

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 23-0811.02 Jane Ritter x4342

**SENATE BILL 23-169**

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**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

101      **CONCERNING INCREASING THE LEGAL AGE            TO PURCHASE A**  
102              **FIREARM TO TWENTY-ONE YEARS OF AGE, WITH LIMITED**  
103              **EXCEPTIONS.**

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**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>.)*

Current law allows a person who is 18 years of age or older to knowingly possess or purchase a firearm. The bill increases that age requirement to a person who is 21 years of age or older and adds "intentionally" to the mens rea required for a person under 21 years of age to commit the offense of possessing or purchasing a firearm. The bill lists

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.*

HOUSE  
Amended 2nd Reading  
March 26, 2023

SENATE  
3rd Reading Unamended  
March 13, 2023

SENATE  
Amended 2nd Reading  
March 10, 2023

exceptions to the offense.

Under current law, it is a class 4 felony to intentionally, knowingly, or recklessly provide, or allow to possess, a firearm, with or without remuneration, to any person under the age of 18 (juvenile). The bill makes it a class 2 misdemeanor to intentionally or knowingly sell or transfer a firearm to a juvenile.

The bill makes conforming amendments.

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

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


4 **18-12-101. Peace officer affirmative defense - definitions.**

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

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

18 **(c.5) "FRAME OR RECEIVER OF A FIREARM" MEANS A PART OF A**  
19 **FIREARM THAT, WHEN THE COMPLETE FIREARM IS ASSEMBLED, IS VISIBLE**  
20 **FROM THE EXTERIOR AND PROVIDES HOUSING OR A STRUCTURE DESIGNED**  
21 **TO HOLD OR INTEGRATE ONE OR MORE FIRE CONTROL COMPONENTS, EVEN**  
22 **IF PINS OR OTHER ATTACHMENTS ARE REQUIRED TO CONNECT THE FIRE**

1 CONTROL COMPONENTS. ANY PART OF A FIREARM IMPRINTED WITH A  
2 SERIAL NUMBER IS PRESUMED TO BE A FRAME OR RECEIVER OF A FIREARM,  
3 UNLESS THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND  
4 EXPLOSIVES MAKES AN OFFICIAL DETERMINATION OTHERWISE OR THERE  
5 IS OTHER RELIABLE EVIDENCE TO THE CONTRARY.

6   
7 **SECTION 2.** In Colorado Revised Statutes, 18-12-112, add  
8 (2)(e), (2)(f), and (2)(g) as follows:

9 **18-12-112. Private firearms transfers - sale and purchase -**  
10 **background check required - penalty - definitions.** (2) (e) A PERSON  
11 WHO IS NOT A LICENSED GUN DEALER SHALL NOT MAKE OR FACILITATE THE  
12 SALE OF A FIREARM TO A PERSON WHO IS LESS THAN TWENTY-ONE YEARS  
13 OF AGE.

14 (f) IT IS UNLAWFUL FOR A PERSON WHO IS LESS THAN TWENTY-ONE  
15 YEARS OF AGE TO PURCHASE A FIREARM.

16 (g) SUBSECTIONS (2)(e) AND (2)(f) OF THIS SECTION DO NOT APPLY  
17 IF:

18 (I) THE PERSON 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 (II) THE PERSON 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 (III) THE PERSON IS CERTIFIED BY THE P.O.S.T. BOARD PURSUANT  
26 TO SECTION 16-2.5-102.

27 **SECTION 3.** In Colorado Revised Statutes, 18-12-112.5, amend

1 (1) as follows:

2 **18-12-112.5. Firearms transfers by licensed dealers - sale and**  
3 **purchase - background check required - penalty - definitions.**

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

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

11 (a.5) IT IS UNLAWFUL FOR A PERSON WHO IS LESS THAN  
12 TWENTY-ONE YEARS OF AGE TO PURCHASE A FIREARM. THIS SUBSECTION  
13 (1)(a.5) AND SUBSECTION (1)(a.3) OF THIS SECTION DO NOT APPLY IF:

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

17 (II) THE PERSON IS A PEACE OFFICER, AS DESCRIBED IN SECTION  
18 16-2.5-101, WHILE ON DUTY AND SERVING IN CONFORMANCE WITH THE  
19 POLICIES OF THE EMPLOYING AGENCY, AS SET FORTH IN SECTION  
20 16-2.5-101 AND SECTION 16-2.5-135; OR

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

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

25 (c) PURCHASING A FIREARM IN VIOLATION OF THIS SUBSECTION (1)  
26 IS A CLASS 2 MISDEMEANOR.

27

1           **SECTION 4. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly; except  
4 that, if a referendum petition is filed pursuant to section 1 (3) of article  
5 V of the state constitution against this act or an item, section, or part of  
6 this act within such period, then the act, item, section, or part will not  
7 take effect unless approved by the people at the general election to be  
8 held in November 2024 and, in such case, will take effect on the date of  
9 the official declaration of the vote thereon by the governor.