

CHAPTER 340

CRIMINAL LAW AND PROCEDURE

SENATE BILL 25-034

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also REPRESENTATIVE(S) Boesenecker and Jackson, Bacon, Brown, Camacho, Froelich, Garcia, Gilchrist, Hamrick, Joseph, Lindsay, Lindstedt, Mabrey, McCormick, Rutinel, Rydin, Smith, Stewart R., Story, Valdez, Woodrow, Zokaie.

AN ACT

CONCERNING VOLUNTARILY WAIVING THE RIGHT TO PURCHASE A FIREARM.

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

SECTION 1. Short title. The short title of this act is the "Colorado Voluntary Do-Not-Sell Act".

SECTION 2. Legislative declaration. (1) The general assembly finds and declares that:

- (a) There were 27,032 firearm suicide deaths in the United States in 2022;
- (b) In 2023, Colorado had among the highest suicide rates in the United States. The state was ranked eighth overall for suicide deaths and thirteenth for suicide deaths by firearm.
- (c) By far the largest number of firearm deaths in Colorado in 2023 were suicides: 717 Coloradans died by self-inflicted gunshot wound, which accounted for 70 percent of all firearm deaths. Firearms were used in 56 percent of all suicides in the state.
- (d) Buying a firearm is associated with an increased risk of suicide because, as one study found, the suicide rate among recent firearm purchasers was 57 times the overall rate;
- (e) Many suicide attempts are impulsive. One study of survivors of firearm suicide attempts found that a majority had suicidal thoughts for less than a day.

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.

(f) Research shows that delaying access to firearms significantly reduces gun suicide, without increasing non-gun suicide;

(g) With firearms, there are very few second chances because approximately 85 percent of gun suicide attempts result in death;

(h) Surviving one suicide attempt usually makes all the difference. Only around 10 percent of serious suicide attempt survivors eventually die by suicide. Most people take advantage of their second chance, which they will rarely get if they use a firearm.

(i) By delaying access to firearms for those who chose to voluntarily participate on a do-not-sell list, it is reasonable to expect a reduction in overall suicide risk.

SECTION 3. In Colorado Revised Statutes, **add 24-33.5-424.7** as follows:

24-33.5-424.7. Voluntary waiver of the right to purchase a firearm - revocation of waiver - rules - notice to revisor - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CONTACT PERSON" MEANS THE PERSON DESIGNATED AS A CONTACT PURSUANT TO SUBSECTION (3)(b) OF THIS SECTION BY THE PERSON VOLUNTARILY WAIVING THE RIGHT TO PURCHASE A FIREARM.

(b) "VOLUNTARY WAIVER" MEANS A VOLUNTARY WAIVER OF THE RIGHT TO PURCHASE A FIREARM AS DESCRIBED IN THIS SECTION.

(2)(a) A PERSON MAY VOLUNTARILY WAIVE THE RIGHT TO PURCHASE A FIREARM. PURSUANT TO SECTION 24-33.5-424 (3)(b)(III), WHILE THE WAIVER IS IN EFFECT, THE BUREAU SHALL DENY THE TRANSFER OF A FIREARM TO A PERSON WHO VOLUNTARILY WAIVED THE RIGHT TO PURCHASE A FIREARM.

(b) THE BUREAU SHALL DEVELOP AN ONLINE PORTAL FOR A PERSON TO ELECTRONICALLY FILE FOR A VOLUNTARY WAIVER, UPDATE CONTACT INFORMATION, AND REVOKE A VOLUNTARY WAIVER.

(3)(a) TO VOLUNTARILY WAIVE THE RIGHT TO PURCHASE A FIREARM, A PERSON MUST FILE A VOLUNTARY WAIVER WITH THE BUREAU. THE BUREAU SHALL VERIFY THE PERSON'S IDENTITY PRIOR TO ACCEPTING THE VOLUNTARY WAIVER.

(b) A PERSON WHO VOLUNTARILY WAIVES THE RIGHT TO PURCHASE A FIREARM MAY DESIGNATE ONE OR MORE CONTACT PERSONS WHO WILL BE CONTACTED, PURSUANT TO THIS SECTION, IF THE PERSON ATTEMPTS TO PURCHASE A FIREARM WHILE THE VOLUNTARY WAIVER IS IN EFFECT OR IF THE PERSON REVOKES THE VOLUNTARY WAIVER.

(c) THE BUREAU SHALL IMMEDIATELY NOTIFY THE PERSON WHO FILED THE VOLUNTARY WAIVER AND EACH CONTACT PERSON WHEN THE BUREAU ACCEPTS THE FILER'S VOLUNTARY WAIVER.

(d) NO LATER THAN TWENTY-FOUR HOURS AFTER ACCEPTING A VOLUNTARY

WAIVER, THE BUREAU SHALL ENTER THE VOLUNTARY WAIVER INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND ANY OTHER FEDERAL OR STATE COMPUTER-BASED SYSTEMS USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY PROHIBITED PURCHASERS OF FIREARMS.

(e) A VOLUNTARY WAIVER IS CONFIDENTIAL. THE BUREAU SHALL NOT DISCLOSE RECORDS OF A VOLUNTARY WAIVER, EXCEPT AS EXPRESSLY PERMITTED IN THIS SECTION OR AS ORDERED BY A COURT.

(4) IF THE BUREAU DENIES THE TRANSFER OF A FIREARM TO A PERSON BECAUSE THE PERSON VOLUNTARILY WAIVED THE RIGHT TO PURCHASE A FIREARM, THE BUREAU SHALL NOTIFY EACH CONTACT PERSON OF THE ATTEMPTED TRANSFER NO LATER THAN TWENTY-FOUR HOURS AFTER THE BUREAU DENIES THE TRANSFER.

(5)(a) TO REVOKE A VOLUNTARY WAIVER, A PERSON MUST FILE FOR REVOCATION WITH THE BUREAU. THE BUREAU SHALL VERIFY THE PERSON'S IDENTITY PRIOR TO ACCEPTING THE REVOCATION. THE WAIVER REMAINS IN EFFECT FOR THIRTY DAYS AFTER THE BUREAU ACCEPTS THE REVOCATION.

(b) THE BUREAU SHALL NOTIFY EACH CONTACT PERSON OF THE REVOCATION NO LATER THAN TWENTY-FOUR HOURS AFTER THE BUREAU RECEIVES THE REVOCATION REQUEST.

(c) THIRTY DAYS AFTER THE BUREAU ACCEPTS THE REVOCATION, AND UNLESS THE PERSON IS OTHERWISE INELIGIBLE TO POSSESS A FIREARM PURSUANT TO STATE OR FEDERAL LAW, THE BUREAU SHALL REMOVE THE PERSON'S INFORMATION FROM THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND ANY OTHER FEDERAL OR STATE COMPUTER-BASED SYSTEMS IN WHICH THE PERSON WAS ENTERED AND THAT ARE USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY PROHIBITED PURCHASERS OF FIREARMS, AND THE BUREAU SHALL DESTROY ALL RECORDS OF THE VOLUNTARY WAIVER.

(6) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY ADOPT RULES AS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

(7) (a) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO DEVELOP AND MAINTAIN THE ONLINE PORTAL DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION. THE DEPARTMENT SHALL NOT IMPLEMENT THIS SECTION UNTIL IT RECEIVES TWO HUNDRED THOUSAND DOLLARS OF GIFTS, GRANTS, AND DONATIONS FOR THE ONLINE PORTAL.

(b) NOTWITHSTANDING SECTION 24-75-1305, FOR STATE FISCAL YEAR 2026-27 AND ANY SUBSEQUENT FISCAL YEAR, THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE GENERAL FUND FOR THE ONLINE PORTAL.

(8) SUBSECTIONS (1) TO (6) OF THIS SECTION WILL TAKE EFFECT IF THE DEPARTMENT RECEIVES TWO HUNDRED THOUSAND DOLLARS OF GIFTS, GRANTS, OR DONATIONS TO DEVELOP AND MAINTAIN THE ONLINE PORTAL DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY SHALL NOTIFY THE REVISOR OF STATUTES IN

WRITING OF THE DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (8) HAS OCCURRED BY EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. SUBSECTIONS (1) TO (6) OF THIS SECTION TAKE EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE DEPARTMENT HAS RECEIVED TWO HUNDRED THOUSAND DOLLARS OF GIFTS, GRANTS, OR DONATIONS FOR THE ONLINE PORTAL OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

SECTION 4. In Colorado Revised Statutes, 18-12-111, **amend as it will become effective July 1, 2025**, (3)(a); and **add** (4) as follows:

18-12-111. Unlawful purchase of firearms - report to law enforcement - unlawful attempted purchase while subject to a voluntary waiver - penalties. (3) (a) If a firearms dealer who holds a state permit to deal firearms pursuant to section 18-12-401.5 reasonably believes, knows or should know, or becomes aware after a transfer, that a person, including an employee, purchased or attempted to purchase a firearm in violation of SUBSECTION (1) OF this section, the dealer shall report that information to a law enforcement agency with jurisdiction over the dealer's place of business.

(4) (a) A PERSON WHO ATTEMPTS TO PURCHASE A FIREARM WHILE SUBJECT TO A VOLUNTARY WAIVER OF THE RIGHT TO PURCHASE A FIREARM DESCRIBED IN SECTION 24-33.5-424.7 COMMITS UNLAWFUL ATTEMPTED FIREARM PURCHASE WHILE SUBJECT TO A VOLUNTARY WAIVER. UNLAWFUL ATTEMPTED FIREARM PURCHASE WHILE SUBJECT TO A VOLUNTARY WAIVER IS A CIVIL INFRACTION AND SHALL BE PUNISHED BY A FINE OF UP TO TWENTY-FIVE DOLLARS.

(b) SECTION 18-2-101 DOES NOT APPLY TO CONDUCT THAT CONSTITUTES A CIVIL INFRACTION PURSUANT TO THIS SUBSECTION (4).

SECTION 5. In Colorado Revised Statutes, 24-33.5-424, **add** (3)(b)(III) as follows:

24-33.5-424. National instant criminal background check system - state point of contact - fee - grounds for denial of firearm transfer - appeal - rule-making - unlawful acts - instant criminal background check cash fund - creation. (3) (b) (III) IN ADDITION TO THE GROUNDS FOR DENIAL SPECIFIED IN SUBSECTIONS (3)(a), (3)(b)(I), AND (3)(b.3) OF THIS SECTION, THE BUREAU SHALL DENY A TRANSFER OF A FIREARM TO A PERSON WHO HAS VOLUNTARILY WAIVED THE RIGHT TO PURCHASE A FIREARM, AS DESCRIBED IN SECTION 24-33.5-424.7, WHILE THE WAIVER IS IN EFFECT.

SECTION 6. Act subject to petition - effective date. (1) Except as provided in subsection (2) of this section, this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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.

(2) Sections 24-33.5-424.7 (1), (2), (3), (4), (5), and (6), Colorado Revised Statutes, as enacted in section 3 of this act; section 18-12-111 (4), Colorado Revised Statutes, as enacted in section 4 of this act; and section 5 of this act shall only take effect upon receipt of the notice to the Revisor of Statutes required by section 24-33.5-424.7 (8), Colorado Revised Statutes, as enacted in section 3 of this act.

Approved: June 2, 2025