined in section 16-22-102 (9);
15 a crime of violence as described in section 18-1.3-406; a burglary offense
16 as described in part 2 of article 4 of title 18; felony menacing, in violation
17 of section 18-3-206; harassment, in violation of section 18-9-111; fourth
18 degree arson, in violation of section 18-4-105; aggravated motor vehicle
19 theft, in violation of section 18-4-409; hazing, in violation of section
20 18-9-124; or possession, PURCHASE, SALE, OR TRANSFER of a ~~handgun by~~
21 ~~a juvenile~~ FIREARM, in violation of section 18-12-108.5, or when a
22 petition is filed in juvenile court in which the alleged victim of the crime
23 is a student or staff person in the same school as the juvenile or in which
24 it is alleged that the juvenile possessed a deadly weapon during the
25 commission of the alleged crime, the prosecuting attorney, within three
26 working days after the petition is filed, shall make good faith reasonable
27 efforts to notify the principal of the school in which the juvenile is

1 enrolled and shall provide ~~such~~ THE principal with the arrest and criminal
2 records information, as defined in section 24-72-302 (1). In the event the
3 prosecuting attorney, in good faith, is not able to either identify the school
4 that the juvenile attends or contact the principal of the juvenile's school,
5 then the prosecuting attorney shall contact the superintendent of the
6 juvenile's school district.

7 **SECTION 6.** In Colorado Revised Statutes, 19-2.5-305, **amend**
8 (3)(a)(V) introductory portion and (3)(a)(V)(C) as follows:

9 **19-2.5-305. Detention and shelter - hearing - time limits -**
10 **findings - review - confinement with adult offenders - restrictions.**

11 (3) (a) (V) A court shall not order further detention for a juvenile who is
12 ten years of age and older but less than thirteen years of age unless the
13 juvenile has been arrested or adjudicated for a felony or weapons charge
14 pursuant to section 18-12-102, 18-12-105, 18-12-106, ~~or~~ 18-12-108.5, OR
15 18-12-108.7. The court shall receive any information having probative
16 value regardless of its admissibility under the rules of evidence. In
17 determining whether a juvenile requires detention, the court shall consider
18 the results of the detention screening instrument. There is a rebuttable
19 presumption that a juvenile poses a substantial risk of serious harm to
20 others if:

21 (C) The juvenile is alleged to have committed possessing a
22 dangerous or illegal weapon, as described in section 18-12-102;
23 possession of a defaced firearm, as described in section 18-12-103;
24 unlawfully carrying a concealed weapon, as described in section
25 18-12-105; unlawfully carrying a concealed weapon on school, college,
26 or university grounds, as described in section 18-12-105.5; prohibited use
27 of weapons, as described in section 18-12-106; illegal discharge of a

1 firearm, as described in section 18-12-107.5; or illegal possession,
2 PURCHASE, SALE, OR TRANSFER of a ~~handgun by a juvenile~~ FIREARM, as
3 described in section 18-12-108.5.

4 **SECTION 7.** In Colorado Revised Statutes, 19-2.5-502, **amend**
5 (5)(a) introductory portion as follows:

6 **19-2.5-502. Petition initiation - petition form and content.**

7 (5) (a) Pursuant to section 19-1-126, in those delinquency proceedings
8 to which the federal "Indian Child Welfare Act of 1978", 25 U.S.C. sec.
9 1901 et seq., as amended, applies, including but not limited to status
10 offenses such as the illegal possession or consumption of ethyl alcohol or
11 marijuana by an underage person or illegal possession of marijuana
12 paraphernalia by an underage person, as described in section 18-13-122,
13 and possession, PURCHASE, SALE, OR TRANSFER of ~~handguns by juveniles~~
14 A FIREARM, as described in section 18-12-108.5, the petition must:

15 **SECTION 8.** In Colorado Revised Statutes, 19-2.5-1203, **amend**
16 (5)(b)(VII) and (5)(b)(VIII) as follows:

17 **19-2.5-1203. Juvenile parole - hearing panels - definition.**

18 (5) (b) Subsection (5)(a) of this section allowing for extension of the
19 period of parole applies to juveniles committed to the department of
20 human services due to an adjudication for one or more of the following
21 offenses:

22 (VII) Felony illegal possession, PURCHASE, SALE, OR TRANSFER of
23 a ~~handgun by a juvenile~~ FIREARM, as described in section 18-12-108.5,
24 that would constitute a felony if committed by an adult;

25 (VIII) Misdemeanor illegal possession, PURCHASE, SALE, OR
26 TRANSFER of a ~~handgun by a juvenile~~ FIREARM, as described in section
27 18-12-108.5, that would constitute a misdemeanor if committed by an

1 adult, if the ~~juvenile~~ PERSON WHO IS LESS THAN TWENTY-ONE YEARS OF
2 AGE is contemporaneously committed to the department of human
3 services for an offense that would constitute a felony if committed by an
4 adult; or

5 **SECTION 9.** In Colorado Revised Statutes, 24-33.5-424, **amend**
6 (3)(b.3)(IX) and (3)(b.3)(X); and **repeal** (3)(b.3)(XI) as follows:

7 **24-33.5-424. National instant criminal background check**
8 **system - state point of contact - fee - grounds for denial of firearm**
9 **transfer - appeal - rule-making - unlawful acts - instant criminal**
10 **background check cash fund - creation.** (3) (b.3) In addition to the
11 grounds for denial specified in subsections (3)(a) and (3)(b) of this
12 section, the bureau shall deny a transfer of a firearm if the prospective
13 transferee has been convicted of any of the following offenses committed
14 on or after June 19, 2021, if the offense is classified as a misdemeanor,
15 or if the prospective transferee has been convicted in another state or
16 jurisdiction, including a military or federal jurisdiction, of an offense that,
17 if committed in Colorado, would constitute any of the following offenses
18 classified as a misdemeanor offense, within five years prior to the
19 transfer:

20 (IX) Cruelty to animals, as described in section 18-9-202 (1)(a)
21 and (1.5); OR

22 (X) Possession of an illegal weapon, as described in section
23 18-12-102 (4). ~~or~~

24 (XI) ~~Unlawfully providing a firearm other than a handgun to a~~
25 ~~juvenile, as described in section 18-12-108.7 (3).~~

26 **SECTION 10. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.