

HB1229_L.023

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

HB13-1229 be amended as follows:

1 Amend reengrossed bill, page 6, line 18, strike "CLERK OF THE COURT"
2 and substitute "STATE COURT ADMINISTRATOR".

3 Page 6, strike lines 26 and 27 and substitute:

4 "SECTION 2. In Colorado Revised Statutes, 13-5-142, **amend**
5 (1) introductory portion, (2), (3) introductory portion, (3) (a), and (3) (b)
6 (II); and **add** (1.5) and (4) as follows:

7 **13-5-142. National instant criminal background check system**
8 **- reporting.** (1) ~~Beginning July 1, 2002~~ ON AND AFTER THE EFFECTIVE
9 DATE OF THIS SECTION, the ~~clerk of the court of every judicial district in~~
10 ~~the~~ state COURT ADMINISTRATOR shall ~~periodically report~~ SEND
11 ELECTRONICALLY the following information to the ~~national instant~~
12 ~~criminal background check system created by the federal "Brady~~
13 ~~Handgun Violence Prevention Act" (Pub.L. 103-159), the relevant portion~~
14 ~~of which is codified at 18 U.S.C. sec. 922 (t)~~ COLORADO BUREAU OF
15 INVESTIGATION CREATED PURSUANT TO SECTION 24-33.5-401, C.R.S.,
16 REFERRED TO WITHIN THIS SECTION AS THE "BUREAU":

17 (1.5) NOT MORE THAN FORTY-EIGHT HOURS AFTER RECEIVING
18 NOTIFICATION OF A PERSON WHO SATISFIES THE DESCRIPTION IN
19 PARAGRAPH (a), (b), OR (c) OF SUBSECTION (1) OF THIS SECTION, THE
20 STATE COURT ADMINISTRATOR SHALL REPORT SUCH FACT TO THE BUREAU.

21 (2) Any report made by the ~~clerk of the court of every judicial~~
22 ~~district in the~~ state COURT ADMINISTRATOR pursuant to this section shall
23 describe the reason for the report and indicate that the report is made in
24 accordance with 18 U.S.C. sec. 922 (g) (4).

25 (3) ~~The clerk of the court of every judicial district in the~~ state
26 COURT ADMINISTRATOR shall take all necessary steps to cancel a record
27 made by ~~that clerk~~ THE STATE COURT ADMINISTRATOR in the national
28 instant criminal background check system if:

29 (a) The person to whom the record pertains makes a written
30 request to the ~~clerk~~ STATE COURT ADMINISTRATOR; and

31 (b) No less than three years before the date of the written request:

32 (II) The period of commitment of the most recent order of
33 commitment or recommitment expired, or ~~the~~ A court entered an order
34 terminating the person's incapacity or discharging the person from
35 commitment in the nature of habeas corpus, if the record in the national
36 instant criminal background check system is based on an order of



1 commitment to the custody of the unit in the department of human
2 services that administers behavioral health programs and services,
3 including those related to mental health and substance abuse; except that
4 the ~~clerk~~ STATE COURT ADMINISTRATOR shall not cancel any record
5 pertaining to a person with respect to whom two recommitment orders
6 have been entered under section 27-81-112 (7) and (8), C.R.S., or who
7 was discharged from treatment under section 27-81-112 (11), C.R.S., on
8 the grounds that further treatment will not be likely to bring about
9 significant improvement in the person's condition; or".

10 Page 7, strike lines 1 through 9.

11 Page 7, line 13, strike "CLERK OF THE COURT" and substitute "STATE
12 COURT ADMINISTRATOR".

13 Page 10, strike lines 3 through 16 and substitute:

14 "(III) IN REVIEWING A DENIAL, THE COURT OF APPEALS HAS
15 DISCRETION, BUT IS NOT REQUIRED, TO RECEIVE ADDITIONAL EVIDENCE
16 NECESSARY TO CONDUCT AN ADEQUATE REVIEW.

17 **SECTION 4.** In Colorado Revised Statutes, 13-9-123, **amend** (1)
18 introductory portion, (2), (3) introductory portion, (3) (a), and (3) (b) (II);
19 and **add** (1.5) and (4) as follows:

20 **13-9-123. National instant criminal background check system**
21 **- reporting.** (1) ~~Beginning July 1, 2002~~ ON AND AFTER THE EFFECTIVE
22 DATE OF THIS SECTION, the ~~clerk of the probate court~~ STATE COURT
23 ADMINISTRATOR shall ~~periodically report~~ SEND ELECTRONICALLY the
24 following information to the national instant criminal background check
25 system created by the federal "Brady Handgun Violence Prevention Act",
26 Pub.L. 103-159, the relevant portion of which is codified at 18 U.S.C.
27 ~~sec. 922 (t)~~ COLORADO BUREAU OF INVESTIGATION CREATED PURSUANT
28 TO SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS SECTION AS
29 THE "BUREAU":

30 (1.5) NOT MORE THAN FORTY-EIGHT HOURS AFTER RECEIVING
31 NOTIFICATION OF A PERSON WHO SATISFIES THE DESCRIPTION IN
32 PARAGRAPH (a), (b), OR (c) OF SUBSECTION (1) OF THIS SECTION, THE
33 STATE COURT ADMINISTRATOR SHALL REPORT SUCH FACT TO THE BUREAU.

34 (2) Any report made by the ~~clerk of the probate court~~ STATE
35 COURT ADMINISTRATOR pursuant to this section shall describe the reason
36 for the report and indicate that the report is made in accordance with 18
37 U.S.C. sec. 922 (g) (4).



1 (3) ~~The clerk of the probate court~~ STATE COURT ADMINISTRATOR
2 shall take all necessary steps to cancel a record made by ~~that clerk~~ THE
3 STATE COURT ADMINISTRATOR in the national instant criminal background
4 check system if:

5 (a) The person to whom the record pertains makes a written
6 request to the ~~clerk~~ STATE COURT ADMINISTRATOR; and

7 (b) No less than three years before the date of the written request:

8 (II) The period of commitment of the most recent order of
9 commitment or recommitment expired, or the court entered an order
10 terminating the person's incapacity or discharging the person from
11 commitment in the nature of habeas corpus, if the record in the national
12 instant criminal background check system is based on an order of
13 commitment to the custody of the unit in the department of human
14 services that administers behavioral health programs and services,
15 including those related to mental health and substance abuse; except that
16 the ~~clerk~~ STATE COURT ADMINISTRATOR shall not cancel any record
17 pertaining to a person with respect to whom two recommitment orders
18 have been entered under section 27-81-112 (7) and (8), C.R.S., or who
19 was discharged from treatment under section 27-81-112 (11), C.R.S., on
20 the grounds that further treatment will not be likely to bring about
21 significant improvement in the person's condition; or".

22 Page 10, line 20, strike "CLERK OF THE COURT" and substitute "STATE
23 COURT ADMINISTRATOR".

24 Page 13, strike lines 10 through 12 and substitute:

25 "(III) IN REVIEWING A DENIAL, THE COURT OF APPEALS HAS
26 DISCRETION, BUT IS NOT REQUIRED, TO RECEIVE ADDITIONAL EVIDENCE
27 NECESSARY TO CONDUCT AN ADEQUATE REVIEW."

** ** ** ** **



