



# Background Checks

Legislative Action – Working for Freedom from Gun Violence

## 2022 Colorado Background Checks

396,603 checks

Handguns	217,666
Long guns	139,688
Both	19,467
Other	19,508 (likely receivers)

Denial rate: 1.71%

Average wait time: 24.6 minutes

Fugitives arrested: 94

Reasons for denials:

Restraining Order:	459
Homicide:	23
Kidnapping:	15
Sexual Assault:	102
Robbery:	77
Assault	1,448
Burglary:	289
Larceny:	277
Dangerous Drugs:	1,035
Other:	3,052

data from Colorado Bureau of Investigation (CBI)

### Discussion

**Coloradans overwhelmingly approve of Universal Background Checks: 84% (*Denver Post* 2013, year of passage). A Nationally: 88% support (73% strongly) (*Morning Consult/Politico* May 2022)**

In 2000 following the Columbine massacre, Colorado voters overwhelmingly approved (70% to 30%) background checks at gun shows. This vote obtained a majority in 46 counties including: El Paso (66%), Larimer (69%), and Weld (62%). In 2013, after the Aurora Theater and the Sandy Hook Elementary school mass shootings, Colorado enacted five gun law reforms. One of these was the expansion of background checks to include private sales and transfers (those not conducted through a dealer or at a gun show). Such checks are called “Universal Background Checks.”

The Colorado background check law was ruled constitutional in 2014 by U.S. Federal Judge Marcia Krieger. The appeals court later vacated that decision, ruling that all the plaintiffs lacked standing.

The best scenario would be to have universal background checks at the federal level. Unfortunately, Congress is gridlocked. Efforts failed after 2013 Sandy Hook shooting. In 2021, the U.S. House passed a universal

background check law, but the U.S. Senate never took action. In the 2023-24 session as of 6/25/2023, HR715 (Fitzpatrick (R-PA)) has 205 cosponsors in the House and S.494 (Murphy (D-CT)) has 47 cosponsors in the Senate. Neither has been brought up for a vote.

Background checks are performed to make sure that prohibited persons do not easily obtain firearms. Colorado prohibited gun buyers are:

- Felons
- Persons convicted of domestic violence
- Persons under a domestic violence protection order
- Adjudicated mentally ill
- Unlawful substance users
- Fugitives from justice
- Illegal immigrants
- Those dishonorably discharged from the military
- Those with a conviction for a violent misdemeanor in the last 5 years (Colorado law)
- Those under an Extreme Risk Protection Order (Colorado law)
- Those underage (Colorado law (effective 8/7/2023) requires purchasers must be 21 or older for both handguns and long guns, with an exception for active military and peace officers. Federal law requires handgun purchasers be at least 21 years of age and long gun purchasers be at least 18.)

In Colorado, background checks are conducted by the Colorado Bureau of Investigation (CBI) in conjunction with the FBI. Because of access to municipal criminal records and restraining orders not necessarily accessible to the FBI, CBI checks are more thorough. Between July 2013 and May 2023, CBI conducted nearly 3.8 million background checks, denying 79,325 individuals gun purchases.<sup>1</sup>

Since June 19, 2021 no firearm can be transferred without the transferee first passing a background check. There is no “default handover time.” No CBI approval, no completed sale. As of 10/1/2023 all transfers of firearms in Colorado are subject to a 3-day waiting period.

### **Background Checks Save Lives!**

Before 2013 in Colorado, criminals were easily able to circumvent background checks by purchasing guns online, through want-ads or through person-to-person sales. Colorado’s Universal Background Check law became effective in July of 2013; since then, 215 persons convicted of murder were denied a gun purchase. Likewise, nearly 1000 denials were for convicted sexual assault perpetrators.<sup>1</sup>

States with universal background check laws have 10% lower homicide rates.<sup>2</sup> One in nine people arranging to buy guns on armslist.com, the largest on-line gun sales site, were prohibited purchasers.<sup>3</sup> Nationally, the rate of robbery, aggravated assault and murder with a gun dropped precipitously after the 1993 passage of the Brady Law.<sup>4</sup>

Background checks catch dangerous criminals. In Colorado between 2001 and May 2023, over 4200 arrests were made when persons with outstanding warrants attempted a firearms purchase.<sup>1</sup>

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<sup>1</sup> CBI Instacheck Statistics

<sup>2</sup> Evertown.org/solutions/background-checks

<sup>3</sup> Evertown, “Unchecked: An investigation of the online firearm marketplace, Feb. 2021.

<sup>4</sup> Brady, Brady Background Checks, Fifteen Years of Saving Lives, 2008.