

CHAPTER 365

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 26-1302

BY REPRESENTATIVE(S) Duran and Boesenecker, Bacon, Brown, Camacho, Froelich, Jackson, Joseph, Lindsay, Nguyen, Woodrow, McCluskie;
also SENATOR(S) Kipp, Amabile, Cutter, Danielson, Daugherty, Gonzales J., Jodeh, Lindstedt, Sullivan, Coleman.

AN ACT**CONCERNING THE COLORADO BUREAU OF INVESTIGATION'S FIREARMS BACKGROUND CHECK OPERATING HOURS.**

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

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

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

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

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

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

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

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.

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

(7) (b) The rules adopted pursuant to ~~paragraph (a) of this subsection (7) shall~~ SUBSECTION (7)(a) OF THIS SECTION MUST include, but need not be limited to:

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

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

(c) THE BUREAU SHALL IMMEDIATELY PLACE IN THE PROCESSING QUEUE A REQUEST FOR A BACKGROUND CHECK PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, REGARDLESS OF WAITING TIME REQUIREMENTS ESTABLISHED PURSUANT TO SECTION 18-12-115. THE BUREAU SHALL ALLOW THE SUBMISSION OF A BACKGROUND CHECK REQUEST EVERY DAY OF THE YEAR EXCEPT THANKSGIVING DAY AND CHRISTMAS DAY, NOTWITHSTANDING UNFORESEEN AND UNAVOIDABLE BACKGROUND CHECK SYSTEM OUTAGES. PURSUANT TO SECTION 18-12-115 (1)(a)(I), THE THREE-DAY WAITING PERIOD TO DELIVER A FIREARM TO A PURCHASER BEGINS WHEN A LICENSED GUN DEALER INITIATES A BACKGROUND CHECK OF THE PURCHASER.

(d) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE BUREAU SHALL SUBMIT A REPORT TO THE HOUSE OF REPRESENTATIVES JUDICIARY COMMITTEE AND THE SENATE JUDICIARY COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, DETAILING:

(I) AVERAGE BACKGROUND CHECK PROCESSING TIMES;

(II) ANY SIGNIFICANT CHANGES TO OPERATING HOURS;

(III) SYSTEM OUTAGES OR DISRUPTIONS THAT RESULTED IN THE BUREAU'S INABILITY TO HAVE SUBMISSIONS ACCEPTED; AND

(IV) STEPS TAKEN TO IMPROVE ACCESS AND EFFICIENCY.

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 (August 12, 2026, if adjournment sine die is on May 13, 2026); 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.

Approved: June 3, 2026