

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0840.01 Ken Fowler x2372

HOUSE BILL 26-1302

HOUSE SPONSORSHIP

Boesenecker and Hartsook,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE COLORADO BUREAU OF INVESTIGATION'S FIREARMS**

102 **BACKGROUND CHECK OPERATING HOURS.**

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>.)

In current law, the Colorado bureau of investigation (bureau) must remain open 12 hours a day, every calendar day except Christmas and Thanksgiving, to transmit requests for a background check to the national instant criminal background check system and search other databases. The bill allows the bureau to determine its own hours of operation that best meet its business needs.

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.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The Colorado bureau of investigation, or CBI, is currently
5 mandated to provide background check services at least 12 hours a day
6 every day of the year, excluding Thanksgiving day and Christmas day;

7 (b) The current background check business hours requirement was
8 established when firearm transfers could occur immediately upon
9 approval of a background check;

10 (c) House Bill 23-1219, enacted in 2023, implemented a 3-day
11 waiting period for firearm transfers, which has reduced CBI's need to
12 provide immediate background check services; and

13 (d) Allowing CBI to flex its operational hours based on business
14 needs will enable CBI to staff its background check services more
15 strategically, streamline its processes, and reduce costs by eliminating
16 unnecessary employee shifts, all while continuing to provide timely
17 background check services.

18 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-424, **amend**
19 (7)(b) introductory portion, (7)(b)(IV) introductory portion, and
20 (7)(b)(IV)(A); and **add** (7)(c) as follows:

21 **24-33.5-424. National instant criminal background check**
22 **system - state point of contact - fee - grounds for denial of firearm**
23 **transfer - appeal - rule-making - unlawful acts - instant criminal**
24 **background check cash fund - creation.**

25 (7) (b) The rules adopted pursuant to ~~paragraph (a) of this~~
26 ~~subsection (7) shall~~ SUBSECTION (7)(a) OF THIS SECTION MUST include, but

1 need not be limited to:

2 (IV) Procedures for carrying out the duties ~~under~~ REQUIRED
3 PURSUANT TO this section, including, at a minimum:

4 (A) That the bureau ~~shall be~~ IS open for business ~~at least twelve~~
5 ~~hours per day every calendar day, except Christmas day and Thanksgiving~~
6 ~~day~~, DURING HOURS THAT BEST MEET THE BUSINESS NEEDS OF THE BUREAU
7 in order to TIMELY transmit the requests for a background check to the
8 NICS system and search other databases. THE DIRECTOR OF THE BUREAU,
9 OR THEIR DESIGNEE, SHALL CONTINUOUSLY REVIEW THE BUSINESS NEEDS
10 STATISTICS OF THE BUREAU'S UNIT THAT CONDUCTS FIREARM TRANSFER
11 BACKGROUND CHECKS PURSUANT TO THIS SECTION AND DETERMINE
12 HOURS OF OPERATION THAT BEST MEET THE BUSINESS NEEDS OF THE
13 BUREAU.

14 (c) THE BUREAU SHALL IMMEDIATELY PROCESS DURING BUSINESS
15 HOURS A REQUEST FOR A BACKGROUND CHECK PURSUANT TO SUBSECTION
16 (3)(a) OF THIS SECTION, REGARDLESS OF WAITING TIME REQUIREMENTS
17 ESTABLISHED PURSUANT TO SECTION 18-12-115. THE BUREAU SHALL
18 ALLOW THE SUBMISSION OF A BACKGROUND CHECK REQUEST, AT A
19 MINIMUM, FROM 9 A.M. UNTIL 9 P.M. EVERY DAY OF THE YEAR EXCEPT
20 THANKSGIVING DAY AND CHRISTMAS DAY, NOTWITHSTANDING
21 UNFORESEEN AND UNAVOIDABLE BACKGROUND CHECK SYSTEM OUTAGES.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2026 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.