

Table of Contents

1. Notices of Rule Making filed with the Secretary of State and evidence of Publication in the Colorado Register.
2. Hearing Announcement and call for public comment posted on the CDPS website
3. Confirmation of filing with the Department of Regulatory Affairs and Confirmation of no public cost-benefit analysis requested.
4. Invitation for Public Comment and Notice of Hearing distributed via email to stakeholders, comments received, and related communication.
5. Redline versions of the proposed rules as distributed to Stakeholders and as presented in this public hearing
6. Notice of Public Rule Making Hearing and Memo to Maintain Permanent Record.
7. Hearing Attendance Records
8. Hearing Recordings (video, audio, text)



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[eDocket](#)

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Notice of Rulemaking Confirmation

Official Publication of the State Administrative Rules (24-4-103(11) C.R.S.)

Date Filed: March 15, 2024 14:14:28

Please print this page for your records

REMEMBER: You must submit your proposed rules to DORA's Office of Policy, Research and Regulatory Reform at the time of filing this notice with the Secretary of State, as required by section 24-4-103(2.5) C.R.S.
Link: https://www.dora.state.co.us/pls/real/SB121_Logon

**Your notice of rulemaking has been submitted to the Secretary of State.
Your tracking number is 2024-00132.**

Department	1507 - Department of Public Safety
Type of Filing	Permanent
Agency	1507 - Colorado Bureau of Investigation
CCR Number	8 CCR 1507-20
CCR Title	IMPLEMENTATION OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM WITH THE COLORADO BUREAU OF INVESTIGATION SERVING AS THE POINT OF CONTACT
Hearing Date	04/15/2024
Hearing Time	11:00 AM
Hearing Location	Virtual Google Meet meet.google.com/jtn-rzka-fft
Description	The purpose of this rulemaking is to amend the permanent rules to update the time frame to render a final administrative decision for appeals of denial decisions, to delete an obsolete provision in the background check hours of operation, to update the title of the administrator of this rule's public point of contact, and to correct minor formatting and grammatical errors to better align the rules with statute.
Statutory Authority	24-33.5-424(7), C.R.S.
Proposed Rule	ProposedRuleAttach2024-00132.docx
Contacts for Public	
Name	Christine Moreno
Title	Rulemaking Administrator
Phone	719-343-0995
Email	christine.moreno@state.co.us

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Notice of Proposed Rulemaking

Tracking number

2024-00132

Department

1507 - Department of Public Safety

Agency

1507 - Colorado Bureau of Investigation

CCR number

8 CCR 1507-20

Rule title

IMPLEMENTATION OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM WITH THE COLORADO BUREAU OF INVESTIGATION SERVING AS THE POINT OF CONTACT

Rulemaking Hearing**Date**

04/15/2024

Time

11:00 AM

Location

Virtual Google Meet meet.google.com/jtn-rzka-fft

Subjects and issues involved

The purpose of this rulemaking is to amend the permanent rules to update the time frame to render a final administrative decision for appeals of denial decisions, to delete an obsolete provision in the background check hours of operation, to update the title of the administrator of this rules public point of contact, and to correct minor formatting and grammatical errors to better align the rules with statute.

Statutory authority

24-33.5-424(7), C.R.S.

Contact information**Name**

Christine Moreno

Title

Rulemaking Administrator

Telephone

719-343-0995

Email

christine.moreno@state.co.us



COLORADO
Department of Public Safety

Colorado Bureau of Investigation

Implementation of the National Instant Criminal Background Check System with the Colorado Bureau of Investigation Serving as the Point of Contact

8 CCR 1507-20

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

In February 2000, the Colorado General Assembly passed SB 00-125, implementing the National Instant Criminal Background Check System (NICS) with the Colorado Bureau of Investigation serving as the state point of contact for the system. Pursuant to Section 24-33.5-424(7), C.R.S., the Director of the Colorado Bureau of Investigation shall adopt rules pertaining to the Colorado Bureau of Investigation's administration as the state point of contact to the National Instant Criminal Background Check System. As the state point contact, the Colorado Bureau of Investigation shall adopt rules as necessary to carry out the duties set forth in federal law and assist in implementing 18 U.S.C. sec. 922(t), all federal regulations and application guidelines adopted pursuant thereto, and the NICS system. Additionally, the adopted rules are necessary to ensure the proper maintenance, confidentiality, and security of all records and data provided to carry out these duties and to specify procedures and forms pursuant to Section 24-33.5-424(7), C.R.S. The rules are intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101 et seq., C.R.S. (the "APA").

The purpose of this rulemaking is to amend the permanent rules to update the time frame to render a final administrative decision for appeals of denial decisions, to delete an obsolete provision in the background check hours of operation, to update the title of the administrator of this rule's public point of contact, and to correct minor formatting and grammatical errors to better align the rules with statute.

Because the statute is necessary for the preservation of public safety, delay in the amendment of these rules would be contrary to the statutory provisions. The absence of updating and amending these rules to carry out the purpose of the statute would be contrary to this declaration. For these reasons, it is imperatively necessary that the proposed amended rules be adopted.

Chris Schaefer
Director Colorado Bureau of Investigation

Date of Adoption



DEPARTMENT OF PUBLIC SAFETY

Colorado Bureau of Investigation

IMPLEMENTATION OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM WITH THE COLORADO BUREAU OF INVESTIGATION SERVING AS THE POINT OF CONTACT

8 CCR 1507-20

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

CBI-IC-1

Definitions

The term **business day** means a 24-hour day (beginning at 12:01 a.m.) on which all state offices are open.

The term **the bureau** means the Colorado Bureau of Investigation.

The term **firearm** means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device. Such term does not include an antique firearm.

The term **destructive device** means:

- (a) any explosive, incendiary, or poison gas-
 - (1) Bomb,
 - (2) Grenade,
 - (3) Rocket having a propellant charge of more than four ounces,
 - (4) Missile having an explosive or incendiary charge of more than one-quarter ounce,
 - (5) Mine, or
 - (6) Device similar to any of the devices described.
- (b) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable of sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
- (c) any combination of parts either designed or intended for use in converting any **device** into a destructive device described in subparagraph (a) or (b) and from which a destructive device may be readily assembled.

The term **destructive device** shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, or is an antique.

The term **antique firearm** means:

- (a) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; ~~or~~
- (b) any replica of any firearm described in subparagraph (a) if such replica:-
 - (1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; ~~or~~
 - (2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or
- (c) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term **antique firearm** shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

CBI-IC-2

Maintenance, Confidentiality, and Security of Records

The Bureau shall ensure that the InstaCheck Unit has adequate security to protect against any unauthorized personnel gaining access to the computer equipment or to any stored data.

Personnel having access to data collected pursuant to background checks for firearm transfers shall be screened thoroughly by the Bureau. This screening shall apply to non-criminal justice maintenance or technical personnel. Employees accessing the NICS will be kept to a minimum.

All visitors to the InstaCheck Unit must be accompanied by staff personnel at all times.

The Bureau shall maintain appropriate software to prevent data concerning background checks for firearm transfers from being accessible to any unauthorized terminals.

The Bureau shall maintain a central computer; through which each inquiry must pass for screening and verification.

Bureau personnel shall not release any information collected, created, or provided pursuant to a background check for firearm transfer, except as provided by law.

CBI-IC-3

Procedures for Appealing a Denial Decision

Any individual who has received a denial may within 30 days of the date of the issuance of the denial request a review of the denial. For any Individual who has submitted the request for review of the denial, the CBI will by statute review and ~~uphold or reverse the denial~~ **render a final administrative decision** within ~~30-60~~ days from the date of receipt of the review request.

All official forms shall be maintained on the official CBI website.

Unless otherwise noted, the term "days" means "calendar days".

CBI-IC-4

Destruction of Records

Information pertaining to an approved individual ~~which is~~ collected or created pursuant to a background check for a firearm transfer shall be destroyed within 24 hours of the issuance of the approval consistent with federal law.

The Bureau shall maintain the transaction number, the date and time of its issuance, and the **Federal Firearm Licensee (FFL)** to whom it was relayed. Nothing in this rule shall be interpreted so as to prohibit the updating of criminal history records to accurately reflect dispositions.

CBI-IC-5

Forms to be Adopted/Identification of Transferee

The Bureau shall adopt the Bureau of Alcohol, Tobacco and Firearms ~~f~~Form 4473 to document the transaction and to avoid unnecessary duplication. Transferors shall ensure that ~~the Form 4473-form~~ is completed by both the transferor and transferee prior to contacting the Bureau for a background check. Form 4473 shall be maintained in accordance with Federal law and rule.

Transferors shall identify transferees with a valid government issued photo identification and shall verify the name, date of birth, and address given by the transferee. Additional documents may be required to establish residency.

CBI-IC-6

Hours of Operation

The Bureau shall be open to conduct background checks for firearm transfers from 9am to 9pm every calendar day except Christmas Day and Thanksgiving Day. ~~Requests submitted by Federal Firearms Licensees to the Bureau which originated prior to 9pm will be handled until the queue is empty.~~

CBI-IC-7

Access to the System/When contact is Made

The Bureau shall maintain a toll-free and a local telephone number for Federal Firearms Licensees to contact the Bureau to request background checks prior to the transfer of firearms. Nothing in this rule shall preclude the Bureau from providing alternate means of contacting the Bureau for the purpose of conducting such checks. The toll-free and local number shall be operational every day that the Bureau is open for business. The toll-free number is not available to local Federal Firearms Licensees.

Contact shall not be considered to have been made until information regarding the transferee has been transmitted to and acknowledged by the Bureau.

CBI-IC-8

Bureau Personnel and Training

Within fiscal restraints established by legislation, the Bureau shall employ personnel at levels ~~which~~ **that** correspond to the reasonably anticipated volume of inquiries. The Bureau shall assign such personnel according to the anticipated demand load. The Bureau shall provide adequate training for personnel commensurate with their duties, to include system usage, customer service, and reasons for approval and denial.

CBI-IC-9

Forms, Publications, and Rules Incorporated by Reference

All forms, publications, and rules adopted and/or incorporated by reference in these regulations are on file and available for public inspection by contacting the ~~Agent in Charge of Program Manager~~ of the InstaCheck Program, Colorado Bureau of Investigation, Department of Public Safety, 690 Kipling Street, ~~Denver, Lakewood~~, Colorado 80215.

This rule does not include later amendments to or editions of any materials incorporated by reference. All publications and rules adopted and incorporated by reference in these regulations may be examined at any state publications depository library.

Editor's Notes

History

Rules CBI-IC-1 – CBI-IC-3, CBI-IC-9 eff. 11/14/2016.



COLORADO

Department of Public Safety

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CDPS Rules and Regulations

Links

[Stakeholder Engagement Protocol: How You Can Get Involved \(/cdps-rulemaking-stakeholder-engagement-protocol\)](#)

[CDPS Rules on the Secretary of State's Website](#)

[Learn About Rulemaking in Colorado](#)

Stakeholder Engagement and Accessibility

The process of adopting, reviewing, and changing rules and regulations is a public one. We encourage your participation in our rulemaking process. Please see the information below for upcoming rulemaking hearings and how to submit comments. You are always welcome to attend any hearings associated with the rulemaking process, and your comments and questions will be taken into consideration during the rulemaking process.

We are committed to providing equitable access to our services, including the rulemaking process. Our ongoing accessibility efforts strive to align with the Web Content Accessibility Guidelines (WCAG) versions 2.2, level AA criteria and to comply with the accommodation requests under the Americans with Disabilities Act.

For more information, any questions you have, including accommodation requests or assistance in accessing our rulemaking documents and participating in our rulemaking hearings, please contact the Department Rules Administrator Christine Moreno via email christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone 719-343-0995.

All Colorado Department of Public Safety rules currently in effect are available on the [Secretary of State's Website](#).

CDPS Regulatory Reports

[2024 Regulatory Agenda and 2023 Regulatory Agenda Report \(/cdps-regulatory-reports\)](#)

The following rules are included in the CDPS rule review and rulemaking schedule for calendar year 2024.

January 2024

- 8 CCR 1507-1
- 8 CCR 1507-20
- 8 CCR 1507-28
- 8 CCR 1507-37

- 8 CCR 1507-42
- 8 CCR 1507-42
- 8 CCR 1507-46

April 2024

- 8 CCR 1507-40

June 2024

- 8 CCR 1507-11
- 8 CCR 1507-30

Hearings & Proposed Rulemaking

Proposed and completed rulemaking for the calendar year are listed below. Stakeholder notices include drafts of the the proposed new or amended rules along with invitations and information for stakeholder and public comments. Upcoming rulemaking hearing announcements include the draft of the proposed rules, information on the meeting time, date and virtual platform/link (hearings are held virtually unless otherwise noted), and invitation to submit comments before the hearing. Completed rulemaking hearings include the adopted rules, hearing exhibits, and hearing information. Rulemaking hearings are held to review and to update rules and regulations to remain consist with Colorado statutes, Code of Federal Regulations (CFR) and/or national criteria.

CDPS is committed to the full inclusion of all individuals. As part of this commitment, CDPS will ensure reasonable accommodations are provided to enable all people to engage fully in our trainings, meetings and events. To request accommodations, please contact Rules Administrator, Christine Moreno at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone 719-343-0995, at least 2 weeks prior to the hearing/meeting. Please contact Rules Administrator, Christine Moreno at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone 719-343-0995, if you need any of the materials translated into a language other than English or provided in an alternative format for accessibility.

Stakeholder Notices

Upcoming Public Hearings

- **8 CCR 1507-20 Implementation of the National Instant Criminal Background Check System with the Colorado Bureau of Investigation Serving as the Point of Contact (<https://publicsafety.colorado.gov/8-ccr-1507-20-rulemaking-national-instant-criminal-background-check-system-colorado-bureau-of>)** - April 15, 2024 - 11:00 am MDT
 - The Colorado Bureau of Investigation is amending these rules to update the timeframe for appealing a denial decision, to update the hours of operation for conducting background checks, and to update the CBI public point of contact for public inspection of documents related to these regulations. This rulemaking hearing is to adopt the proposed rule changes.
 - Draft of redlined proposed rules in [PDF format](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024.pdf) (<https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024.pdf>) or [Docx format](https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024%20-%20Read%20only.docx) (<https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024%20-%20Read%20only.docx>).
- **8 CCR 1507-50 Colorado Automobile Theft Prevention Authority (CATPA) (<https://publicsafety.colorado.gov/8-ccr-1507-50-colorado-automobile-theft-prevention-authority-rulemaking-hearing-may-2-2024>)** - May 2, 2024 - 09:00 am MDT
 - The Colorado State Patrol will hold a hybrid virtual and in-person public rulemaking hearing to amend the CATPA rules to expand the scope of the CATPA grant program, to incorporate changes affecting the funding and application process for the grant program, to clarify funding initiatives and eligibility guidelines and criteria for grant awards, to clarify final funding approval, to update references, and to update general grammar and formatting.
 - Draft of redlined proposed rules in PDF format or Docx format.

Completed Hearings & Rulemaking

- **8 CCR 1507-47 Colorado Nonprofit Security Grant Program (<https://publicsafety.colorado.gov/8-ccr-1507-47-nonprofit-security-grant-program-rulemaking-division-of-homeland-security-and#:~:text=Home-,8%20CCR%201507%2D47%20Nonprofit%20Security%20Grant%20Program%20Rulemaking%20%2D%20Division%20of%20Homeland%20Security%20and%20>)** - March 22, 2024

- [8 CCR 1507-71 School Security Disbursement Fund Program \(https://publicsafety.colorado.gov/8-ccr-1507-71-school-security-disbursement-fund-permanent-rulemaking-hearing-march-1-2024\)](https://publicsafety.colorado.gov/8-ccr-1507-71-school-security-disbursement-fund-permanent-rulemaking-hearing-march-1-2024) - March 22, 2024

Get Involved, Stay Informed!

To receive CDPS regulatory notices, submit comments on CDPS Rules, and to request further information on CDPS Rules and rulemaking, please contact Rules Administrator [Christine Moreno \(mailto:Christine.Moreno@state.co.us\)](mailto:Christine.Moreno@state.co.us).

To receive email notification for Notices of Rulemaking, including Proposed Rules, Adopted Permanent or Emergency Rules, and the associated Attorney General Opinions published by the Secretary of State in the Colorado Register, sign up using [this form \(https://www.coloradosos.gov/CCR/EmailSubscription.do\)](https://www.coloradosos.gov/CCR/EmailSubscription.do).

For further information on how to request a cost-benefit analysis on a proposed rule, visit the Department of Regulatory Agencies (DORA) webpage on [Rulemaking and Cost-Benefit Analysis \(https://coprrr.colorado.gov/rulemaking-and-cost-benefit-analysis#:~:text=If%20you%20would%20like%20to%20email%20a%20request%20for%20a,the%20proposed%20rule%20or%20amendment.\)](https://coprrr.colorado.gov/rulemaking-and-cost-benefit-analysis#:~:text=If%20you%20would%20like%20to%20email%20a%20request%20for%20a,the%20proposed%20rule%20or%20amendment.).





About CDPS Rulemaking and Stakeholder Engagement

Virtually all state government agencies issue rules or regulations of some kind. Most rules and regulations exist at the direction of the state legislature in order to regulate certain business and personal activities. Rules and regulations exist because it's easier to update them, eliminate them, or alter them administratively than it is to pass new legislation as conditions change.

CDPS Protocol: How We Engage Stakeholders

Find out how the processes CDPS uses to engage stakeholder and how you can get involved by visiting our [Stakeholder Engagement Protocol Page \(/cdps-rulemaking-stakeholder-engagement-protocol\)](/cdps-rulemaking-stakeholder-engagement-protocol).

File

 8 CCR 1507-20 InstaCheck Redline Draft 03-2024 - Read only.docx (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024%20-%20Read%20only.docx)	92.27 KB
 8 CCR 1507-20 InstaCheck Redline Draft 03-2024.pdf (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024.pdf)	217.77 KB
 8 CCR 1507-50 REDLINE V3 APR 9 2024.pdf (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-50%20REDLINE%20V3_APR%209%202024.pdf)	222.28 KB
 8 CCR 1507-50 REDLINE V3 APR 9 2024.docx (https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-50%20REDLINE%20V3_APR%209%202024.docx)	36.2 KB

Footer

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To submit a records request, visit our [CORA instructions page \(/contact-us/colorado-open-records-request\)](/contact-us/colorado-open-records-request).

Explore [careers with CDPS \(/cdps-careers\)](/cdps-careers)!

[CDPS Social Media Terms of Use & Guidelines \(/cdps-social-media-guidelines\)](/cdps-social-media-guidelines)

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A confidential and multilingual service to access vital resources across the state.

Call 211 (tel:211) or 866-760-6489 (tel:866-760-6489) or Text your **ZIP CODE** to 898-211

CO-HELP

Colorado's call line for general questions about the COVID-19.

Call 303-389-1687 (tel:303-389-1687) or 877-462-2911 (tel:877-462-2911).

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The State of Colorado is committed to providing equitable access to our services to all Coloradans. Our ongoing accessibility effort works towards being in line with the Web Content Accessibility Guidelines (WCAG) version 2.2, level AA criteria. We welcome comments on how to improve this website's accessibility for users with disabilities and for requests for accommodations to any State of Colorado services. Please submit suggestions via this form (<https://publicsafety.colorado.gov/submit-feedback-on-this-website>).

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[8 CCR 1507-20 Rulemaking - National Instant Criminal Background Check System -Colorado Bureau of Investigation- April 15, 2024 \(.\)](#)

8 CCR 1507-20 Rulemaking - National Instant Criminal Background Check System -Colorado Bureau of Investigation- April 15, 2024

Hearing Details

The purpose of this hearing is to adopt proposed amended rules.

The amended rules update the time frame to render a final administrative decision for appeals of denial decisions (§ CBI-IC-3), delete an obsolete provision in the background check hours of operation (§ CBO-IC-6), update the title of the administrator of this rule's public point of contact (§ CBI-IC-9), and correct minor formatting and grammatical errors to better align the rules with statute.

Prepare for the Hearing

Review the proposed amended rules. Download the draft in PDF format (<https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024.pdf>) or the DOCx (<https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024%20-%20Read%20only.docx>) format (<https://publicsafety.colorado.gov/sites/publicsafety/files/8%20CCR%201507-20%20InstaCheck%20Redline%20Draft%2003-2024%20-%20Read%20only.docx>) of the proposed rules or access them from the files library at the bottom of the CDPS Rules and Regulations page.

Comments may be submitted in advance of the hearing to CBI Deputy Director Raymond Butler (<mailto:raymond.butler@state.co.us>), CBI Assistant Director Ross Sibley (<mailto:ross.sibley@state.co.us>), or CDPS Rules Administrator, Christine Moreno (<mailto:christine.moreno@state.co.us>). Comments will also be welcome during the hearings. The deadline for prehearing comments and questions is **Thursday, April 11, 2024 by 5:00pm MDT.**

If you have accessibility and/or accommodation needs to prepare for and/or attend the hearing, please contact Christine Moreno, via email at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone 719-343-0995, at least **five (5) days** in advance of the hearing to request accommodations.

Attend the Hearing

When: 11:00 am MDT, Monday, April 15, 2024

This rulemaking hearing will be held on the Google meet platform, allowing attendance via phone and/or video conference.

Join the [video conference \(https://meet.google.com/jtn-rzka-fft?authuser=0&hs=122\)](https://meet.google.com/jtn-rzka-fft?authuser=0&hs=122).

Join the meeting by phone: (US) +1 978-315-0320 PIN: 916 189 703#

All attendees will be registered as part of the required hearing exhibits. The hearing, including all public comments, will be recorded.

Please submit any advance comments via email to CBI Deputy Director, [Raymond Butler \(mailto:raymond.butler@state.co.us\)](mailto:raymond.butler@state.co.us), CBI Assistant Director, [Ross Sibley \(mailto:ross.sibley@state.co.us\)](mailto:ross.sibley@state.co.us), or CDPS Rules Administrator, [Christine Moreno \(mailto:christine.moreno@state.co.us\)](mailto:christine.moreno@state.co.us), in order for your comments to be included in the hearing exhibits. We will also take public comments during the hearing. The deadline for prehearing comments is **Thursday, April 11, 2024 by 5:00 pm MDT**.

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Hearing Exhibits

Exhibits will be posted at least two (2) days prior to the hearing. Download the pre-hearing Exhibits here.

Exhibits posted here online before the hearing do not include the names and contact information of stakeholders we communicated with regarding this hearing and the opportunity to comment. Complete evidence of our stakeholder outreach efforts will be included in the permanent record of this rulemaking and may be viewed at our offices upon request.

Exhibits are created and uploaded in PDF format. If you have accessibility and/or accommodation needs in order to review the pre-hearing Exhibits materials prior to the hearing, please contact Christine Moreno, via email at christine.moreno@state.co.us (<mailto:christine.moreno@state.co.us>) or by phone 719-343-0995.

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COLORADO

Bureau of Investigation ^(L)

Department of Public Safety

[Home \(L\)](#) [Notification to Stakeholders CBI Proposed Rule Changes \(L\)](#)

Notification to Stakeholders CBI Proposed Rule Changes

The Colorado Bureau of Investigation is amending these rules to update the timeframe for appealing a denial decision, to update the hours of operation for conducting background checks, and to update the CBI public point of contact for public inspection of documents related to these regulations. The public hearing on these proposed rule changes is April 15, 2024 at 11:00am. To review the proposed changes, please go to the following <https://publicsafety.colorado.gov/8-ccr-1507-20-rulemaking-national-instant-criminal-background-check-system-colorado-bureau-of> (<https://publicsafety.colorado.gov/8-ccr-1507-20-rulemaking-national-instant-criminal-background-check-system-colorado-bureau-of>).

Recent

[Drive-By Shooting Under Investigation in Rocky Ford \(/news-article/drive-by-shooting-under-investigation-in-rocky-ford\)](/news-article/drive-by-shooting-under-investigation-in-rocky-ford)

[CBI Names Strategic Communications Director \(/news-article/cbi-names-strategic-](/news-article/cbi-names-strategic-communications-director)

communications-director)

Rob Low has been named the Strategic Communications Director for the Colorado Bureau of Investigation (CBI). He began his tenure on March 18, 2024.

CBI Requested to Investigate Use of Force Incident in Kit Carson County ([/news-article/cbi-requested-to-investigate-use-of-force-incident-in-kit-carson-county](#)).

The CBI has been requested to investigate a use of force incident involving two members of the Kit Carson County Sheriff's Office (KCCSO) on March 15, 2024.

CDPS

Creating safer and more resilient communities across Colorado.

(<https://publicsafety.colorado.gov/>).

Job Opportunities

Join the team (<https://publicsafety.colorado.gov/cdps-careers>).



CBI on Twitter

(https://twitter.com/CBI_Colorado)




CBI on Facebook



(<https://www.facebook.com/ColoradoBureauofInvestigation>)

Accessibility

The State of Colorado is committed to providing equitable access to our services to all Coloradans. Our ongoing accessibility effort works towards being in line with the Web Content Accessibility Guidelines (WCAG) version 2.1, level AA criteria. We welcome comments on how to improve this website's accessibility for users with disabilities and for requests for accommodations to any State of Colorado services. Please submit suggestions via this form (<https://publicsafety.colorado.gov/submit-feedback-on-this-website>).

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-  **Home**
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Submission Accepted

Rule Submitted

Your proposed rules or amendments to rules have been successfully submitted to the Department of Regulatory Agencies.

After your submission has been checked for completeness, it will be made available to the general public on DORA's website and email notifications will be sent to interested stakeholders. You will be copied on all stakeholder requests for a cost-benefit analysis and DORA staff will contact you to discuss any public requests.

You may log back in to this system at any time to check on the current status of this rule. An email notification containing further instructions will be sent if a cost-benefit analysis is required as a result of your submission.

Colorado Department of Regulatory Agencies

March 15, 2024 04:11 pm
Calling Procedure:
SB121_Submit_Rule.
Rule_Submitted
Version: 1.0

STATE OF
COLORADO

Moreno - CDPS, Christine <christine.moreno@state.co.us>

No Public Cost-Benefit Analysis Request for Rule - InstaCheck System CBI -

2 messages

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>
To: christine.moreno@state.co.us

Wed, Apr 3, 2024 at 7:50 PM

The deadline for public Cost-Benefit Analysis requests has passed for the following Proposed Rule:

Department: Department of Public Safety
Rulemaking Agency: Colorado Bureau of Investigation
Rule ID: 10185
Title or Subject: Implementation of the National Instant Criminal Background Check System with the Colorado Bureau of Investigation Serving as the Point of Contact
Submitted by: Christine Moreno
Date Submitted: 03/15/2024
Deadline for Public Cost-Benefit Analysis Request: March 30, 2024 11:59 pm

No public requests were received by the deadline. A Cost-Benefit Analysis is not required for this submission.

Please contact us at DORA_OPR_Website@state.co.us if you have further questions regarding this e-mail message.

DORA_OPR_Website@state.co.us <DORA_OPR_Website@state.co.us>
To: christine.moreno@state.co.us

Wed, Apr 3, 2024 at 7:50 PM

The deadline for public Cost-Benefit Analysis requests has passed for the following Proposed Rule:

Department: Department of Public Safety
Rulemaking Agency: Colorado Bureau of Investigation
Rule ID: 10186
Title or Subject: Implementation of the National Instant Criminal Background Check System with the Colorado Bureau of Investigation Serving as the Point of Contact
Submitted by: Christine Moreno
Date Submitted: 03/15/2024
Deadline for Public Cost-Benefit Analysis Request: March 30, 2024 11:59 pm

[Quoted text hidden]

CBI InstaCheck System Stakeholders,

The Colorado Bureau of Investigation announces a rulemaking hearing for the adoption of proposed rules amendment for 8 CCR 1507-20 Implementation of the National Instant Criminal Background Check System with the Colorado Bureau of Investigation as the Point of Contact. CBI invites public comment on the proposed amended rules from the public and all stakeholders.

The public hearing will be held virtually on Monday, April 15, 2024, at 11:00am MDT using the Google meet platform. The meeting may be attended [online](#) or by phone (US) +1 978-315-0320 PIN: 916 189 703#

The proposed changes to the rules update the time frame to render a final administrative decision for appeals of denial decisions, delete an obsolete provision in the background check hours of operation, update the title of the administrator of this rule's public point of contact, and correct minor formatting and grammatical errors to better align the rules with statute. The statutory authority for these rules are Section 24-33.5-424(7), Colorado Revised Statutes.

Comments may be submitted in advance of the hearings to CBI Deputy Director [Raymond Butler](#), CBI Assistant Director [Ross Sibley](#), or CDPS Rules Administrator, [Christine Moreno](#). Comments will also be welcome during the hearings.

Please submit any pre-hearing comments by 5 p.m., MDT, Thursday, April 11, 2024.

For more information about rulemaking at CDPS, please contact Rules Administrator, Christine Moreno at christine.moreno@state.co.us or at 719-343-0995.

Information is also posted to the Colorado Department of Public Safety website. The proposed amended rules are attached for your reference.



COLORADO
Department of Public Safety

Colorado Bureau of Investigation

Implementation of the National Instant Criminal Background Check System with the Colorado Bureau of Investigation Serving as the Point of Contact

8 CCR 1507-20

STATEMENT OF BASIS, STATUTORY AUTHORITY, AND PURPOSE

In February 2000, the Colorado General Assembly passed SB 00-125, implementing the National Instant Criminal Background Check System (NICS) with the Colorado Bureau of Investigation serving as the state point of contact for the system. Pursuant to Section 24-33.5-424(7), C.R.S., the Director of the Colorado Bureau of Investigation shall adopt rules pertaining to the Colorado Bureau of Investigation's administration as the state point of contact to the National Instant Criminal Background Check System. As the state point of contact, the Colorado Bureau of Investigation shall adopt rules as necessary to carry out the duties set forth in federal law and assist in implementing 18 U.S.C. sec. 922(t), all federal regulations and application guidelines adopted pursuant thereto, and the NICS system. Additionally, the adopted rules are necessary to ensure the proper maintenance, confidentiality, and security of all records and data provided to carry out these duties and to specify procedures and forms pursuant to Section 24-33.5-424(7), C.R.S. The rules are intended to be consistent with the requirements of the State Administrative Procedures Act, Section 24-4-101 et seq., C.R.S. (the "APA").

The purpose of this rulemaking is to amend the permanent rules to update the time frame to render a final administrative decision for appeals of denial decisions, to delete an obsolete provision in the background check hours of operation, to update the title of the administrator of this rule's public point of contact, and to correct minor formatting and grammatical errors to better align the rules with statute.

Because the statute is necessary for the preservation of public safety, delay in the amendment of these rules would be contrary to the statutory provisions. The absence of updating and amending these rules to carry out the purpose of the statute would be contrary to this declaration. For these reasons, it is imperatively necessary that the proposed amended rules be adopted.

Chris Schaefer
Director Colorado Bureau of Investigation

Date of Adoption



DEPARTMENT OF PUBLIC SAFETY

Colorado Bureau of Investigation

IMPLEMENTATION OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM WITH THE COLORADO BUREAU OF INVESTIGATION SERVING AS THE POINT OF CONTACT

8 CCR 1507-20

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

CBI-IC-1

Definitions

The term **business day** means a 24-hour day (beginning at 12:01 a.m.) on which all state offices are open.

The term **the bureau** means the Colorado Bureau of Investigation.

The term **firearm** means (a) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device. Such term does not include an antique firearm.

The term **destructive device** means:

- (a) any explosive, incendiary, or poison gas-
 - (1) Bomb,
 - (2) Grenade,
 - (3) Rocket having a propellant charge of more than four ounces,
 - (4) Missile having an explosive or incendiary charge of more than one-quarter ounce,
 - (5) Mine, or
 - (6) Device similar to any of the devices described.
- (b) any type of weapon (other than a shotgun or a shotgun shell which the Secretary finds is generally recognized as particularly suitable of sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
- (c) any combination of parts either designed or intended for use in converting any ~~device~~ device into a destructive device described in subparagraph (a) or (b) and from which a destructive device may be readily assembled.

The term **destructive device** shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, or is an antique.

The term **antique firearm** means:

(a) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; ~~or~~

(b) any replica of any firearm described in subparagraph (a) if such replica:-

- (1) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; ~~or~~
- (2) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or

(c) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term **antique firearm** shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.

CBI-IC-2

Maintenance, Confidentiality, and Security of Records

The Bureau shall ensure that the InstaCheck Unit has adequate security to protect against any unauthorized personnel gaining access to the computer equipment or to any stored data.

Personnel having access to data collected pursuant to background checks for firearm transfers shall be screened thoroughly by the Bureau. This screening shall apply to non-criminal justice maintenance or technical personnel. Employees accessing the NICS will be kept to a minimum.

All visitors to the InstaCheck Unit must be accompanied by staff personnel at all times.

The Bureau shall maintain appropriate software to prevent data concerning background checks for firearm transfers from being accessible to any unauthorized terminals.

The Bureau shall maintain a central computer; through which each inquiry must pass for screening and verification.

Bureau personnel shall not release any information collected, created, or provided pursuant to a background check for firearm transfer, except as provided by law.

CBI-IC-3

Procedures for Appealing a Denial Decision

Any individual who has received a denial may within 30 days of the date of the issuance of the denial request a review of the denial. For any Individual who has submitted the request for review of the denial, the CBI will by statute review and ~~uphold or reverse the denial~~ render a final administrative decision within ~~30-60~~ days from the date of receipt of the review request.

All official forms shall be maintained on the official CBI website.

Unless otherwise noted, the term "days" means "calendar days".

CBI-IC-4

Destruction of Records

Information pertaining to an approved individual ~~which is~~ collected or created pursuant to a background check for a firearm transfer shall be destroyed within 24 hours of the issuance of the approval consistent with federal law.

The Bureau shall maintain the transaction number, the date and time of its issuance, and the **Federal Firearm Licensee (FFL)** to whom it was relayed. Nothing in this rule shall be interpreted so as to prohibit the updating of criminal history records to accurately reflect dispositions.

CBI-IC-5

Forms to be Adopted/Identification of Transferee

The Bureau shall adopt the Bureau of Alcohol, Tobacco and Firearms ~~Form~~ 4473 to document the transaction and to avoid unnecessary duplication. Transferors shall ensure that ~~the Form 4473 form~~ is completed by both the transferor and transferee prior to contacting the Bureau for a background check. Form 4473 shall be maintained in accordance with Federal law and rule.

Transferors shall identify transferees with a valid government issued photo identification and shall verify the name, date of birth, and address given by the transferee. Additional documents may be required to establish residency.

CBI-IC-6

Hours of Operation

The Bureau shall be open to conduct background checks for firearm transfers from 9am to 9pm every calendar day except Christmas Day and Thanksgiving Day. ~~Requests submitted by Federal Firearms Licensees to the Bureau which originated prior to 9pm will be handled until the queue is empty.~~

CBI-IC-7

Access to the System/When contact is Made

The Bureau shall maintain a toll-free and a local telephone number for Federal Firearms Licensees to contact the Bureau to request background checks prior to the transfer of firearms. Nothing in this rule shall preclude the Bureau from providing alternate means of contacting the Bureau for the purpose of conducting such checks. The toll-free and local number shall be operational every day that the Bureau is open for business. The toll-free number is not available to local Federal Firearms Licensees.

Contact shall not be considered to have been made until information regarding the transferee has been transmitted to and acknowledged by the Bureau.

CBI-IC-8

Bureau Personnel and Training

Within fiscal restraints established by legislation, the Bureau shall employ personnel at levels, ~~which~~ **that** correspond to the reasonably anticipated volume of inquiries. The Bureau shall assign such personnel according to the anticipated demand load. The Bureau shall provide adequate training for personnel commensurate with their duties, to include system usage, customer service, and reasons for approval and denial.

CBI-IC-9

Forms, Publications, and Rules Incorporated by Reference

All forms, publications, and rules adopted and/or incorporated by reference in these regulations are on file and available for public inspection by contacting the ~~Agent in Charge of Program Manager~~ of the InstaCheck Program, Colorado Bureau of Investigation, Department of Public Safety, 690 Kipling Street, ~~Denver, Lakewood~~, Colorado 80215.

This rule does not include later amendments to or editions of any materials incorporated by reference. All publications and rules adopted and incorporated by reference in these regulations may be examined at any state publications depository library.

Editor's Notes

History

Rules CBI-IC-1 – CBI-IC-3, CBI-IC-9 eff. 11/14/2016.

Notification to Stakeholders
CBI Proposed Rule Changes
8 CCR 1507-20

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COLORADO
Department of Public Safety

Executive Director's Office
700 Kipling Street, Suite 1000
Lakewood, CO 80215

MEMORANDUM

Date: April 15, 2024
To: Executive Director's Office Central Files
From: Christine Moreno, Executive Director's Office
Subject: CBI Rulemaking Regarding 8 CCR 1507-20

This memo states that the Department will maintain a permanent rule-making record of the above mentioned rules pursuant to § 24-4-103(8.1)(a), C.R.S. in the department's Google Drive. Section 24-4-103(8.1)(a), C.R.S. requires that "an agency shall maintain an official rule-making file record for each proposed rule for which a notice of proposed rule-making has been published in the Colorado Register. Such rule-making record shall be maintained by the agency until all administrative and judicial review procedures have been completed pursuant to the provisions of this article. The rule-making record shall be available for public inspection."

Please contact me should you need additional information.

Christine Moreno, Rulemaking Administrator
Executive Director's Office
christine.moreno@state.co.us

