

SB23-169

## SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Mullica

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, 18-12-101, **add**  
4 (1)(b.7) and (1)(c.5) as follows:

5 **18-12-101. Peace officer affirmative defense - definitions.**

6 (1) As used in this article 12, unless the context otherwise requires:

7 (b.7) "FIREARM" MEANS ANY WEAPON, INCLUDING A STARTER GUN,  
8 THAT CAN, IS DESIGNED TO, OR MAY READILY BE CONVERTED TO EXPEL A  
9 PROJECTILE BY THE ACTION OF AN EXPLOSIVE; THE FRAME OR RECEIVER OF  
10 A FIREARM; A FIREARM SILENCER; OR A DESTRUCTIVE DEVICE, AS DEFINED  
11 IN SECTION 18-9-101. "FIREARM" DOES NOT INCLUDE AN ANTIQUE  
12 FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16). IN THE CASE OF A  
13 LICENSED COLLECTOR, "FIREARM" MEANS ONLY CURIOS AND RELICS.  
14 "FIREARM" INCLUDES A WEAPONS PARTS KIT THAT IS DESIGNED TO OR MAY  
15 READILY BE COMPLETED, ASSEMBLED, RESTORED, OR OTHERWISE  
16 CONVERTED TO EXPEL A PROJECTILE BY THE ACTION OF AN EXPLOSIVE.  
17 "FIREARM" DOES NOT INCLUDE A WEAPON, INCLUDING A WEAPONS PARTS  
18 KIT, IN WHICH THE FRAME OR RECEIVER OF THE FIREARM, AS DEFINED IN  
19 SUBSECTION (1)(c.5) OF THIS SECTION, OR THE WEAPON, IS DESTROYED.

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

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

32 **18-12-108.5. Possession of firearms by persons less than**  
33 **twenty-one years of age - prohibited - exceptions - penalty.**

34 (1) (a) Except as provided in this section, it is unlawful for any person  
35 who ~~has not attained the age of eighteen years~~ IS LESS THAN TWENTY-ONE  
36 YEARS OF AGE TO knowingly to have any ~~handgun~~ FIREARM in such  
37 person's possession.

38 (b) Any person possessing any ~~handgun~~ FIREARM in violation of  
39 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION

1 commits the offense of illegal possession of a ~~handgun~~ FIREARM by a  
2 ~~juvenile~~ PERSON LESS THAN TWENTY-ONE YEARS OF AGE.

3 (c) (I) ~~Illegal possession of a handgun by a juvenile~~ FIREARM BY  
4 A PERSON LESS THAN TWENTY-ONE YEARS OF AGE is a class 2  
5 misdemeanor.

6 (II) For any second or subsequent offense, illegal possession of a  
7 ~~handgun by a juvenile~~ FIREARM BY A PERSON LESS THAN TWENTY-ONE  
8 YEARS OF AGE is a class 5 felony.

9 (d) A person ~~under the age of~~ LESS THAN eighteen years OF AGE  
10 who is taken into custody by a law enforcement officer for an offense  
11 pursuant to this section must be taken into temporary custody in the  
12 manner described in section 19-2.5-305.

13 (2) This section ~~shall~~ DOES not apply to:

14 (a) ~~Any~~ A person ~~under the age of eighteen~~ WHO IS LESS THAN  
15 TWENTY-ONE years OF AGE who is TEMPORARILY POSSESSING A FIREARM  
16 FOR THE PURPOSE OF:

17 (I) ~~In attendance at~~ ATTENDING a hunter's ~~safety~~ EDUCATION  
18 course or a firearms safety course; or

19 (II) Engaging in practice in the use of a firearm or target shooting  
20 at an established range authorized by the governing body of the  
21 jurisdiction in which such range is located or any other area where the  
22 discharge of a firearm is not prohibited; or

23 (III) Engaging in an organized competition involving the use of  
24 a firearm or participating in or practicing for a performance ~~by an~~  
25 ~~organized group under 501 (c)(3) as determined by the federal internal~~  
26 ~~revenue service which~~ THAT uses firearms as a part of ~~such~~ THE  
27 performance; or

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

30 (IV.3) PARTICIPATING IN A BONA FIDE SHOOTING CLASS, TRAINING,  
31 OR SANCTIONED EVENT, UNDER THE SUPERVISION OF A CERTIFIED PEACE  
32 OFFICER OR A PERSON WHO IS TWENTY-FIVE YEARS OF AGE OR OLDER AND  
33 WHO IS A CERTIFIED HUNTER EDUCATION INSTRUCTOR OR FIREARMS  
34 TRAINING INSTRUCTOR; OR

35 (IV.5) HUNTING WITH A VALID HUNTING LICENSE AND  
36 ACCOMPANIED BY A MENTOR, AS DEFINED BY THE PARKS AND WILDLIFE  
37 COMMISSION, WHO HAS A VERIFIED HUNTER EDUCATION CARD, AS  
38 REQUIRED BY ARTICLE 4 OF TITLE 33 OR RULES PROMULGATED BY THE  
39 PARKS AND WILDLIFE COMMISSION; OR

40 (IV.6) PARTICIPATING IN AN ACCREDITED GUNSMITHING COURSE  
41 IN A STATE-AUTHORIZED INSTITUTION OF HIGHER EDUCATION; OR

42 (V) Traveling with any ~~handgun~~ FIREARM in ~~such~~ THE person's  
43 possession being unloaded to or from any activity described in

1 ~~subparagraph (I), (II), (III), or (IV) of this paragraph (a);~~ SUBSECTION  
2 (2)(a)(I), (2)(a)(II), (2)(a)(III), (2)(a)(IV), (2)(a)(IV.3), (2)(a)(IV.5), OR  
3 (2)(a)(IV.6) OF THIS SECTION; OR

4 (b) ~~Any A person under the age of eighteen~~ WHO IS LESS THAN  
5 TWENTY-ONE YEARS OF AGE who is on real property under the control of  
6 ~~such~~ THE person's parent, legal guardian, or grandparent and who has the  
7 permission of ~~such~~ THE person's parent or legal guardian to possess a  
8 ~~handgun~~ THE FIREARM; OR

9 (c) ~~Any person under the age of eighteen years who is at such~~  
10 ~~person's residence and who, with the permission of such~~ THE person's  
11 ~~parent or legal guardian;~~ A PERSON WHO possesses a ~~handgun~~ FIREARM  
12 for the purpose of exercising the rights contained in section 18-1-704 or  
13 ~~section~~ 18-1-704.5 OR FOR THE DEFENSE OF LIVESTOCK; OR

14 (d) A PERSON WHO IS LESS THAN TWENTY-ONE YEARS OF AGE WHO  
15 HAS BEEN ISSUED A HUNTER EDUCATION CARD BY THE PARKS AND  
16 WILDLIFE COMMISSION AS REQUIRED BY TITLE 33 OR RULES PROMULGATED  
17 BY THE PARKS AND WILDLIFE COMMISSION; OR

18 (e) A PERSON WHO IS AN ACTIVE MEMBER OF THE UNITED STATES  
19 ARMED FORCES WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE  
20 POLICIES OF THE UNITED STATES ARMED FORCES; OR

21 (f) A PERSON WHO IS A PEACE OFFICER, AS DESCRIBED IN SECTION  
22 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE  
23 POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION  
24 16-2.5-101 AND SECTION 16-2.5-135; OR

25 (g) AN INDIVIDUAL CERTIFIED BY THE P.O.S.T. BOARD PURSUANT  
26 TO SECTION 16-2.5-102.

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

29 (a) There is a cartridge in the chamber of the ~~handgun~~ FIREARM;  
30 or

31 (b) There is a cartridge in the cylinder of the ~~handgun~~ FIREARM,  
32 if the ~~handgun~~ FIREARM is a revolver; or

33 (c) The ~~handgun~~ FIREARM, and the ammunition for ~~such handgun~~  
34 THE FIREARM, is carried on the person of a person ~~under the age of~~  
35 ~~eighteen~~ LESS THAN TWENTY-ONE years OF AGE or is in such close  
36 proximity to such person that such person could readily gain access to the  
37 ~~handgun~~ FIREARM and the ammunition and load the ~~handgun~~ FIREARM.

38 (4) Repealed.

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

41 **18-12-108.7. Unlawfully providing or permitting a juvenile to**  
42 **possess a firearm - penalty.** (1) (a) ~~Any A person who intentionally;~~  
43 ~~knowingly,~~ or recklessly provides a ~~handgun~~ FIREARM, with or without

1 remuneration, to any person ~~under the age of~~ LESS THAN eighteen years  
2 OF AGE in violation of section 18-12-108.5, or any person who knows of  
3 such juvenile's conduct ~~which~~ THAT violates section 18-12-108.5 and fails  
4 to make reasonable efforts to prevent such violation, commits the crime  
5 of unlawfully providing a ~~handgun to a juvenile~~ or permitting a juvenile  
6 to possess a ~~handgun~~ FIREARM.

7 (b) Unlawfully providing a ~~handgun~~ A FIREARM to a juvenile or  
8 permitting a juvenile to possess a ~~handgun~~ FIREARM in violation of this  
9 subsection (1) is a class 4 felony.

10 (2) (a) ~~Any~~ A person who ~~intentionally, knowingly, or recklessly~~  
11 provides a ~~handgun to a juvenile~~ A FIREARM TO A JUVENILE or permits a  
12 juvenile to possess a ~~handgun~~ FIREARM, even though ~~such~~ THE person is  
13 aware of a substantial risk that ~~such~~ THE juvenile will use a ~~handgun~~ THE  
14 FIREARM to commit a felony offense, or who, being aware of such  
15 substantial risk, fails to make reasonable efforts to prevent the  
16 commission of the offense, commits the crime of unlawfully providing or  
17 permitting a juvenile to possess a ~~handgun~~ FIREARM. A person ~~shall be~~  
18 ~~deemed to have violated this paragraph (a) if such~~ VIOLATES THIS  
19 SUBSECTION (2)(a) IF THE person provides a ~~handgun~~ to or permits the  
20 possession of a ~~handgun~~ FIREARM by ~~any~~ A juvenile who has been  
21 convicted of a crime of violence, as defined in section 18-1.3-406, or ~~any~~  
22 A juvenile who has been adjudicated a juvenile delinquent for an offense  
23 ~~which~~ THAT would constitute a crime of violence, as defined in section  
24 18-1.3-406, if ~~such~~ THE juvenile were an adult.

25 (b) Unlawfully providing a ~~handgun to a juvenile~~ A FIREARM TO  
26 A JUVENILE or permitting a juvenile to possess a ~~handgun~~ FIREARM in  
27 violation of this subsection (2) is a class 4 felony.

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

34 (4) It ~~shall~~ IS not ~~be~~ an offense ~~under~~ PURSUANT TO this section if  
35 a person believes that a juvenile will physically harm the person if the  
36 person attempts to disarm the juvenile or prevent the juvenile from  
37 committing a violation of section 18-12-108.5.

38 **SECTION 4.** In Colorado Revised Statutes, 18-12-112, **add** (2)(e)  
39 and (2)(f) as follows:

40 **18-12-112. Private firearms transfers - sale and purchase -**  
41 **background check required - penalty - definitions.** (2) (e) A PERSON  
42 WHO IS NOT A LICENSED GUN DEALER SHALL NOT MAKE OR FACILITATE THE  
43 SALE OF A FIREARM TO A PERSON WHO IS LESS THAN TWENTY-ONE YEARS

1 OF AGE.

2 (f) IT IS UNLAWFUL FOR A PERSON WHO IS LESS THAN TWENTY-ONE  
3 YEARS OF AGE TO PURCHASE A FIREARM. THIS SUBSECTION (2)(f) DOES  
4 NOT APPLY IF:

5 (I) THE PERSON IS AN ACTIVE MEMBER OF THE UNITED STATES  
6 ARMED FORCES WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE  
7 POLICIES OF THE UNITED STATES ARMED FORCES; OR

8 (II) THE PERSON IS A PEACE OFFICER, AS DESCRIBED IN SECTION  
9 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE  
10 POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION  
11 16-2.5-101.

12 **SECTION 5.** In Colorado Revised Statutes, 18-12-112.5, **amend**  
13 (1) as follows:

14 **18-12-112.5. Firearms transfers by licensed dealers - sale and**  
15 **purchase - background check required - penalty - definitions.**

16 (1) (a) It is unlawful for a licensed gun dealer to transfer a firearm to a  
17 transferee until the dealer has obtained approval for the firearms transfer  
18 from the bureau after the bureau has completed any background check  
19 required by state or federal law.

20 (a.3) A PERSON WHO IS A LICENSED GUN DEALER SHALL NOT MAKE  
21 OR FACILITATE THE SALE OF A FIREARM TO A PERSON WHO IS LESS THAN  
22 TWENTY-ONE YEARS OF AGE.

23 (a.5) IT IS UNLAWFUL FOR A PERSON WHO IS LESS THAN  
24 TWENTY-ONE YEARS OF AGE TO PURCHASE A FIREARM. THIS SUBSECTION  
25 (1)(a.5) DOES NOT APPLY IF:

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

29 (II) THE PERSON IS A PEACE OFFICER, AS DESCRIBED IN SECTION  
30 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE  
31 POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION  
32 16-2.5-101 AND SECTION 16-2.5-135; OR

33 (III) AN INDIVIDUAL CERTIFIED BY THE P.O.S.T. BOARD PURSUANT  
34 TO SECTION 16-2.5-102.

35 (b) Transferring OR SELLING a firearm in violation of this  
36 subsection (1) is a class 1 misdemeanor.

37 **SECTION 6.** In Colorado Revised Statutes, 18-12-108, **amend**  
38 (7) introductory portion and (7)(ww) as follows:

39 **18-12-108. Possession of weapons by previous offenders.**

40 (7) In addition to a conviction for felony crime as defined in section  
41 24-4.1-302 (1), a felony conviction or adjudication for one of the  
42 following felonies prohibits a person from possessing, using, or carrying  
43 upon ~~his or her~~ THE person a firearm as defined in section 18-1-901

1 (3)(h) or any other weapon that is subject to this article 12 pursuant to  
2 subsection (1) or (3) of this section:

3 (ww) Possession of a ~~handgun by a juvenile~~ FIREARM BY PERSONS  
4 LESS THAN TWENTY-ONE YEARS OF AGE in violation of section  
5 18-12-108.5;

6 **SECTION 7.** In Colorado Revised Statutes, 19-1-304, **amend**  
7 (5.5) as follows:

8 **19-1-304. Juvenile delinquency records - division of youth**  
9 **services critical incident information - definitions.** (5.5) Whenever a  
10 petition is filed in juvenile court alleging a class 1, class 2, class 3, or  
11 class 4 felony; a level 1, level 2, or level 3 drug felony; an offense  
12 involving unlawful sexual behavior as defined in section 16-22-102 (9);  
13 a crime of violence as described in section 18-1.3-406; a burglary offense  
14 as described in part 2 of article 4 of title 18; felony menacing, in violation  
15 of section 18-3-206; harassment, in violation of section 18-9-111; fourth  
16 degree arson, in violation of section 18-4-105; aggravated motor vehicle  
17 theft, in violation of section 18-4-409; hazing, in violation of section  
18 18-9-124; or possession of a ~~handgun by a juvenile~~ FIREARM BY PERSONS  
19 LESS THAN TWENTY-ONE YEARS OF AGE, in violation of section  
20 18-12-108.5, or when a petition is filed in juvenile court in which the  
21 alleged victim of the crime is a student or staff person in the same school  
22 as the juvenile or in which it is alleged that the juvenile possessed a  
23 deadly weapon during the commission of the alleged crime, the  
24 prosecuting attorney, within three working days after the petition is filed,  
25 shall make good faith reasonable efforts to notify the principal of the  
26 school in which the juvenile is enrolled and shall provide ~~such~~ THE  
27 principal with the arrest and criminal records information, as defined in  
28 section 24-72-302 (1). In the event the prosecuting attorney, in good  
29 faith, is not able to either identify the school that the juvenile attends or  
30 contact the principal of the juvenile's school, then the prosecuting  
31 attorney shall contact the superintendent of the juvenile's school district.

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

34 **19-2.5-305. Detention and shelter - hearing - time limits -**  
35 **findings - review - confinement with adult offenders - restrictions.**  
36 (3) (a) (V) A court shall not order further detention for a juvenile who  
37 is ten years of age and older but less than thirteen years of age unless the  
38 juvenile has been arrested or adjudicated for a felony or weapons charge  
39 pursuant to section 18-12-102, 18-12-105, 18-12-106, ~~or~~ 18-12-108.5, ~~OR~~  
40 18-12-108.7. The court shall receive any information having probative  
41 value regardless of its admissibility under the rules of evidence. In  
42 determining whether a juvenile requires detention, the court shall  
43 consider the results of the detention screening instrument. There is a

1 rebuttable presumption that a juvenile poses a substantial risk of serious  
2 harm to others if:

3 (C) The juvenile is alleged to have committed possessing a  
4 dangerous or illegal weapon, as described in section 18-12-102;  
5 possession of a defaced firearm, as described in section 18-12-103;  
6 unlawfully carrying a concealed weapon, as described in section  
7 18-12-105; unlawfully carrying a concealed weapon on school, college,  
8 or university grounds, as described in section 18-12-105.5; prohibited use  
9 of weapons, as described in section 18-12-106; illegal discharge of a  
10 firearm, as described in section 18-12-107.5; or illegal possession of a  
11 ~~handgun by a juvenile~~ FIREARM BY PERSONS LESS THAN TWENTY-ONE  
12 YEARS OF AGE, as described in section 18-12-108.5.

13 **SECTION 9.** In Colorado Revised Statutes, 19-2.5-502, **amend**  
14 (5)(a) introductory portion as follows:

15 **19-2.5-502. Petition initiation - petition form and content.**

16 (5) (a) Pursuant to section 19-1-126, in those delinquency proceedings  
17 to which the federal "Indian Child Welfare Act of 1978", 25 U.S.C. sec.  
18 1901 et seq., as amended, applies, including but not limited to status  
19 offenses such as the illegal possession or consumption of ethyl alcohol  
20 or marijuana by an underage person or illegal possession of marijuana  
21 paraphernalia by an underage person, as described in section 18-13-122,  
22 and possession of ~~handguns by juveniles~~ A FIREARM BY PERSONS LESS  
23 THAN TWENTY-ONE YEARS OF AGE, as described in section 18-12-108.5,  
24 the petition must:

25 **SECTION 10.** In Colorado Revised Statutes, 19-2.5-1203,  
26 **amend** (5)(b)(VII) and (5)(b)(VIII) as follows:

27 **19-2.5-1203. Juvenile parole - hearing panels - definition.**

28 (5) (b) Subsection (5)(a) of this section allowing for extension of the  
29 period of parole applies to juveniles committed to the department of  
30 human services due to an adjudication for one or more of the following  
31 offenses:

32 (VII) Felony illegal possession of a ~~handgun by a juvenile~~  
33 FIREARM BY PERSONS LESS THAN TWENTY-ONE YEARS OF AGE, as  
34 described in section 18-12-108.5, that would constitute a felony if  
35 committed by an adult;

36 (VIII) Misdemeanor illegal possession of a ~~handgun by a juvenile~~  
37 FIREARM BY PERSONS LESS THAN TWENTY-ONE YEARS OF AGE, as  
38 described in section 18-12-108.5, that would constitute a misdemeanor  
39 if committed by an adult, if the ~~juvenile~~ PERSON WHO IS LESS THAN  
40 TWENTY-ONE YEARS OF AGE is contemporaneously committed to the  
41 department of human services for an offense that would constitute a  
42 felony if committed by an adult; or

43 **SECTION 11.** In Colorado Revised Statutes, 24-33.5-424,

1 amend (3)(b.3)(IX) and (3)(b.3)(X); and repeal (3)(b.3)(XI) as follows:

2 **24-33.5-424. National instant criminal background check**  
3 **system - state point of contact - fee - grounds for denial of firearm**  
4 **transfer - appeal - rule-making - unlawful acts - instant criminal**  
5 **background check cash fund - creation.** (3) (b.3) In addition to the  
6 grounds for denial specified in subsections (3)(a) and (3)(b) of this  
7 section, the bureau shall deny a transfer of a firearm if the prospective  
8 transferee has been convicted of any of the following offenses committed  
9 on or after June 19, 2021, if the offense is classified as a misdemeanor,  
10 or if the prospective transferee has been convicted in another state or  
11 jurisdiction, including a military or federal jurisdiction, of an offense that,  
12 if committed in Colorado, would constitute any of the following offenses  
13 classified as a misdemeanor offense, within five years prior to the  
14 transfer:

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

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

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

21 **SECTION 11. Severability.** If any provision of this act or the  
22 application thereof to any person or circumstance is held invalid, such  
23 invalidity does not affect other provisions or applications of the act that  
24 can be given effect without the invalid provision or application, and to  
25 this end the provisions of this act are declared to be severable.

26 **SECTION 12. Safety clause.** The general assembly hereby finds,  
27 determines, and declares that this act is necessary for the immediate  
28 preservation of the public peace, health, or safety."

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