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COLORADO GUN LAWS

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Gun control is a much studied and debated topic. Proponents of gun control argue that the availability of firearms is directly linked to gun deaths and injury, especially in situations of domestic violence. Opponents counter that crime victims who defend themselves with guns are less likely to be injured or killed. Additionally, many opponents of gun control assert that gun possession is a civil right, guaranteed by the United States Constitution.

Public support for restrictions on the sale and possession of handguns has decreased from a high of 78 percent in the early 1990s to around 44 percent in 2009, according to Gallup's annual Crime Poll. Compromises have been made between a total ban on firearms and complete freedom in gun sales and ownership. Federal and state laws impose requirements on gun sellers, buyers, users, and owners. This issue brief discusses some of those requirements as they relate to Colorado citizens.

Ineligibility to Possess a Firearm

Federal law prohibits the following individuals from possessing, receiving, shipping, or transporting firearms or ammunition:

- those convicted of (or under indictment for) crimes punishable by a term of imprisonment of more than one year, except state misdemeanors punishable by two years or less;
- fugitives from justice;
- United States citizens who have renounced their citizenship;

- illegal aliens;
- unlawful users of certain controlled substances;
- those adjudicated as mental defectives or incompetents or those committed to any mental institution;
- those dishonorably discharged from the armed forces;
- any person subject to a court order restraining that person from harassing, stalking, or threatening an intimate partner; and
- those convicted in any court of a misdemeanor or felony crime of domestic violence.

Federal law prohibits the sale of all firearms and ammunition to individuals under the age of 18. The sale of shotguns and rifles (and related ammunition) is permitted to individuals who are at least 18 years old. Firearms dealers are prohibited from selling *all other* types of firearms and ammunition to individuals under the age of 21.

InstaCheck

The federal Brady Handgun Violence Prevention Act of 1993 (Brady Act) requires federally licensed firearms dealers to request a background check on individuals who attempt buy or transfer a firearm. The Brady Act requires that dealers be able to receive requested background information immediately. States handle this instant check process in a few different ways.

National Instant Criminal Background Check System (NICS). The NICS is run by the Federal Bureau of Investigation's (FBI) Justice Information Services Division. The NICS processes background checks for firearms dealers by telephone or over the Internet. Ideally, it takes approximately 30 seconds for a dealer to learn whether the transfer of a firearm will violate state or federal law. Twenty-nine states currently use the NICS to conduct all background checks for gun purchases and transfers.

Point-of-contact. Thirteen states, including Colorado, have agencies that act on behalf of the NICS in a point-of-contact (POC) capacity. The POC states agree to implement and maintain their own NICS programs and conduct background checks for firearm transfers by electronically accessing the NICS. In Colorado, the POC is the Colorado Bureau of Investigation's Instacheck Unit, which received a General Fund appropriation of about \$1.4 million in FY 2008-09 and FY 2009-10. The Instacheck Unit was cash funded through a \$10 fee paid by prospective gun buyers from 1994 through 1999.

Partial POC. Another eight states have a partial POC arrangement with the FBI. In those states, the state agency performs NICS checks for handgun purchases, while the FBI does all checks associated with long gun (shotguns and rifles) purchases.

Concealed Carry Permits

Permit criteria. Forty-six states, including Colorado, require individuals who wish to carry a concealed weapon to obtain a permit.¹ Colorado law requires sheriffs to issue a permit to any applicant who meets all of the specified criteria. The applicant must:

- be a legal resident of Colorado;
- be at least 21 years old;

¹ Only Wisconsin and Illinois prohibit outright the carrying of concealed weapons, although several states allow the issuing authority broad discretion as to whether or not to grant a permit. Alaska and Vermont do not require a permit to carry a concealed handgun.

- be eligible under state and federal laws to possess a firearm;
- not have a conviction for perjury in relation to information provided or deliberately omitted on a permit application;
- not chronically or habitually use alcoholic beverages to the extent that his or her normal faculties are impaired;
- not be an unlawful user of or addicted to a controlled substance;
- not be subject to a protection order; and
- demonstrate competence with a handgun.

Duties of the sheriff. Sheriffs may deny, revoke, or refuse to issue a new permit or renew an existing permit if the sheriff has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to him or herself or others if he or she is issued a permit to carry a concealed handgun. Sheriffs may also suspend a permit if the permittee no longer meets the specified criteria or becomes a danger to him or herself or others.

Permit renewal. Colorado permits are valid for five years and may be renewed any time within 120 days of the expiration date. Permittees must remain qualified with regard to the previously listed criteria at all times. Permits may not be renewed six months or more past the expiration date.

Reciprocity. Prior to 2007, any concealed carry permit issued to an individual who was at least 21 years old by a state that recognizes the validity of Colorado permits was considered valid in Colorado.² Senate Bill 07-034 clarified that an individual may use a concealed carry permit issued in another state only if that individual is currently a resident of the issuing state or has lived in Colorado for no more than 90 days.

² These states are Alabama, Alaska, Arkansas, Arizona, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Montana, North Dakota, New Hampshire, North Carolina, New Mexico, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, and Wyoming.