

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0082.02 Conrad Imel x2313

SENATE BILL 25-034

SENATE SPONSORSHIP

Kipp,

HOUSE SPONSORSHIP

Boesenecker,

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING VOLUNTARILY WAIVING THE RIGHT TO PURCHASE A**
102 **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>.)

The bill establishes a process for a person to voluntarily waive the right to purchase a firearm (voluntary waiver). The Colorado bureau of investigation (bureau) shall deny a firearm transfer to the person while the voluntary waiver is in effect. The bureau shall develop an online portal for a person to electronically file for a voluntary waiver, update contact information, and revoke a voluntary waiver. The bureau is required to

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.

verify the filer's identity before accepting a voluntary waiver or revocation.

The bureau shall enter a voluntary waiver into the national instant criminal background check system and any other federal or state computer-based systems used to identify prohibited purchasers of firearms.

A person may revoke the voluntary waiver by filing for revocation with the bureau. The waiver remains in effect for 30 days after the bureau accepts the revocation.

The person filing the voluntary waiver form may provide the name and contact information of a person who will be contacted if the person attempts to purchase a firearm while the voluntary waiver is in effect or if the filer revokes the voluntary waiver.

The bill prohibits attempting to purchase a firearm while subject to a voluntary waiver. Attempting to purchase a firearm while subject to a voluntary waiver is a civil infraction, punishable by a maximum \$25 fine.

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

2 **SECTION 1. Short title.** The short title of this act is the
3 "Colorado Voluntary Do-Not-Sell Act".

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

6 (a) There were 27,032 firearm suicide deaths in the United States
7 in 2022;

8 (b) In 2023, Colorado had among the highest suicide rates in the
9 United States. The state was ranked eighth overall for suicide deaths and
10 thirteenth for suicide deaths by firearm.

11 (c) By far the largest number of firearm deaths in Colorado in
12 2023 were suicides: 717 Coloradans died by self-inflicted gunshot wound,
13 which accounted for 70 percent of all firearm deaths. Firearms were used
14 in 56 percent of all suicides in the state.

15 (d) Buying a firearm is associated with an increased risk of suicide
16 because, as one study found, the suicide rate among recent firearm

1 purchasers was 57 times the overall rate;

2 (e) Many suicide attempts are impulsive. One study of survivors
3 of firearm suicide attempts found that a majority had suicidal thoughts for
4 less than a day.

5 (f) Research shows that delaying access to firearms significantly
6 reduces gun suicide, without increasing non-gun suicide;

7 (g) With firearms, there are very few second chances because
8 approximately 85 percent of gun suicide attempts result in death;

9 (h) Surviving one suicide attempt usually makes all the difference.
10 Only around 10 percent of serious suicide attempt survivors eventually
11 die by suicide. Most people take advantage of their second chance, which
12 they will rarely get if they use a firearm.

13 (i) By delaying access to firearms for those who chose to
14 voluntarily participate on a do-not-sell list, it is reasonable to expect a
15 reduction in overall suicide risk.

16 **SECTION 3.** In Colorado Revised Statutes, **add** 24-33.5-424.5
17 as follows:

18 **24-33.5-424.5. Voluntary waiver of the right to purchase a**
19 **firearm - revocation of waiver - rules - definitions.** (1) AS USED IN
20 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

21 (a) "CONTACT PERSON" MEANS THE PERSON DESIGNATED AS A
22 CONTACT PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION BY THE
23 PERSON VOLUNTARILY WAIVING THE RIGHT TO PURCHASE A FIREARM.

24 (b) "VOLUNTARY WAIVER" MEANS A VOLUNTARY WAIVER OF THE
25 RIGHT TO PURCHASE A FIREARM AS DESCRIBED IN THIS SECTION.

26 (2) (a) A PERSON MAY VOLUNTARILY WAIVE THE RIGHT TO
27 PURCHASE A FIREARM. PURSUANT TO SECTION 24-33.5-424 (3)(b)(III),

1 WHILE THE WAIVER IS IN EFFECT, THE BUREAU SHALL DENY THE TRANSFER
2 OF A FIREARM TO A PERSON WHO VOLUNTARILY WAIVED THE RIGHT TO
3 PURCHASE A FIREARM.

4 (b) THE BUREAU SHALL DEVELOP AN ONLINE PORTAL FOR A PERSON
5 TO ELECTRONICALLY FILE FOR A VOLUNTARY WAIVER, UPDATE CONTACT
6 INFORMATION, AND REVOKE A VOLUNTARY WAIVER.

7 (3) (a) TO VOLUNTARILY WAIVE THE RIGHT TO PURCHASE A
8 FIREARM, A PERSON MUST FILE A VOLUNTARY WAIVER WITH THE BUREAU.
9 THE BUREAU SHALL VERIFY THE PERSON'S IDENTITY PRIOR TO ACCEPTING
10 THE VOLUNTARY WAIVER.

11 (b) A PERSON WHO VOLUNTARILY WAIVES THE RIGHT TO PURCHASE
12 A FIREARM MAY DESIGNATE ONE OR MORE CONTACT PERSONS WHO WILL
13 BE CONTACTED, PURSUANT TO THIS SECTION, IF THE PERSON ATTEMPTS TO
14 PURCHASE A FIREARM WHILE THE VOLUNTARY WAIVER IS IN EFFECT OR IF
15 THE PERSON REVOKES THE VOLUNTARY WAIVER.

16 (c) THE BUREAU SHALL IMMEDIATELY NOTIFY THE PERSON WHO
17 FILED THE VOLUNTARY WAIVER AND EACH CONTACT PERSON WHEN THE
18 BUREAU ACCEPTS THE FILER'S VOLUNTARY WAIVER.

19 (d) NO LATER THAN TWENTY-FOUR HOURS AFTER ACCEPTING A
20 VOLUNTARY WAIVER, THE BUREAU SHALL ENTER THE VOLUNTARY WAIVER
21 INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND
22 ANY OTHER FEDERAL OR STATE COMPUTER-BASED SYSTEMS USED BY LAW
23 ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY PROHIBITED
24 PURCHASERS OF FIREARMS.

25 (e) A VOLUNTARY WAIVER IS CONFIDENTIAL. THE BUREAU SHALL
26 NOT DISCLOSE RECORDS OF A VOLUNTARY WAIVER, EXCEPT AS EXPRESSLY
27 PERMITTED IN THIS SECTION OR AS ORDERED BY A COURT.

1 (4) IF THE BUREAU DENIES THE TRANSFER OF A FIREARM TO A
2 PERSON BECAUSE THE PERSON VOLUNTARILY WAIVED THE RIGHT TO
3 PURCHASE A FIREARM, THE BUREAU SHALL NOTIFY EACH CONTACT PERSON
4 OF THE ATTEMPTED TRANSFER NO LATER THAN TWENTY-FOUR HOURS
5 AFTER THE BUREAU DENIES THE TRANSFER.

6 (5) (a) TO REVOKE A VOLUNTARY WAIVER, A PERSON MUST FILE
7 FOR REVOCATION WITH THE BUREAU. THE BUREAU SHALL VERIFY THE
8 PERSON'S IDENTITY PRIOR TO ACCEPTING THE REVOCATION. THE WAIVER
9 REMAINS IN EFFECT FOR THIRTY DAYS AFTER THE BUREAU ACCEPTS THE
10 REVOCATION.

11 (b) THE BUREAU SHALL NOTIFY EACH CONTACT PERSON OF THE
12 REVOCATION NO LATER THAN TWENTY-FOUR HOURS AFTER THE BUREAU
13 RECEIVES THE REVOCATION REQUEST.

14 (c) THIRTY DAYS AFTER THE BUREAU ACCEPTS THE REVOCATION,
15 AND UNLESS THE PERSON IS OTHERWISE INELIGIBLE TO POSSESS A FIREARM
16 PURSUANT TO STATE OR FEDERAL LAW, THE BUREAU SHALL REMOVE THE
17 PERSON'S INFORMATION FROM THE NATIONAL INSTANT CRIMINAL
18 BACKGROUND CHECK SYSTEM AND ANY OTHER FEDERAL OR STATE
19 COMPUTER-BASED SYSTEMS IN WHICH THE PERSON WAS ENTERED AND
20 THAT ARE USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY
21 PROHIBITED PURCHASERS OF FIREARMS, AND THE BUREAU SHALL DESTROY
22 ALL RECORDS OF THE VOLUNTARY WAIVER.

23 (6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY ADOPT
24 RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

25 **SECTION 4.** In Colorado Revised Statutes, 18-12-111, **amend**
26 **as it will become effective July 1, 2025,** (3)(a); and **add** (4) as follows:

27 **18-12-111. Unlawful purchase of firearms - report to law**

1 **enforcement - unlawful attempted purchase while subject to a**
2 **voluntary waiver - penalties.** (3) (a) If a firearms dealer who holds a
3 state permit to deal firearms pursuant to section 18-12-401.5 reasonably
4 believes, knows or should know, or becomes aware after a transfer, that
5 a person, including an employee, purchased or attempted to purchase a
6 firearm in violation of SUBSECTION (1) OF this section, the dealer shall
7 report that information to a law enforcement agency with jurisdiction over
8 the dealer's place of business.

9 (4) (a) A PERSON WHO ATTEMPTS TO PURCHASE A FIREARM WHILE
10 SUBJECT TO A VOLUNTARY WAIVER OF THE RIGHT TO PURCHASE A FIREARM
11 DESCRIBED IN SECTION 24-33.5-424.5 COMMITS UNLAWFUL ATTEMPTED
12 FIREARM PURCHASE WHILE SUBJECT TO A VOLUNTARY WAIVER.
13 UNLAWFUL ATTEMPTED FIREARM PURCHASE WHILE SUBJECT TO A
14 VOLUNTARY WAIVER IS A CIVIL INFRACTION AND SHALL BE PUNISHED BY
15 A FINE OF UP TO TWENTY-FIVE DOLLARS.

16 (b) SECTION 18-2-101 DOES NOT APPLY TO CONDUCT THAT
17 CONSTITUTES A CIVIL INFRACTION PURSUANT TO THIS SUBSECTION (4).

18 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-424, **add**
19 (3)(b)(III) as follows:

20 **24-33.5-424. National instant criminal background check**
21 **system - state point of contact - fee - grounds for denial of firearm**
22 **transfer - appeal - rule-making - unlawful acts - instant criminal**
23 **background check cash fund - creation.** (3) (b) (III) IN ADDITION TO
24 THE GROUNDS FOR DENIAL SPECIFIED IN SUBSECTIONS (3)(a), (3)(b)(I),
25 AND (3)(b.3) OF THIS SECTION, THE BUREAU SHALL DENY A TRANSFER OF
26 A FIREARM TO A PERSON WHO HAS VOLUNTARILY WAIVED THE RIGHT TO
27 PURCHASE A FIREARM, AS DESCRIBED IN SECTION 24-33.5-424.5, WHILE

1 THE WAIVER IS IN EFFECT.

2 **SECTION 6. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that, if a referendum petition is filed pursuant to section 1 (3) of article V
6 of the state constitution against this act or an item, section, or part of this
7 act within such period, then the act, item, section, or part will not take
8 effect unless approved by the people at the general election to be held in
9 November 2026 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.