

**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. 23-0837.02 Conrad Imel x2313

SENATE BILL 23-279

SENATE SPONSORSHIP

Fields and Hansen, Buckner, Coleman, Cutter, Exum, Gonzales, Hinrichsen, Jaquez Lewis, Moreno, Mullica, Sullivan, Winter F.

HOUSE SPONSORSHIP

Boesenecker and Joseph, Froelich

Senate Committees

State, Veterans, & Military Affairs

House Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING PROHIBITED ACTIVITY RELATED TO FIREARMS, AND, IN**
102 **CONNECTION THEREWITH, REGULATING FIREARMS AND**
103 **FIREARM FRAMES AND RECEIVERS THAT DO NOT HAVE SERIAL**
104 **NUMBERS; PROHIBITING MANUFACTURE OF FIREARMS, FRAMES,**
105 **AND RECEIVERS BY UNLICENSED PERSONS; ESTABLISHING A**
106 **PROCESS FOR SERIALIZING FIREARMS, FRAMES, AND RECEIVERS;**
107 **AND DESIGNATING MACHINE GUN CONVERSION DEVICES AS**
108 **DANGEROUS WEAPONS.**

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

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
2nd Reading Unamended
May 4, 2023

SENATE
Amended 3rd Reading
April 28, 2023

SENATE
Amended 2nd Reading
April 27, 2023

<http://leg.colorado.gov>.)

The bill prohibits:

- On and after January 1, 2024, knowingly possessing or transporting an unfinished firearm frame or receiver, unless it has been imprinted with a serial number as required by federal law;
- Knowingly selling, offering to sell, transferring, or purchasing an unfinished firearm frame or receiver, unless it has been imprinted with a serial number as required by federal law;
- On and after January 1, 2024, knowingly possessing, purchasing, transporting, or receiving a firearm or frame or receiver of a firearm that is not imprinted with a serial number;
- Knowingly selling, offering to sell, or transferring a firearm or frame or receiver of a firearm that is not imprinted with a serial number; and
- Manufacturing or causing to be manufactured a firearm, or frame or receiver of a firearm; unless the manufacturer is a federally licensed firearm manufacturer.

A person who commits any of the prohibited conduct commits unlawful conduct involving an unserialized firearm, frame, or receiver. Unlawful conduct involving an unserialized firearm, frame, or receiver is a class 1 misdemeanor; except that a second or subsequent offense is a class 5 felony.

A person who owns, on the date the bill becomes effective, a firearm, frame, or receiver that the person manufactured and that is not imprinted with a serial number by a federal firearms licensee, shall, no later than January 1, 2024, have the firearm, frame, or receiver imprinted with a serial number.

The bill prohibits the Colorado bureau of investigation from approving the transfer of a firearm to a person who was convicted of the misdemeanor violation within 5 years prior to the transfer. A person convicted of the felony is prohibited from possessing a firearm or other weapon.

The bill permits a federal firearms licensee to imprint a serial number on a firearm or a firearm frame or receiver. The bill sets forth a process and requirements for licensees to serialize firearms.

The bill defines machine gun conversion device and makes machine gun conversion devices a dangerous weapon under Colorado law.

1 **SECTION 1.** In Colorado Revised Statutes, 18-12-101, **add**
2 (1)(b.6), (1)(b.7), (1)(b.8), (1)(b.9), (1)(c.5), (1)(c.7), (1)(g.2), (1)(k), and
3 (1)(l) 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.6) "FEDERAL FIREARMS LICENSEE" MEANS A FEDERALLY
7 LICENSED FIREARM DEALER, FEDERALLY LICENSED FIREARM IMPORTER,
8 AND FEDERALLY LICENSED FIREARM MANUFACTURER.

9 (b.7) "FEDERALLY LICENSED FIREARM DEALER" MEANS A LICENSED
10 DEALER AS DEFINED IN 18 U.S.C. SEC. 921 (a)(11).

11 (b.8) "FEDERALLY LICENSED FIREARM IMPORTER" MEANS A
12 LICENSED IMPORTER AS DEFINED IN 18 U.S.C. SEC. 921 (a)(9).

13 (b.9) "FEDERALLY LICENSED FIREARM MANUFACTURER" MEANS A
14 LICENSED MANUFACTURER AS DEFINED IN 18 U.S.C. SEC. 921 (a)(10).

15 (c.5) "FIRE CONTROL COMPONENT" MEANS A COMPONENT
16 NECESSARY FOR THE FIREARM TO INITIATE, COMPLETE, OR CONTINUE THE
17 FIRING SEQUENCE, INCLUDING ANY OF THE FOLLOWING: HAMMER, BOLT,
18 BOLT CARRIER, BREECHBLOCK, CYLINDER, TRIGGER MECHANISM, FIRING
19 PIN, STRIKER, OR SLIDE RAILS.

20 (c.7) "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

1 EXPLOSIVES MAKES AN OFFICIAL DETERMINATION OTHERWISE OR THERE
2 IS OTHER RELIABLE EVIDENCE TO THE CONTRARY.

3 (g.2) "MACHINE GUN CONVERSION DEVICE" MEANS ANY PART
4 DESIGNED OR INTENDED, OR COMBINATION OF PARTS DESIGNED OR
5 INTENDED, FOR USE IN CONVERTING A FIREARM INTO A MACHINE GUN.

6 (k) "THREE-DIMENSIONAL PRINTER" OR "3-D PRINTER" MEANS A
7 COMPUTER-AIDED MANUFACTURING DEVICE CAPABLE OF PRODUCING A
8 THREE-DIMENSIONAL OBJECT FROM A THREE-DIMENSIONAL DIGITAL
9 MODEL THROUGH AN ADDITIVE MANUFACTURING PROCESS THAT INVOLVES
10 THE LAYERING OF TWO-DIMENSIONAL CROSS SECTIONS FORMED OF A RESIN
11 OR SIMILAR MATERIAL THAT ARE FUSED TOGETHER TO FORM A
12 THREE-DIMENSIONAL OBJECT.

13 (l) "UNFINISHED FRAME OR RECEIVER" MEANS ANY FORGING,
14 CASTING, PRINTING, EXTRUSION, MACHINED BODY, OR SIMILAR ARTICLE
15 THAT HAS REACHED A STAGE IN MANUFACTURE WHEN IT MAY READILY BE
16 COMPLETED, ASSEMBLED, OR CONVERTED TO BE USED AS THE FRAME OR
17 RECEIVER OF A FUNCTIONAL FIREARM; OR THAT IS MARKETED OR SOLD TO
18 THE PUBLIC TO BECOME OR BE USED AS THE FRAME OR RECEIVER OF A
19 FUNCTIONAL FIREARM ONCE COMPLETED, ASSEMBLED, OR CONVERTED.

20 **SECTION 2.** In Colorado Revised Statutes, **add** 18-12-111.5 as
21 follows:

22 **18-12-111.5. Unlawful conduct involving an unserialized**
23 **firearm, frame, or receiver - exceptions - penalties - authority to**
24 **serialize a firearm.** (1) (a) A PERSON SHALL NOT KNOWINGLY POSSESS
25 OR TRANSPORT AN UNFINISHED FRAME OR RECEIVER; EXCEPT THAT IT IS
26 NOT AN OFFENSE IF THE UNFINISHED FRAME OR RECEIVER IS REQUIRED BY
27 FEDERAL LAW TO BE IMPRINTED WITH A SERIAL NUMBER AND HAS BEEN

1 IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE
2 PURSUANT TO FEDERAL LAW OR SUBSECTION (7) OF THIS SECTION.

3 (b) THIS SUBSECTION (1) DOES NOT APPLY TO A FEDERALLY
4 LICENSED FIREARM IMPORTER OR FEDERALLY LICENSED FIREARM
5 MANUFACTURER ACTING WITHIN THE SCOPE OF THE IMPORTER'S OR
6 MANUFACTURER'S LICENSE.

7 (2) (a) A PERSON SHALL NOT KNOWINGLY SELL, OFFER TO SELL,
8 TRANSFER, OR PURCHASE AN UNFINISHED FRAME OR RECEIVER; EXCEPT
9 THAT IT IS NOT AN OFFENSE IF THE UNFINISHED FRAME OR RECEIVER IS
10 REQUIRED BY FEDERAL LAW TO BE IMPRINTED WITH A SERIAL NUMBER AND
11 HAS BEEN IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS
12 LICENSEE PURSUANT TO FEDERAL LAW OR SUBSECTION (7) OF THIS
13 SECTION.

14 (b) THIS SUBSECTION (2) DOES NOT APPLY TO:

15 (I) A SALE, OFFER TO SELL, TRANSFER, OR PURCHASE IF THE
16 PURCHASER IS A FEDERAL FIREARMS LICENSEE; OR

17 (II) A TEMPORARY TRANSFER TO A FEDERAL FIREARMS LICENSEE
18 FOR THE PURPOSE OF HAVING THE FIREARM OR FRAME OR RECEIVER OF A
19 FIREARM IMPRINTED WITH A SERIAL NUMBER PURSUANT TO SUBSECTION
20 (7) OF THIS SECTION.

21 (3) (a) A PERSON SHALL NOT KNOWINGLY POSSESS, PURCHASE,
22 TRANSPORT, OR RECEIVE A FIREARM OR FRAME OR RECEIVER OF A FIREARM
23 THAT IS NOT IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS
24 LICENSEE AUTHORIZED TO IMPRINT A SERIAL NUMBER ON A FIREARM,
25 FRAME, OR RECEIVER PURSUANT TO FEDERAL LAW OR SUBSECTION (7) OF
26 THIS SECTION.

27 (b) THIS SUBSECTION (3) DOES NOT APPLY IF:

1 (I) THE PERSON POSSESSING, PURCHASING, TRANSPORTING, OR
2 RECEIVING THE FIREARM OR THE FRAME OR RECEIVER OF A FIREARM IS A
3 FEDERALLY LICENSED FIREARM IMPORTER OR FEDERALLY LICENSED
4 FIREARM MANUFACTURER; OR

5 (II) THE FIREARM INVOLVED HAS BEEN RENDERED PERMANENTLY
6 INOPERABLE; IS A DEFACED FIREARM, AS DESCRIBED IN SECTION
7 18-12-103; IS AN ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921
8 (a)(16); OR WAS MANUFACTURED BEFORE OCTOBER 22, 1968.

9 (4) (a) A PERSON SHALL NOT KNOWINGLY SELL, OFFER TO SELL, OR
10 TRANSFER A FIREARM OR FRAME OR RECEIVER OF A FIREARM THAT IS NOT
11 IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE
12 AUTHORIZED TO IMPRINT A SERIAL NUMBER ON A FIREARM PURSUANT TO
13 FEDERAL LAW OR SUBSECTION (7) OF THIS SECTION.

14 (b) THIS SUBSECTION (4) DOES NOT APPLY IF:

15 (I) THE PERSON SELLING, OFFERING TO SELL, OR TRANSFERRING
16 THE FIREARM OR FRAME OR RECEIVER OF A FIREARM IS A FEDERALLY
17 LICENSED FIREARM IMPORTER OR FEDERALLY LICENSED FIREARM
18 MANUFACTURER, AND THE PERSON PURCHASING OR RECEIVING THE
19 FIREARM OR FRAME OR RECEIVER OF A FIREARM IS A FEDERALLY LICENSED
20 FIREARM IMPORTER OR FEDERALLY LICENSED FIREARM MANUFACTURER;

21 (II) THE FIREARM INVOLVED HAS BEEN RENDERED PERMANENTLY
22 INOPERABLE; IS A DEFACED FIREARM, AS DESCRIBED IN SECTION
23 18-12-103; IS AN ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921
24 (a)(16); OR WAS MANUFACTURED BEFORE OCTOBER 22, 1968; OR

25 (III) THE TRANSFER IS A TEMPORARY TRANSFER TO A FEDERAL
26 FIREARMS LICENSEE FOR THE PURPOSE OF HAVING THE FIREARM OR FRAME
27 OR RECEIVER OF A FIREARM IMPRINTED WITH A SERIAL NUMBER PURSUANT

1 TO SUBSECTION (7) OF THIS SECTION.

2 (5) (a) (I) A PERSON SHALL NOT MANUFACTURE OR CAUSE TO BE
3 MANUFACTURED, INCLUDING THROUGH THE USE OF A THREE-DIMENSIONAL
4 PRINTER, A FRAME OR RECEIVER OF A FIREARM.

5 (II) THIS SUBSECTION (5)(a) DOES NOT APPLY TO A FEDERALLY
6 LICENSED FIREARM MANUFACTURER.

7 (b) (I) A PERSON WHO OWNS, ON THE DAY BEFORE THE EFFECTIVE
8 DATE OF THIS SECTION, A FIREARM OR A FRAME OR RECEIVER OF A
9 FIREARM THAT THE PERSON MANUFACTURED AND THAT IS NOT IMPRINTED
10 WITH A SERIAL NUMBER BY A FEDERAL FIREARMS LICENSEE SHALL, NO
11 LATER THAN JANUARY 1, 2024, HAVE THE FIREARM OR THE FRAME OR
12 RECEIVER OF A FIREARM IMPRINTED WITH A SERIAL NUMBER BY A FEDERAL
13 FIREARMS LICENSEE AUTHORIZED TO IMPRINT A SERIAL NUMBER ON A
14 FIREARM, FRAME, OR RECEIVER PURSUANT TO FEDERAL LAW OR
15 SUBSECTION (7) OF THIS SECTION.

16 (II) THIS SUBSECTION (5)(b) DOES NOT APPLY TO A FEDERAL
17 FIREARMS LICENSEE.

18 (6) (a) A PERSON WHO VIOLATES SUBSECTION (1), (2), (3), (4), OR
19 (5)(a) OF THIS SECTION COMMITS UNLAWFUL CONDUCT INVOLVING AN
20 UNSERIALIZED FIREARM, FRAME, OR RECEIVER.

21 (b) UNLAWFUL CONDUCT INVOLVING AN UNSERIALIZED FIREARM,
22 FRAME, OR RECEIVER IS A CLASS 1 MISDEMEANOR; EXCEPT THAT A SECOND
23 OR SUBSEQUENT OFFENSE IS A CLASS 5 FELONY.

24 (7) (a) A FEDERAL FIREARMS LICENSEE MAY SERIALIZE A FIREARM
25 OR FRAME OR RECEIVER OF A FIREARM, INCLUDING A FINISHED OR
26 UNFINISHED FRAME OR RECEIVER, BY IMPRINTING A SERIAL NUMBER ON
27 THE FIREARM, FRAME, OR RECEIVER. TO SERIALIZE A FIREARM, FRAME, OR

1 RECEIVER, THE DEALER OR OTHER LICENSEE MUST IMPRINT ON THE
2 FIREARM, FRAME, OR RECEIVER A SERIAL NUMBER BEGINNING WITH THE
3 DEALER'S OR LICENSEE'S ABBREVIATED FEDERAL FIREARMS LICENSE
4 NUMBER, WHICH IS THE FIRST THREE AND LAST FIVE DIGITS OF THE LICENSE
5 NUMBER, FOLLOWED BY A HYPHEN, BEFORE A UNIQUE IDENTIFICATION
6 NUMBER. THE SERIAL NUMBER MUST NOT BE DUPLICATED ON ANY OTHER
7 FIREARM, FRAME, OR RECEIVER SERIALIZED BY THE LICENSEE, AND MUST
8 BE IMPRINTED IN A MANNER THAT COMPLIES WITH THE REQUIREMENTS IN
9 FEDERAL LAW FOR IMPRINTING A SERIAL NUMBER ON A FIREARM,
10 INCLUDING THE MINIMUM SIZE AND DEPTH OF THE SERIAL NUMBER AND
11 THAT THE SERIAL NUMBER IS NOT SUSCEPTIBLE TO BEING READILY
12 OBLITERATED, ALTERED, OR REMOVED.

13 (b) THE LICENSEE MUST RETAIN A RECORD CONCERNING A
14 FIREARM, FRAME, OR RECEIVER SERIALIZED BY THE LICENSEE THAT
15 COMPLIES WITH THE REQUIREMENTS UNDER FEDERAL LAW FOR THE SALE
16 OF A FIREARM. IN ADDITION TO ANY RECORD REQUIRED BY FEDERAL LAW,
17 A FEDERAL FIREARMS LICENSEE THAT IMPRINTS A UNIQUE SERIAL NUMBER
18 ON A FIREARM, FRAME, OR RECEIVER PURSUANT TO THIS SUBSECTION (7)
19 SHALL MAKE A RECORD AT THE TIME OF THE TRANSACTION OF EACH
20 TRANSACTION INVOLVING SERIALIZING A FIREARM, FRAME, OR RECEIVER
21 AND KEEP THAT RECORD. THE RECORD MUST INCLUDE THE FOLLOWING
22 INFORMATION: THE DATE, NAME, AGE, AND RESIDENCE OF ANY PERSON TO
23 WHOM THE ITEM IS TRANSFERRED; AND THE UNIQUE SERIAL NUMBER
24 IMPRINTED ON THE FIREARM, FRAME, OR RECEIVER. A LICENSEE THAT
25 FAILS TO MAKE AND RETAIN A RECORD REQUIRED IN THIS SUBSECTION
26 (7)(b) SHALL BE PUNISHED AS PROVIDED IN SECTION 18-12-403.

27 (c) RETURNING A NEWLY SERIALIZED FIREARM, FRAME, OR

1 RECEIVER TO A PERSON AFTER SERIALIZING THE FIREARM, FRAME, OR
2 RECEIVER PURSUANT TO FEDERAL LAW OR THIS SUBSECTION (7) IS A
3 TRANSFER OF A FIREARM, AND A FEDERAL FIREARMS LICENSEE THAT
4 IMPRINTS A UNIQUE SERIAL NUMBER ON THE FIREARM, FRAME, OR
5 RECEIVER PURSUANT TO THIS SUBSECTION (7) SHALL CONDUCT A
6 BACKGROUND CHECK ON THE TRANSFEREE PURSUANT TO SECTION
7 18-12-112.5 BEFORE RETURNING THE FIREARM TO THE TRANSFEREE. IF THE
8 TRANSFER IS DENIED, THE LICENSEE SHALL SURRENDER THE FIREARM,
9 FRAME, OR RECEIVER TO A LAW ENFORCEMENT AGENCY.

10 **SECTION 3.** In Colorado Revised Statutes, **amend** 18-12-403 as
11 follows:

12 **18-12-403. Record - failure to make - penalty.** Every individual,
13 firm, or corporation who fails to keep the record ~~provided for in~~
14 REQUIRED PURSUANT TO section 18-12-402 OR SECTION 18-12-111.5
15 (7)(b), or who refuses to exhibit ~~such~~ THE record when requested by a
16 police officer, and any purchaser, lessee, or exchanger of a pistol or
17 revolver who, in connection with the making of such record, gives false
18 information, commits a class 2 misdemeanor.

19 **SECTION 4.** In Colorado Revised Statutes, 24-33.5-424, **amend**
20 (3)(b.3)(X) and (3)(b.3)(XI); and **add** (3)(b.3)(XII) as follows:

21 **24-33.5-424. National instant criminal background check**
22 **system - state point of contact - fee - grounds for denial of firearm**
23 **transfer - appeal - rule-making - unlawful acts - instant criminal**
24 **background check cash fund - creation.** (3) (b.3) In addition to the
25 grounds for denial specified in subsections (3)(a) and (3)(b) of this
26 section, the bureau shall deny a transfer of a firearm if the prospective
27 transferee has been convicted of any of the following offenses committed

1 on or after June 19, 2021, if the offense is classified as a misdemeanor,
2 or if the prospective transferee has been convicted in another state or
3 jurisdiction, including a military or federal jurisdiction, of an offense that,
4 if committed in Colorado, would constitute any of the following offenses
5 classified as a misdemeanor offense, within five years prior to the
6 transfer:

7 (X) Possession of an illegal weapon, as described in section
8 18-12-102 (4); ~~or~~

9 (XI) Unlawfully providing a firearm other than a handgun to a
10 juvenile, as described in section 18-12-108.7 (3); OR

11 (XII) UNLAWFUL CONDUCT INVOLVING AN UNSERIALIZED
12 FIREARM, FRAME, OR RECEIVER, AS DESCRIBED IN SECTION 18-12-111.5.

13 **SECTION 5.** In Colorado Revised Statutes, 18-12-108, **amend**
14 (7)(ggg) and (7)(hhh); and **add** (7)(iii) as follows:

15 **18-12-108. Possession of weapons by previous offenders.** (7) In
16 addition to a conviction for felony crime as defined in section 24-4.1-302
17 (1), a felony conviction or adjudication for one of the following felonies
18 prohibits a person from possessing, using, or carrying upon his or her
19 person a firearm as defined in section 18-1-901 (3)(h) or any other
20 weapon that is subject to this article 12 pursuant to subsection (1) or (3)
21 of this section:

22 (ggg) A special offender in violation of section 18-18-407
23 (1)(d)(II); ~~and~~

24 (hhh) A criminal attempt, complicity, or conspiracy to commit any
25 of the offenses listed in this subsection (7); AND

26 (iii) UNLAWFUL CONDUCT INVOLVING AN UNSERIALIZED FIREARM,
27 FRAME, OR RECEIVER, AS DESCRIBED IN SECTION 18-12-111.5.

1 **SECTION 6.** In Colorado Revised Statutes, 18-12-102, **amend**
2 (1) as follows:

3 **18-12-102. Possessing a dangerous or illegal weapon -**
4 **affirmative defense - definition.** (1) As used in this section, the term
5 "dangerous weapon" means a firearm silencer, machine gun, MACHINE
6 GUN CONVERSION DEVICE, short shotgun, short rifle, or ballistic knife.

7 **SECTION 7. Effective date - applicability.** This act takes effect
8 upon passage and applies to offenses committed on or after said date;
9 except that sections 18-12-111.5 (1) and (3), Colorado Revised Statutes,
10 as enacted in section 2 of this act, take effect January 1, 2024, and apply
11 to offenses committed on or after said date.

12 **SECTION 8. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.