

Firearms

During the 2023 legislative session, the General Assembly examined a number of measures related to firearms. Specifically, lawmakers debated policies about ghost guns, extreme risk protection orders, the minimum age to purchase a firearm, waiting periods, and lawsuits filed against firearm industry members.

Ghost Guns

Ghost guns are unserialized and untraceable firearms that can be bought online and assembled at home. They do not require a background check and may bypass other protections or gun laws. **Senate Bill 23-279** makes the possession, transport, sale or purchase of one a class 1 misdemeanor on the first offense, and a class 5 felony on subsequent offenses, unless imprinted with a serial number by a federal firearms licensee.

Possession, Sale and Purchase

The General Assembly debated a number of bills that concerned the possession, sale, and purchase of firearms in the state.

Minimum age. **Senate Bill 23-169** requires anyone who wants to legally purchase a firearm to be at least 21 years old, with certain exceptions, as well as prohibits the selling of firearms to this population. The legislation has not gone into effect pending the outcome of litigation.

Waiting period. Starting October 1, anyone purchasing a firearm in Colorado must wait three days. **House Bill 23-1219** established a three-day waiting period before a firearms seller may deliver a firearm to a purchaser, or when the required background checks are completed, whichever occurs later. There is no waiting period for antique firearms and relics, sales of firearms to armed forces members who will be deployed outside of the United State within 30 days, and firearm transfers for which background checks are not currently required.

Assault weapons. Postponed indefinitely by the House Judiciary Committee, **House Bill 23-1230** would have banned the sale or purchase of assault weapons. The bill would have specifically prohibited the possession of rapid-fire trigger activators and the manufacture, importation, purchase, sale, or transfer of assault weapons.

Firearms

Courts

Red flag law. The General Assembly first passed Colorado’s extreme risk protection order (ERPO), or “red flag” law in 2019. This law allows family members or law enforcement to request the temporary removal of firearms from people who pose a threat to themselves or others.

Senate Bill 23-170 expanded the list of who can petition for an ERPO. The bill expands eligible petitioners to include:

- community members,
- educators,
- licensed health care professionals, and
- mental health professionals.

Senate Bill 23-170 also clarifies the venue where petitions may be filed and which law enforcement officers may petition for an ERPO. Finally, the bill requires the Department of Public Safety to establish a hotline to receive and refer calls from the public about ERPOs and to provide callers with relevant resources.

Civil lawsuits. Colorado repealed a law giving immunity to gun industry members from civil suits. **Senate Bill 23-168** now allows a person or entity to bring claims for damages against firearm industry members who violate the Colorado Consumer Protection Act or state firearm laws. The bill also repeals the limitations on the number of claims that can be brought against firearm industry members.

