

CHAPTER 294

CRIMINAL LAW AND PROCEDURE

SENATE BILL 25-158

BY SENATOR(S) Sullivan and Gonzales J., Amabile, Cutter, Danielson, Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Michaelson Jenet, Wallace, Weissman, Coleman;
also REPRESENTATIVE(S) Froelich and Brown, Boesenecker, Joseph, Lindsay, Mabrey, Ricks, Rutinel.

AN ACT

CONCERNING CREATING STATE PROCUREMENT POLICIES FOR STATE AGENCIES IN THE TREATMENT OF CERTAIN ITEMS RELATED TO WEAPONS.

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

SECTION 1. In Colorado Revised Statutes, 24-103-906, **amend** (1)(a) as follows:

24-103-906. Bid preference - state contracts. (1) (a) Except as provided in subsection (1)(b) of this section and in ~~section 24-103-907~~ SECTIONS 24-103-907 AND 24-103-907.5, when a contract for commodities or services is to be awarded to a bidder, a resident bidder ~~shall be~~ is allowed a preference against a nonresident bidder equal to the preference given or required by the state in which the nonresident bidder is a resident.

SECTION 2. In Colorado Revised Statutes, **add** 24-103-907.5 as follows:

24-103-907.5. State purchases of firearms and ammunition - contractor or bidder - rules - legislative intent - definitions. (1) (a) THE GENERAL ASSEMBLY INTENDS THAT:

(I) THIS SECTION IS CREATED FOR THE DEVELOPMENT OF PROCUREMENT PRACTICES BY THE STATE FOR FIREARMS AND ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT"; AND

(II) THIS SECTION APPLIES TO ALL BIDS THE STATE SOURCES, ENTERS INTO, AWARDS, AMENDS, RENEWS, OR EXTENDS ON OR AFTER JANUARY 1, 2026,

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

CONDUCTED PURSUANT TO THE CODE, AS APPLICABLE, FOR PROCURING FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT".

(b) THE GENERAL ASSEMBLY THEREFORE FINDS THAT A CONTRACTOR, BIDDER, OR GOVERNMENTAL BODY SHALL COMPLY WITH THIS SECTION DURING A CONTRACT SOURCING METHOD PROCESS CONDUCTED PURSUANT TO THE CODE, AS APPLICABLE, INVOLVING FIREARMS AND ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" AND THROUGHOUT THE TERM OF THE CONTRACT.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "FEDERAL FIREARMS LICENSE" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-12-401.

(b) "FEDERAL FIREARMS LICENSEE" OR "LICENSEE" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-12-101 (1)(b.6).

(c) "FEDERALLY LICENSED FIREARM DEALER" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-12-101.

(d) "FIREARM" HAS THE SAME MEANING AS SET FORTH IN SECTION 18-12-101 (1)(b.7).

(e) "FIREARMS BIDDER" OR "BIDDER" MEANS A BIDDER WHO SUBMITS A BID IN RESPONSE TO AN INVITATION FOR BIDS FROM A GOVERNMENTAL BODY FOR THE SALE OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" PURSUANT TO THIS SECTION.

(f) "FIREARMS CONTRACTOR" OR "CONTRACTOR" MEANS A CONTRACTOR WHO ENTERS INTO A CONTRACT OR AGREEMENT WITH A GOVERNMENTAL BODY FOR THE SALE OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" TO THE GOVERNMENTAL BODY PURSUANT TO THIS SECTION.

(g) "NATIONAL FIREARMS ACT" MEANS THE FEDERAL "NATIONAL FIREARMS ACT", 26 U.S.C. SEC. 5801 ET SEQ.

(3) (a) DURING A GOVERNMENTAL BODY'S CONTRACTING PROCESS, A GOVERNMENTAL BODY'S SOURCING METHOD PROCESS CONDUCTED PURSUANT TO THE CODE, AS APPLICABLE, OR UPON REQUEST DURING THE TERM OF A CONTRACT WITH A GOVERNMENTAL BODY RELATING TO THE PROCUREMENT OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT", A FIREARMS CONTRACTOR OR A FIREARMS BIDDER SHALL, IF APPLICABLE:

(I) COMPLY WITH THE REQUIREMENTS OF SECTION 18-12-401.5(1) TO ENGAGE IN THE BUSINESS OF DEALING IN FIREARMS IN THE STATE, IF APPLICABLE;

(II) PROVIDE TO THE GOVERNMENTAL BODY PROOF AND COPIES OF ALL REQUIRED LICENSES, INCLUDING A FEDERAL FIREARMS LICENSE, PERMITS, AND CERTIFICATES;

(III) PROVIDE, IF THE CONTRACTOR OR BIDDER IS A FEDERALLY LICENSED FIREARMS DEALER, TO THE GOVERNMENTAL BODY ANY MATERIALS THAT ARE NOT

CONFIDENTIAL DOCUMENTING ANY UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES TRACE REQUESTS THE CONTRACTOR OR BIDDER RECEIVED EACH YEAR FOR THE PAST THREE CALENDAR YEARS BEFORE THE DATE OF THE CONTRACT OR BID, THE NUMBER OF TRACE REQUESTS IN THE CALENDAR YEARS BEFORE THE YEAR OF THE CONTRACT OR BID, IF APPLICABLE, AND THE TIME BETWEEN THE SALE OF THE FIREARM SUBJECT TO THE TRACE REQUEST AND THE CRIME THAT GENERATED THE TRACE REQUEST. IF THE MATERIALS DESCRIBED IN THIS SUBSECTION (3)(a)(III) ARE NOT AVAILABLE BECAUSE THE CONTRACTOR OR BIDDER DOES NOT MAINTAIN THE MATERIALS, THE CONTRACTOR OR BIDDER SHALL SUBMIT A STATEMENT CONFIRMING THE MATERIALS ARE NOT AVAILABLE BECAUSE THE CONTRACTOR OR BIDDER DOES NOT KEEP OR MAINTAIN THE MATERIALS.

(IV) PROVIDE TO THE GOVERNMENTAL BODY MATERIALS DOCUMENTING ANY THEFT OR LOSS OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" FROM THE PREMISES OF THE CONTRACTOR OR BIDDER WITHIN THE PAST THREE CALENDAR YEARS BEFORE THE DATE OF THE CONTRACT OR BID TO EVALUATE POTENTIAL SECURITY CONCERNS;

(V) PROVIDE TO THE GOVERNMENTAL BODY A TRUE COPY OF THE MOST RECENT INSPECTION REPORT OF ANY FIREARM INSPECTION CONDUCTED BY A STATE OR LOCAL AGENCY, INCLUDING ANY ADDITIONAL MATERIALS DOCUMENTING ADMINISTRATIVE ACTIONS TAKEN BY THE STATE OR LOCAL AGENCY, IF APPLICABLE;

(VI) DISCLOSE TO THE GOVERNMENTAL BODY ANY VIOLATIONS DISCOVERED FROM AN INSPECTION CONDUCTED BY A FEDERAL AGENCY DURING THE LAST TWO FIREARM INSPECTIONS, IF APPLICABLE, AND PROVIDE MATERIALS DOCUMENTING THE CONTRACTOR'S OR BIDDER'S CORRECTIVE ACTIONS TAKEN IN RESPONSE TO A FINDING OF NONCOMPLIANCE OR A VIOLATION OF A FEDERAL FIREARM LAW, REGULATION, OR REQUIREMENT;

(VII) PROVIDE TO THE GOVERNMENTAL BODY IN WRITING ANY PRACTICES OR POLICIES ADOPTED BY THE CONTRACTOR OR BIDDER, INCLUDING ANY SUBSEQUENT AMENDMENTS MADE TO THE PRACTICES OR POLICIES DURING THE SOURCING METHOD PROCESS CONDUCTED PURSUANT TO THE CODE, AS APPLICABLE, AND CONTRACT TERM, TO:

(A) PREVENT, DETECT, AND SCREEN FOR THE TRANSFER OF FIREARMS TO STRAW PURCHASERS OR FIREARM TRAFFICKERS;

(B) PREVENT, DETECT, AND SCREEN AGAINST SALES OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" TO INDIVIDUALS PROHIBITED FROM POSSESSING A FIREARM BY FEDERAL, STATE, OR LOCAL LAW, OR COURT ORDER;

(C) PREVENT, DETECT, AND DOCUMENT THE THEFT OR LOSS OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT";

(D) TRAIN EMPLOYEES TO ENSURE COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL FIREARMS LAWS AND REGULATIONS; AND

(E) ASSIST LAW ENFORCEMENT AGENCIES IN THE INVESTIGATION AND

PREVENTION OF CRIMINAL ACCESS TO FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT"; AND

(VIII) COMPLY WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL LAWS.

(b) THE CONTRACTOR OR BIDDER SHALL AFFIRM AT THE TIME OF THE BID THAT THE CONTRACTOR OR BIDDER SHALL NOT SELL UNSERIALIZED GUN BUILD KITS, UNSERIALIZED FIREARMS, UNSERIALIZED UNFINISHED FRAMES, OR UNFINISHED RECEIVERS THROUGH THE DURATION OF THE CONTRACT. THE CONTRACTOR OR BIDDER SHALL PROVIDE DOCUMENTATION TO PROVE COMPLIANCE WITH APPLICABLE FEDERAL, STATE, OR LOCAL LAWS RELATED TO UNSERIALIZED FIREARMS, UNSERIALIZED UNFINISHED FRAMES, OR UNFINISHED RECEIVERS.

(c) THE CONTRACTOR OR BIDDER SHALL SUBMIT TO THE DEPARTMENT A CERTIFICATION STATEMENT, SIGNED AND AFFIRMED UNDER PENALTY OF PERJURY, AS DEFINED IN SECTION 18-8-503, STATING THAT THE MATERIALS PROVIDED IN SUBSECTION (3)(a) OF THIS SECTION ARE TRUE AND COMPLETE.

(4) (a) THE ATTORNEY GENERAL MAY ASSIST THE DEPARTMENT IN DEVELOPING PROCESSES AND PROCEDURES TO IMPLEMENT THIS SECTION, INCLUDING A PROCESS TO ADMINISTER AND ASSESS A CONTRACTOR'S OR BIDDER'S COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. THE PROCESS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) DEVELOPING A PREQUALIFICATION PROCESS TO PREQUALIFY POTENTIAL CONTRACTORS OR BIDDERS AS SET FORTH IN SECTION 24-103-402;

(II) DEVELOPING A SCORING SYSTEM TO EVALUATE A POTENTIAL CONTRACTOR'S OR BIDDER'S RECORD OF SAFE BUSINESS PRACTICES THAT IS USED IN AWARDING CONTRACTS OR PURCHASES; AND

(III) TERMINATING CONTRACTS WITH CONTRACTORS OR BIDDERS FOUND TO BE NONCOMPLIANT WITH THE TERMS OF THIS SECTION DURING THE TERM OF THE CONTRACT AS SET FORTH IN SECTION 24-106-101 (3)(c) AND (3)(d).

(b) THE DEPARTMENT SHALL REJECT A BID OR PROPOSAL FOR A CONTRACT OR SALE OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" IF:

(I) A CONTRACTOR OR BIDDER HAS NOT SUBMITTED THE REQUIRED DOCUMENTATION SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION;

(II) THE CONTRACTOR'S OR BIDDER'S REQUIRED DOCUMENTATION DOES NOT MEET THE STANDARDS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION; OR

(III) THE DEPARTMENT DETERMINES THE BIDDER OR CONTRACTOR IS NOT ENGAGING IN SAFE BUSINESS PRACTICES.

(5) A GOVERNMENTAL BODY SHALL NOT WAIVE THE REQUIREMENTS OF THIS SECTION OR MAKE EXIGENT OR EMERGENCY PURCHASES OF FIREARMS OR ITEMS

REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" TO SUBVERT THIS SECTION.

(6) THE DEPARTMENT MAY ADOPT RULES TO IMPLEMENT THIS SECTION.

(7) A RESIDENT BIDDER AND NONRESIDENT BIDDER ARE TREATED EQUALLY FOR PURPOSES OF THIS SECTION. A RESIDENT BIDDER SHALL NOT RECEIVE A BID PREFERENCE AGAINST A NONRESIDENT BIDDER FOR THE PURCHASE OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" AS SET FORTH IN SECTION 24-103-906 (1)(a).

SECTION 3. Act subject to petition - effective date. This act takes effect January 1, 2026; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 30, 2025