

CHAPTER 311

CRIMINAL LAW AND PROCEDURE

SENATE BILL 23-279

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AN ACT

CONCERNING PROHIBITED ACTIVITY RELATED TO FIREARMS, AND, IN CONNECTION THEREWITH, REGULATING FIREARMS AND FIREARM FRAMES AND RECEIVERS THAT DO NOT HAVE SERIAL NUMBERS; PROHIBITING MANUFACTURE OF FIREARMS, FRAMES, AND RECEIVERS BY UNLICENSED PERSONS; ESTABLISHING A PROCESS FOR SERIALIZING FIREARMS, FRAMES, AND RECEIVERS; AND DESIGNATING MACHINE GUN CONVERSION DEVICES AS DANGEROUS WEAPONS.

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

SECTION 1. In Colorado Revised Statutes, 18-12-101, **add** (1)(b.4), (1)(b.6), (1)(b.8), (1)(b.9), (1)(c.3), (1)(c.5), (1)(g.2), (1)(k), and (1)(l) as follows:

18-12-101. Peace officer affirmative defense - definitions. (1) As used in this article 12, unless the context otherwise requires:

(b.4) "FEDERALLY LICENSED FIREARM DEALER" MEANS A LICENSED DEALER AS DEFINED IN 18 U.S.C. SEC. 921 (a)(11).

(b.6) "FEDERAL FIREARMS LICENSEE" MEANS A FEDERALLY LICENSED FIREARM DEALER, FEDERALLY LICENSED FIREARM IMPORTER, AND FEDERALLY LICENSED FIREARM MANUFACTURER.

(b.8) "FEDERALLY LICENSED FIREARM IMPORTER" MEANS A LICENSED IMPORTER AS DEFINED IN 18 U.S.C. SEC. 921 (a)(9).

(b.9) "FEDERALLY LICENSED FIREARM MANUFACTURER" MEANS A LICENSED MANUFACTURER AS DEFINED IN 18 U.S.C. SEC. 921 (a)(10).

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.

(c.3) "FIRE CONTROL COMPONENT" MEANS A COMPONENT NECESSARY FOR THE FIREARM TO INITIATE, COMPLETE, OR CONTINUE THE FIRING SEQUENCE, INCLUDING ANY OF THE FOLLOWING: HAMMER, BOLT, BOLT CARRIER, BREECHBLOCK, CYLINDER, TRIGGER MECHANISM, FIRING PIN, STRIKER, OR SLIDE RAILS.

(c.5) "FRAME OR RECEIVER OF A FIREARM" MEANS A PART OF A FIREARM THAT, WHEN THE COMPLETE FIREARM IS ASSEMBLED, IS VISIBLE FROM THE EXTERIOR AND PROVIDES HOUSING OR A STRUCTURE DESIGNED TO HOLD OR INTEGRATE ONE OR MORE FIRE CONTROL COMPONENTS, EVEN IF PINS OR OTHER ATTACHMENTS ARE REQUIRED TO CONNECT THE FIRE CONTROL COMPONENTS. ANY PART OF A FIREARM IMPRINTED WITH A SERIAL NUMBER IS PRESUMED TO BE A FRAME OR RECEIVER OF A FIREARM UNLESS THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES MAKES AN OFFICIAL DETERMINATION OTHERWISE OR THERE IS OTHER RELIABLE EVIDENCE TO THE CONTRARY.

(g.2) "MACHINE GUN CONVERSION DEVICE" MEANS ANY PART DESIGNED OR INTENDED, OR COMBINATION OF PARTS DESIGNED OR INTENDED, FOR USE IN CONVERTING A FIREARM INTO A MACHINE GUN.

(k) "THREE-DIMENSIONAL PRINTER" OR "3-D PRINTER" MEANS A COMPUTER-AIDED MANUFACTURING DEVICE CAPABLE OF PRODUCING A THREE-DIMENSIONAL OBJECT FROM A THREE-DIMENSIONAL DIGITAL MODEL THROUGH AN ADDITIVE MANUFACTURING PROCESS THAT INVOLVES THE LAYERING OF TWO-DIMENSIONAL CROSS SECTIONS FORMED OF A RESIN OR SIMILAR MATERIAL THAT ARE FUSED TOGETHER TO FORM A THREE-DIMENSIONAL OBJECT.

(l) "UNFINISHED FRAME OR RECEIVER" MEANS ANY FORGING, CASTING, PRINTING, EXTRUSION, MACHINED BODY, OR SIMILAR ARTICLE THAT HAS REACHED A STAGE IN MANUFACTURE WHEN IT MAY READILY BE COMPLETED, ASSEMBLED, OR CONVERTED TO BE USED AS THE FRAME OR RECEIVER OF A FUNCTIONAL FIREARM; OR THAT IS MARKETED OR SOLD TO THE PUBLIC TO BECOME OR BE USED AS THE FRAME OR RECEIVER OF A FUNCTIONAL FIREARM ONCE COMPLETED, ASSEMBLED, OR CONVERTED.

SECTION 2. In Colorado Revised Statutes, **add** 18-12-111.5 as follows:

18-12-111.5. Unlawful conduct involving an unserialized firearm, frame, or receiver - exceptions - penalties - authority to serialize a firearm. (1) (a) A PERSON SHALL NOT KNOWINGLY POSSESS OR TRANSPORT AN UNFINISHED FRAME OR RECEIVER; EXCEPT THAT IT IS NOT AN OFFENSE IF THE UNFINISHED FRAME OR RECEIVER IS REQUIRED BY FEDERAL LAW TO BE IMPRINTED WITH A SERIAL NUMBER AND HAS BEEN IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE PURSUANT TO FEDERAL LAW OR SUBSECTION (7) OF THIS SECTION.

(b) THIS SUBSECTION (1) DOES NOT APPLY TO A FEDERALLY LICENSED FIREARM IMPORTER OR FEDERALLY LICENSED FIREARM MANUFACTURER ACTING WITHIN THE SCOPE OF THE IMPORTER'S OR MANUFACTURER'S LICENSE.

(2) (a) A PERSON SHALL NOT KNOWINGLY SELL, OFFER TO SELL, TRANSFER, OR PURCHASE AN UNFINISHED FRAME OR RECEIVER; EXCEPT THAT IT IS NOT AN OFFENSE

IF THE UNFINISHED FRAME OR RECEIVER IS REQUIRED BY FEDERAL LAW TO BE IMPRINTED WITH A SERIAL NUMBER AND HAS BEEN IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE PURSUANT TO FEDERAL LAW OR SUBSECTION (7) OF THIS SECTION.

(b) THIS SUBSECTION (2) DOES NOT APPLY TO:

(I) A SALE, OFFER TO SELL, TRANSFER, OR PURCHASE IF THE PURCHASER IS A FEDERAL FIREARMS LICENSEE; OR

(II) A TEMPORARY TRANSFER TO A FEDERAL FIREARMS LICENSEE FOR THE PURPOSE OF HAVING THE FIREARM OR FRAME OR RECEIVER OF A FIREARM IMPRINTED WITH A SERIAL NUMBER PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(3) (a) A PERSON SHALL NOT KNOWINGLY POSSESS, PURCHASE, TRANSPORT, OR RECEIVE A FIREARM OR FRAME OR RECEIVER OF A FIREARM THAT IS NOT IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE AUTHORIZED TO IMPRINT A SERIAL NUMBER ON A FIREARM, FRAME, OR RECEIVER PURSUANT TO FEDERAL LAW OR SUBSECTION (7) OF THIS SECTION.

(b) THIS SUBSECTION (3) DOES NOT APPLY IF:

(I) THE PERSON POSSESSING, PURCHASING, TRANSPORTING, OR RECEIVING THE FIREARM OR THE FRAME OR RECEIVER OF A FIREARM IS A FEDERALLY LICENSED FIREARM IMPORTER OR FEDERALLY LICENSED FIREARM MANUFACTURER; OR

(II) THE FIREARM INVOLVED HAS BEEN RENDERED PERMANENTLY INOPERABLE; IS A DEFACED FIREARM, AS DESCRIBED IN SECTION 18-12-103; IS AN ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16); OR WAS MANUFACTURED BEFORE OCTOBER 22, 1968.

(4) (a) A PERSON SHALL NOT KNOWINGLY SELL, OFFER TO SELL, OR TRANSFER A FIREARM OR FRAME OR RECEIVER OF A FIREARM THAT IS NOT IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE AUTHORIZED TO IMPRINT A SERIAL NUMBER ON A FIREARM PURSUANT TO FEDERAL LAW OR SUBSECTION (7) OF THIS SECTION.

(b) THIS SUBSECTION (4) DOES NOT APPLY IF:

(I) THE PERSON SELLING, OFFERING TO SELL, OR TRANSFERRING THE FIREARM OR FRAME OR RECEIVER OF A FIREARM IS A FEDERALLY LICENSED FIREARM IMPORTER OR FEDERALLY LICENSED FIREARM MANUFACTURER, AND THE PERSON PURCHASING OR RECEIVING THE FIREARM OR FRAME OR RECEIVER OF A FIREARM IS A FEDERALLY LICENSED FIREARM IMPORTER OR FEDERALLY LICENSED FIREARM MANUFACTURER;

(II) THE FIREARM INVOLVED HAS BEEN RENDERED PERMANENTLY INOPERABLE; IS A DEFACED FIREARM, AS DESCRIBED IN SECTION 18-12-103; IS AN ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16); OR WAS MANUFACTURED BEFORE OCTOBER 22, 1968; OR

(III) THE TRANSFER IS A TEMPORARY TRANSFER TO A FEDERAL FIREARMS

LICENSEE FOR THE PURPOSE OF HAVING THE FIREARM OR FRAME OR RECEIVER OF A FIREARM IMPRINTED WITH A SERIAL NUMBER PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(5)(a)(I) A PERSON SHALL NOT MANUFACTURE OR CAUSE TO BE MANUFACTURED, INCLUDING THROUGH THE USE OF A THREE-DIMENSIONAL PRINTER, A FRAME OR RECEIVER OF A FIREARM.

(II) THIS SUBSECTION (5)(a) DOES NOT APPLY TO A FEDERALLY LICENSED FIREARM MANUFACTURER.

(b)(I) A PERSON WHO OWNS, ON THE DAY BEFORE THE EFFECTIVE DATE OF THIS SECTION, A FIREARM OR A FRAME OR RECEIVER OF A FIREARM THAT THE PERSON MANUFACTURED AND THAT IS NOT IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE SHALL, NO LATER THAN JANUARY 1, 2024, HAVE THE FIREARM OR THE FRAME OR RECEIVER OF A FIREARM IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE AUTHORIZED TO IMPRINT A SERIAL NUMBER ON A FIREARM, FRAME, OR RECEIVER PURSUANT TO FEDERAL LAW OR SUBSECTION (7) OF THIS SECTION.

(II) THIS SUBSECTION (5)(b) DOES NOT APPLY TO A FEDERAL FIREARMS LICENSEE.

(6)(a) A PERSON WHO VIOLATES SUBSECTION (1), (2), (3), (4), OR (5)(a) OF THIS SECTION COMMITS UNLAWFUL CONDUCT INVOLVING AN UNSERIALIZED FIREARM, FRAME, OR RECEIVER.

(b) UNLAWFUL CONDUCT INVOLVING AN UNSERIALIZED FIREARM, FRAME, OR RECEIVER IS A CLASS 1 MISDEMEANOR; EXCEPT THAT A SECOND OR SUBSEQUENT OFFENSE IS A CLASS 5 FELONY.

(7)(a) A FEDERAL FIREARMS LICENSEE MAY SERIALIZE A FIREARM OR FRAME OR RECEIVER OF A FIREARM, INCLUDING A FINISHED OR UNFINISHED FRAME OR RECEIVER, BY IMPRINTING A SERIAL NUMBER ON THE FIREARM, FRAME, OR RECEIVER. TO SERIALIZE A FIREARM, FRAME, OR RECEIVER, THE DEALER OR OTHER LICENSEE MUST IMPRINT ON THE FIREARM, FRAME, OR RECEIVER A SERIAL NUMBER BEGINNING WITH THE DEALER'S OR LICENSEE'S ABBREVIATED FEDERAL FIREARMS LICENSE NUMBER, WHICH IS THE FIRST THREE AND LAST FIVE DIGITS OF THE LICENSE NUMBER, FOLLOWED BY A HYPHEN, BEFORE A UNIQUE IDENTIFICATION NUMBER. THE SERIAL NUMBER MUST NOT BE DUPLICATED ON ANY OTHER FIREARM, FRAME, OR RECEIVER SERIALIZED BY THE LICENSEE, AND MUST BE IMPRINTED IN A MANNER THAT COMPLIES WITH THE REQUIREMENTS IN FEDERAL LAW FOR IMPRINTING A SERIAL NUMBER ON A FIREARM, INCLUDING THE MINIMUM SIZE AND DEPTH OF THE SERIAL NUMBER AND THAT THE SERIAL NUMBER IS NOT SUSCEPTIBLE TO BEING READILY OBLITERATED, ALTERED, OR REMOVED.

(b) THE LICENSEE MUST RETAIN A RECORD CONCERNING A FIREARM, FRAME, OR RECEIVER SERIALIZED BY THE LICENSEE THAT COMPLIES WITH THE REQUIREMENTS UNDER FEDERAL LAW FOR THE SALE OF A FIREARM. IN ADDITION TO ANY RECORD REQUIRED BY FEDERAL LAW, A FEDERAL FIREARMS LICENSEE THAT IMPRINTS A UNIQUE SERIAL NUMBER ON A FIREARM, FRAME, OR RECEIVER PURSUANT TO THIS SUBSECTION (7) SHALL MAKE A RECORD AT THE TIME OF THE TRANSACTION OF EACH

TRANSACTION INVOLVING SERIALIZING A FIREARM, FRAME, OR RECEIVER AND KEEP THAT RECORD. THE RECORD MUST INCLUDE THE FOLLOWING INFORMATION: THE DATE, NAME, AGE, AND RESIDENCE OF ANY PERSON TO WHOM THE ITEM IS TRANSFERRED; AND THE UNIQUE SERIAL NUMBER IMPRINTED ON THE FIREARM, FRAME, OR RECEIVER. A LICENSEE THAT FAILS TO MAKE AND RETAIN A RECORD REQUIRED IN THIS SUBSECTION (7)(b) SHALL BE PUNISHED AS PROVIDED IN SECTION 18-12-403.

(c) RETURNING A NEWLY SERIALIZED FIREARM, FRAME, OR RECEIVER TO A PERSON AFTER SERIALIZING THE FIREARM, FRAME, OR RECEIVER PURSUANT TO FEDERAL LAW OR THIS SUBSECTION (7) IS A TRANSFER OF A FIREARM, AND A FEDERAL FIREARMS LICENSEE THAT IMPRINTS A UNIQUE SERIAL NUMBER ON THE FIREARM, FRAME, OR RECEIVER PURSUANT TO THIS SUBSECTION (7) SHALL CONDUCT A BACKGROUND CHECK ON THE TRANSFEREE PURSUANT TO SECTION 18-12-112.5 BEFORE RETURNING THE FIREARM TO THE TRANSFEREE. IF THE TRANSFER IS DENIED, THE LICENSEE SHALL SURRENDER THE FIREARM, FRAME, OR RECEIVER TO A LAW ENFORCEMENT AGENCY.

SECTION 3. In Colorado Revised Statutes, **amend** 18-12-403 as follows:

18-12-403. Record - failure to make - penalty. Every individual, firm, or corporation who fails to keep the record ~~provided for in~~ REQUIRED PURSUANT TO SECTION 18-12-402 OR SECTION 18-12-111.5 (7)(b), or who refuses to exhibit ~~such~~ THE record when requested by a police officer, and any purchaser, lessee, or exchanger of a pistol or revolver who, in connection with the making of such record, gives false information, commits a class 2 misdemeanor.

SECTION 4. In Colorado Revised Statutes, 24-33.5-424, **amend** (3)(b.3)(X) and (3)(b.3)(XI); and **add** (3)(b.3)(XII) as follows:

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. (3) (b.3) In addition to the grounds for denial specified in subsections (3)(a) and (3)(b) of this section, the bureau shall deny a transfer of a firearm if the prospective transferee has been convicted of any of the following offenses committed on or after June 19, 2021, if the offense is classified as a misdemeanor, or if the prospective transferee has been convicted in another state or jurisdiction, including a military or federal jurisdiction, of an offense that, if committed in Colorado, would constitute any of the following offenses classified as a misdemeanor offense, within five years prior to the transfer:

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

(XI) Unlawfully providing a firearm other than a handgun to a juvenile, as described in section 18-12-108.7 (3); OR

(XII) UNLAWFUL CONDUCT INVOLVING AN UNSERIALIZED FIREARM, FRAME, OR RECEIVER, AS DESCRIBED IN SECTION 18-12-111.5.

SECTION 5. In Colorado Revised Statutes, 18-12-108, **amend** (7)(ggg) and (7)(hhh); and **add** (7)(iii) as follows:

18-12-108. Possession of weapons by previous offenders. (7) In addition to a conviction for felony crime as defined in section 24-4.1-302 (1), a felony conviction or adjudication for one of the following felonies prohibits a person from possessing, using, or carrying upon his or her person a firearm as defined in section 18-1-901 (3)(h) or any other weapon that is subject to this article 12 pursuant to subsection (1) or (3) of this section:

(ggg) A special offender in violation of section 18-18-407 (1)(d)(II); ~~and~~

(hhh) A criminal attempt, complicity, or conspiracy to commit any of the offenses listed in this subsection (7); AND

(iii) UNLAWFUL CONDUCT INVOLVING AN UNSERIALIZED FIREARM, FRAME, OR RECEIVER, AS DESCRIBED IN SECTION 18-12-111.5.

SECTION 6. In Colorado Revised Statutes, 18-12-102, **amend** (1) as follows:

18-12-102. Possessing a dangerous or illegal weapon - affirmative defense - definition. (1) As used in this section, the term "dangerous weapon" means a firearm silencer, machine gun, MACHINE GUN CONVERSION DEVICE, short shotgun, short rifle, or ballistic knife.

SECTION 7. Effective date - applicability. This act takes effect upon passage and applies to offenses committed on or after said date; except that sections 18-12-111.5 (1) and (3), Colorado Revised Statutes, as enacted in section 2 of this act, take effect January 1, 2024, and apply to offenses committed on or after said date.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 2, 2023