

**D 005 99**

**EXECUTIVE ORDER**

**Designating the Colorado Department of Public Safety  
As the Point of Contact  
For the National Instant Criminal Background Check System**

Pursuant to the authority vested in the Office of the Governor of the State of Colorado by Article IV of the Colorado Constitution and the statutes of the State of Colorado, I, Bill Owens, Governor of the State of Colorado, hereby issue this Executive Order designating the Colorado Department of Public Safety as the Point of Contact for the Federal Bureau of Investigation's National Instant Criminal Background Check System.

1. Background and Need.

This Executive Order closes a loophole that prevents information about restraining orders issued by Colorado State courts from inclusion in the FBI's instant criminal background check system for firearms purchases. Colorado State courts issue approximately 60,000 such orders each year in domestic violence and other cases. These orders are transmitted by the Colorado Judicial Department to the Colorado Department of Public Safety, where they become part of the Colorado Crime Information Center (CCIC), the electronic database maintained by the Colorado Bureau of Investigation.

Yet the vast majority of Colorado restraining orders are not currently made available to the FBI for use in conducting federally required background checks for firearms purchases. This loophole stems from the fact that the State CCIC database is not currently integrated into the Federal database of NICS, the National Instant Criminal Background Check System used by the FBI to conduct background checks. As a result of this lack of integration between State and Federal databases, a wealth of information about actual and suspected criminal activity is currently not accessible to the FBI to prevent unlawful firearms purchases.

This loophole can have tragic consequences. On June 22, 1999 when Simon Gonzales reportedly purchased a firearm from a federally licensed dealer, passed a NICS background check – despite a legally valid restraining order against him –

and murdered his three daughters before dying in a gunfight with Castle Rock police. That restraining order was properly logged and transmitted by the Colorado Judicial Department to the CBI's CCIC database. Yet the NICS database used by the FBI to conduct the background check did not reveal the existence of the restraining order, despite its presence in the CCIC database.

This loophole seriously hampers law enforcement and creates a clear and present threat to the public safety. Accordingly, I order the following measures to promote public safety:

2. Mission and Scope.

A. In conformance with National Instant Criminal Background Check System Regulation, 28 C.F.R. Section 25.2 (1998), I hereby designate the Colorado Department of Public Safety ("DPS"), through the Colorado Bureau of Investigation ("CBI"), as the State of Colorado's Point of Contact for NICS. DPS shall immediately assume the duties and perform the functions of the Point of Contact as set forth in this and applicable federal regulations.

B. As the Point of Contact for NICS, and pursuant to 28 C.F.R. Section 25.2, DPS shall serve as an intermediary between Federal Firearms Licensees (FFLs) and the federal databases checked by the NICS.

C. DPS will submit a written report to the Governor regarding the progress of the implementation of this Order no later than September 1, 1999.

3. Effective Date and Duration.

This Order is effective immediately upon my signature. It shall remain in full force and effect unless modified by subsequent Legislative action.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado the 1st day of July, 1999.

Bill Owens  
Governor

