

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0154.01 Richard Sweetman

HOUSE BILL 08-1190

HOUSE SPONSORSHIP

Kerr J., and Marshall

SENATE SPONSORSHIP

Taylor, Isgar, Spence, and Takis

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HOURS OF BUSINESS DURING WHICH THE COLORADO**
102 **BUREAU OF INVESTIGATION SHALL REMAIN OPEN TO PROCESS**
103 **REQUESTS FOR INSTANT CRIMINAL BACKGROUND CHECKS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Legislative Audit Committee. Eliminates the requirement that the Colorado bureau of investigation remain open for business for at least 12 hours on Sundays in order to process requests for instant criminal background checks. Makes legislative findings and declarations.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds, determines, and declares that:

4 (a) Transmitting requests for criminal background checks to the
5 national instant criminal background check system ("NICS") in
6 connection with the transfer of firearms is a critically important function
7 of the Colorado bureau of investigation ("bureau");

8 (b) The volume of requested background checks received by the
9 bureau from firearms dealers fluctuates significantly throughout each
10 calendar year; and

11 (c) During times of peak call volumes, the amount of time that a
12 firearms dealer must wait on hold before being connected with a bureau
13 employee for the purpose of processing a background check may become
14 excessive.

15 (2) The general assembly further finds, determines, and declares
16 that:

17 (a) The federal NICS user manual requires point-of-contact
18 agencies such as the bureau to be available, at a minimum, from 10 a.m.
19 to 9 p.m., Monday through Saturday, and during normal retail business
20 hours within the state on Sundays;

21 (b) The bureau currently exceeds the minimum federal standards
22 by remaining open for business at least twelve hours every calendar day,
23 except Christmas day and Thanksgiving day; and

24 (c) The bureau reports that it could staff its background check unit
25 more effectively if the statutory minimum hours of operation were
26 reduced to reflect the requirements of the federal NICS user manual,
27 thereby allowing the bureau to provide additional staff during times of

1 peak call volumes to reduce the amount of time that firearms dealers wait
2 on hold for service during such times.

3 (3) Therefore, by enacting this legislation, the general assembly
4 intends to:

5 (a) Remove the requirement that the bureau remain open for
6 business at times during which it receives relatively few requests for
7 background checks;

8 (b) Align the statutory minimum requirements for the bureau's
9 hours of operation with federal requirements, as such federal
10 requirements appear in the federal NICS user manual; and

11 (c) Provide flexibility to the bureau so that it may act within
12 existing budgetary resources to employ and train personnel at levels that
13 ensure prompt processing of the reasonably anticipated volume of
14 inquiries received by the bureau, particularly during peak volume times.

15 **SECTION 2.** 24-33.5-424 (7) (b) (IV), Colorado Revised
16 Statutes, is amended to read:

17 **24-33.5-424. National instant criminal background check**
18 **system - state point of contact - grounds for denial of firearm transfer**
19 **- appeal - rule-making - unlawful acts - repeal.** (7) (b) The rules
20 adopted pursuant to paragraph (a) of this subsection (7) shall include, but
21 need not be limited to:

22 (IV) Procedures for carrying out the duties under this section,
23 including, at a minimum:

24 (A) That, FOR THE PURPOSES OF TRANSMITTING THE REQUESTS FOR
25 A BACKGROUND CHECK TO THE NICS SYSTEM AND SEARCHING OTHER
26 DATABASES, the bureau shall be open for business, ~~at least twelve hours~~
27 ~~per day every calendar day, except Christmas day and Thanksgiving day,~~

1 ~~in order to transmit the requests for a background check to the NICS~~
2 ~~system and search other databases~~ A MINIMUM, DURING THE HOURS
3 SPECIFIED AS MINIMUM STANDARDS FOR POINT-OF-CONTACT AGENCIES
4 WITHIN THE FEDERAL NATIONAL INSTA-CHECK SYSTEM USER MANUAL;

5 (B) That the bureau shall provide a toll-free telephone number for
6 any person calling from within the state that is operational every day that
7 the office is open for business for the purpose of responding to requests
8 from transferors in accordance with this section; and

9 (C) That the bureau shall MONITOR ANDEVALUATE CALL VOLUMES
10 AND employ and train personnel at levels that ensure prompt processing
11 of the reasonably anticipated volume of inquiries received under this
12 section.

13 **SECTION 3. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.