

**AMENDMENT 22 — BACKGROUND CHECKS AT GUN SHOWS**

1 **Ballot Title:** An amendment to the Colorado Revised Statutes concerning a requirement that  
2 background checks be conducted on prospective firearms transferees if any part of the transaction  
3 occurs at a gun show, and in connection therewith, directing that a gun show vendor require a  
4 background check on a prospective transferee and obtain approval of the transfer from the Colorado  
5 Bureau of Investigation; defining a "gun show vendor" as any person who exhibits, offers for sale,  
6 or transfers a firearm at a gun show; requiring gun show promoters to arrange for the services of  
7 federally licensed gun dealers to obtain background checks at gun shows; prohibiting the transfer of  
8 a firearm if a background check has not been obtained by a federally licensed gun dealer; requiring  
9 record keeping and retention by federally licensed gun dealers who obtain background checks;  
10 permitting federally licensed gun dealers to charge a fee of up to ten dollars for conducting each  
11 background check at gun shows; requiring gun show promoters to prominently post notice of the  
12 background check requirement; establishing criminal penalties for violations of these requirements;  
13 exempting transfers of certain antique firearms, relics, and curios from the background check  
14 requirement; and requiring the appropriation of funds necessary to implement the measure.

15 **Text of Proposed Statutory Amendment:**

16 Be it enacted by the People of the State of Colorado:

17 Title 12 of the Colorado Revised Statutes is amended by the addition of a new article to read:

18 **ARTICLE 26.1**

19 **BACKGROUND CHECKS - GUN SHOWS**

20 **12-26.1-101. Background checks at gun shows - penalty.** (1) Before a gun show vendor transfers  
21 or attempts to transfer a firearm at a gun show, he or she shall:

- 22 (a) require that a background check, in accordance with section 24-33.5-424, C.R.S., be  
23 conducted of the prospective transferee; and
- 24 (b) obtain approval of a transfer from the Colorado Bureau of Investigation after a  
25 background check has been requested by a licensed gun dealer, in accordance with  
26 section 24-33.5-424, C.R.S.

27 (2) A gun show promoter shall arrange for the services of one or more licensed gun dealers on the  
28 premises of the gun show to obtain the background checks required by this article.

29 (3) If any part of a firearm transaction takes place at a gun show, no firearm shall be transferred  
30 unless a background check has been obtained by a licensed gun dealer.

31 (4) Any person violating the provisions of this section commits a Class 1 misdemeanor and shall be  
32 punished as provided in section 18-1-106, C.R.S.

1 **12-26.1-102. Records - penalty.** (1) A licensed gun dealer who conducts a background check on  
2 a prospective transferee shall record the transfer, as provided in section 12-26-102, C.R.S., and retain  
3 the records, as provided in section 12-26-103, C.R.S., in the same manner as when conducting a sale,  
4 rental, or exchange at retail.

5 (2) Any individual who gives false information in connection with the making of such records  
6 commits a Class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

7 **12-26.1-103. Fees imposed by licensed gun dealers.** For each background check conducted at a  
8 gun show, a licensed gun dealer may charge a fee not to exceed ten dollars.

9 **12-26.1-104. Posted notice - penalty.** (1) A gun show promoter shall post prominently a notice,  
10 in a form to be prescribed by the executive director of the department of public safety or his or her  
11 designee, setting forth the requirement for a background check as provided in this article.

12 (2) Any person violating the provisions of this section commits a Class 1 misdemeanor and shall be  
13 punished as provided in section 18-1-106, C.R.S.

14 **12-26.1-105. Exemption.** The provisions of this article shall not apply to the transfer of an antique  
15 firearm, as defined in 18 U.S.C. sec. 921(a)(16), as amended, or a curio or relic, as defined in 27  
16 C.F.R. sec. 178.11, as amended.

17 **12-26.1-106. Definitions.** As used in this article, unless the context otherwise requires:

18 (1) "Collection" means a trade, barter, or in-kind exchange for one or more firearms.

19 (2) "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or  
20 device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

21 (3) "Gun show" means the entire premises provided for an event or function, including but not  
22 limited to parking areas for the event or function, that is sponsored to facilitate, in whole or in part,  
23 the purchase, sale, offer for sale, or collection of firearms at which:

24 (a) twenty-five or more firearms are offered or exhibited for sale, transfer, or exchange; or

25 (b) not less than three gun show vendors exhibit, sell, offer for sale, transfer, or exchange  
26 firearms.

27 (4) "Gun show promoter" means a person who organizes or operates a gun show.

28 (5) "Gun show vendor" means any person who exhibits, sells, offers for sale, transfers, or exchanges,  
29 any firearm at a gun show, regardless of whether the person arranges with a gun show promoter for  
30 a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

31 (6) "Licensed gun dealer" means any person who is a licensed importer, licensed manufacturer, or  
32 dealer licensed pursuant to 18 U.S.C. sec. 923, as amended, as a federally licensed firearms dealer.

33 **12-26.1-107. Appropriation.** The General Assembly shall appropriate funds necessary to implement  
34 this article.

35 **12-26.1-108. Effective date.** This article shall take effect March 31, 2001.