



**COLORADO
DEPARTMENT
OF PUBLIC SAFETY**

Colorado Bureau of Investigation
Robert C. Cantwell, Director

September 8, 2006

**Important information for all Colorado Federal Firearms Dealers
From the Colorado Bureau of Investigation**

Concealed Firearms Permits don't constitute "valid identification"

The Colorado Bureau of Investigation (CBI) has been advised by the staff of the Legislative Audit Committee that a permit issued by a sheriff for a concealed firearm does not constitute a "valid identification document" for the purpose of a firearm transaction. This is in large part because Colorado's statutes require the bearer of such permit to present the permit along with a driver's license or state issued identification. According to Colorado law, the permit does not stand alone to identify an individual.

Permits can (if they have the bearer's current address listed on them) still be used to establish residency when the identity document does not.

Concealed Firearms Permit Holders Are Not Exempt from NICS Check

As a reminder, permit holders in Colorado must undergo a NICS background check. Colorado's concealed weapons permits have never been recognized as an exemption to the NICS background check. If you have exempted them in error, you should contact an Insta-Check supervisor to arrange for checks to be conducted during a relatively "slow" time.

Sale of firearms to persons residing in a contiguous state

There has been some confusion among gun dealers regarding Colorado Statute 12-27-101, pertaining to gun sales to residents of contiguous states. To better assist you, attached is a summary analysis of the statute.

Federal Firearms Licensees in the state of Colorado may sell a long gun to a resident of **any** other state, as long as the sale does not otherwise violate state and federal law. Please check your blue books to determine which states restrict sales to their residents purchasing out of state.

Reasons for the increase in processing times

CBI shares your concerns regarding the increase in processing times to conduct background checks of your gun buyers. Those increases are primarily due to an increase in volume, a decrease in the number temporary employees (budget cuts), the additional databases being checked and additional research on restraining orders that CBI conducts.

The CBI is currently hiring and training additional temporary employees to minimize the "wait" times during the upcoming hunting and Christmas season. We are also enclosing a survey regarding our performance and our hours of operation. CBI believes that by slightly reducing operational hours, we can be more responsive to you during your busiest hours. Please take time to review and complete the survey below, and return it to us.

Rejected Internet Checks

Please review your Internet submissions for accuracy prior to transmitting them to the CBI. When the

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CBI receives information that is not accurate (e.g., the name submitted does not match the name on the driver's license used to establish identity), it is rejected and returned to you.

New Insta-Check Supervisors

Supervisors Linda Maddux and Courtney Heber have been promoted to Fingerprint Technician Supervisors in the CBI Identification Unit. Newly promoted supervisors in the Insta Check Unit are Ted Derosa and JoAnne Barry. They join supervisors James Spoden and Becky Shoe.

Colorado's "Contiguous States" Statutes A historical analysis of CRS 12- 27-101 through 104

With the passage of the Federal Gun Control Act (GCA) of 1968, federal law allowed the sale of long guns to nonresidents only under very limited circumstances and subject to specific procedures. The "contiguous state" exception (922(b)(3)) allowed for sales of long guns to nonresidents of contiguous states only if the laws of both states allowed it, and only if the Federal Firearms Licensee (FFL) followed the procedures outlined in 922(c) applicable to interstate transactions other than at the licensee's business premises. Section 922(c) requires that a sworn statement of the gun buyer be sent registered mail by the FFL to the chief law enforcement officer where the buyer lives, and it imposes a waiting period of at least seven days.

The Colorado General Assembly passed legislation in 1968 (CRS 12-27-101 to 104) to meet the federal requirements to allow residents of contiguous states to purchase long guns in Colorado and to allow Colorado residents to purchase in contiguous states. Colorado law duplicated the federal requirement that such sales comply with 922(c) provisions applicable to interstate transactions other than the licensee's business premises.

In 1986, the federal law (922(b)(3)) was amended to allow interstate transfers of long guns to all nonresidents (except when otherwise prohibited by federal or state laws), but section 922(c) remained unchanged. Colorado law continues to point to valid 922(c) requirements for Colorado FFLs conducting transactions with residents of contiguous states and for FFLs in contiguous states conducting transactions with Colorado residents.

Colorado statutes pertaining to contiguous state transactions have never carried any penalties. They were written to facilitate firearms sales, and with a presumption that the federal GCA imposed its own penalties for noncompliant FFLs. A strict reading of the Colorado statutes might seem to require compliance with 18 USC 922(c) when the sale involves a resident of a contiguous state. However, attorneys for the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) have assured us that in light of the evolution of the Gun Control Act, a Colorado FFL would not violate federal regulation when selling to a resident of a contiguous state without following 922(c) requirements.

Pursuant to federal law, Colorado FFLs may sell to a nonresident of ANY state (contiguous or not), so long as the sale complies with the GCA and with the laws of both states.

SURVEY OF COLORADO FEDERAL FIREARMS LICENSEES Regarding performance & hours of operation of the Colorado Insta-Check

During a recent audit, the Colorado Bureau of Investigation (CBI) was encouraged to survey Colorado firearms dealers to determine your support in limiting the hours of operation of the Insta-Check. It was noted during the audit that more CBI employees could be available to handle checks during the "peak" hours if we reduced our operating hours. It is CBI's belief that by shortening the hours of operation, wait times would be reduced during peak business hours.

Please note that any change to our operating hours would require a statutory change by the Colorado General Assembly. The results of this survey will be reported to the Colorado State Legislative Audit Committee. Your opinions are important to the CBI, and to your elected representatives.

PLEASE RETURN THIS SURVEY IN THE ENCLOSED SELF ADDRESSED STAMPED ENVELOPE NO LATER THAN OCTOBER 31, 2006. We will forward the results of this survey to the Legislative Audit Committee, and publish the same on our Insta-Check public web site at:

www.cbi.state.co.us/ic