First Regular Session Seventy-fifth General Assembly STATE OF COLORADO

REENGROSSED

This Version Includes All Amendments Adopted in the House of Introduction

LLS NO. 25-0380.02 Alana Rosen x2606

SENATE BILL 25-158

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A BILL FOR AN ACT CONCERNING CREATING STATE PROCUREMENT POLICIES FOR STATE AGENCIES IN THE TREATMENT OF CERTAIN ITEMS RELATED TO

103 <u>WEAPONS.</u>

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill creates procurement practices for firearms, ammunition, and firearms accessories by the state. The bill applies to all bids the state solicits, enters into, awards, amends, renews, or extends on and after January 1, 2026, for procuring firearms, ammunition, or firearms accessories from a contractor or bidder. During a governmental body's

SENATE 3rd Reading Unamended April 17, 2025

SENATE Amended 2nd Reading April 16, 2025 contract solicitation process, request for proposal process, or request during the term of a contract, a contractor or bidder shall follow a procurement verification process (verification process) to confirm that the contractor or bidder engages in safe business practices.

The attorney general shall assist the department of personnel in developing processes and procedures to implement the verification process.

Each law enforcement agency shall destroy and dispose of:

- Service firearms that are retired, damaged, or declared surplus by the applicable law enforcement agency;
- Firearms purchased in a law enforcement agency buyback program;
- Firearms that are voluntarily surrendered to the law enforcement agency for destruction; and
- Any other firearms in the possession of the law enforcement agency that are not in use or subject to an investigation or criminal case.

If a peace officer receives one of these firearms, the peace officer shall give the firearm to the peace officer's employing law enforcement agency. The law enforcement agency may work with an organization or state agency it contracts with to destroy and dispose of the firearm.

The bill requires each law enforcement agency in the state, on or before September 5, 2025, to develop and maintain a policy on the destruction of firearms. The policy must include a process to:

- Identify and make a record of firearms that are required to be destroyed;
- Identify and make a record of firearms that are not required to be destroyed;
- Maintain the records of firearms to be destroyed; and
- Destroy and dispose of the firearms.

Upon the written order of a court or the district attorney that the retention of a firearm is necessary or proper in the pursuit of justice, the peace officer and the peace officer's employing law enforcement agency shall not destroy and dispose of the firearm. If the firearm is evidence in a criminal case, the firearm must be retained.

A law enforcement agency shall not destroy and dispose of a stolen firearm. Within 90 days after a recovered firearm is reported or identified as stolen, a peace officer shall restore the firearm to the lawful owner upon evidence of the lawful owner's identification of the firearm and proof of ownership. If the lawful owner's identity and address is reasonably ascertained and the lawful owner is given reasonable notice by certified mail that the firearm was recovered but the lawful owner does not respond within 60 days after the reasonable notice is given, the law enforcement agency may destroy and dispose of the firearm.

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1	Be it enacted by the General Assembly of the State of Colorado:
2	SECTION 1. In Colorado Revised Statutes, 24-103-906, amend
3	(1)(a) as follows:
4	24-103-906. Bid preference - state contracts. (1) (a) Except as
5	provided in subsection (1)(b) of this section and in section 24-103-907
6	SECTIONS 24-103-907 AND 24-103-907.5, when a contract for
7	commodities or services is to be awarded to a bidder, a resident bidder
8	shall be IS allowed a preference against a nonresident bidder equal to the
9	preference given or required by the state in which the nonresident bidder
10	is a resident.
11	SECTION 2. In Colorado Revised Statutes, add 24-103-907.5 as
12	follows:
13	24-103-907.5. State purchases of firearms and ammunition -
14	contractor or bidder - rules - legislative intent - definitions.
14	contractor of bluder - rules - legislative intent - definitions.
15	(1) (a) THE GENERAL ASSEMBLY INTENDS THAT:
15	(1) (a) THE GENERAL ASSEMBLY INTENDS THAT:
15 16	(1) (a) THE GENERAL ASSEMBLY INTENDS THAT: (I) THIS SECTION IS CREATED FOR THE DEVELOPMENT OF
15 16 17	(1) (a) THE GENERAL ASSEMBLY INTENDS THAT: (I) THIS SECTION IS CREATED FOR THE DEVELOPMENT OF PROCUREMENT PRACTICES BY THE STATE FOR FIREARMS AND ITEMS
15 16 17 18	(1) (a) THE GENERAL ASSEMBLY INTENDS THAT: (I) THIS SECTION IS CREATED FOR THE DEVELOPMENT OF PROCUREMENT PRACTICES BY THE STATE FOR FIREARMS AND ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT"; AND
15 16 17 18 19	(1) (a) THE GENERAL ASSEMBLY INTENDS THAT: (I) THIS SECTION IS CREATED FOR THE DEVELOPMENT OF PROCUREMENT PRACTICES BY THE STATE FOR FIREARMS AND ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT"; AND (II) THIS SECTION APPLIES TO ALL BIDS THE STATE SOURCES,
15 16 17 18 19 20	(1) (a) THE GENERAL ASSEMBLY INTENDS THAT: (I) THIS SECTION IS CREATED FOR THE DEVELOPMENT OF PROCUREMENT PRACTICES BY THE STATE FOR FIREARMS AND ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT"; AND (II) THIS SECTION APPLIES TO ALL BIDS THE STATE SOURCES, ENTERS INTO, AWARDS, AMENDS, RENEWS, OR EXTENDS ON OR AFTER
15 16 17 18 19 20 21	(1) (a) The general assembly intends that: (I) This section is created for the development of procurement practices by the state for firearms and items regulated pursuant to the "National Firearms Act"; and (II) This section applies to all bids the state sources, enters into, awards, amends, renews, or extends on or after January 1, 2026, conducted pursuant to the code, as applicable,
15 16 17 18 19 20 21 22	(1) (a) The general assembly intends that: (I) This section is created for the development of the procurement practices by the state for firearms and items regulated pursuant to the "National Firearms Act"; and (II) This section applies to all bids the state sources, enters into, awards, amends, renews, or extends on or after January 1, 2026, conducted pursuant to the code, as applicable, for procuring firearms or items regulated pursuant to the
15 16 17 18 19 20 21 22 23	(1) (a) The general assembly intends that: (I) This section is created for the development of the procurement practices by the state for firearms and items regulated pursuant to the "National Firearms Act"; and (II) This section applies to all bids the state sources, enters into, awards, amends, renews, or extends on or after January 1, 2026, conducted pursuant to the code, as applicable, for procuring firearms or items regulated pursuant to the "National Firearms Act".

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1	CONDUCTED PURSUANT TO THE CODE, AS APPLICABLE, INVOLVING
2	FIREARMS AND ITEMS REGULATED PURSUANT TO THE "NATIONAL
3	FIREARMS ACT" AND THROUGHOUT THE TERM OF THE CONTRACT.
4	(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5	REQUIRES:
6	_
7	(a) "FEDERAL FIREARMS LICENSE" HAS THE SAME MEANING AS SET
8	FORTH IN SECTION 18-12-401.
9	(b) "FEDERAL FIREARMS LICENSEE" OR "LICENSEE" HAS THE SAME
10	MEANING AS SET FORTH IN SECTION $18-12-101$ (1)(b.6).
11	(c) "FEDERALLY LICENSED FIREARM DEALER" HAS THE SAME
12	MEANING AS SET FORTH IN SECTION 18-12-101.
13	(d) "FIREARM" HAS THE SAME MEANING AS SET FORTH IN SECTION
14	18-12-101 (1)(b.7).
15	=
16	(e) "Firearms bidder" or "bidder" means a bidder who
17	SUBMITS A BID IN RESPONSE TO AN INVITATION FOR BIDS FROM A
18	GOVERNMENTAL BODY FOR THE SALE OF <u>FIREARMS OR ITEMS REGULATED</u>
19	PURSUANT TO THE "NATIONAL FIREARMS ACT" PURSUANT TO THIS
20	SECTION.
21	(f) "Firearms contractor" or "contractor" means a
22	CONTRACTOR WHO ENTERS INTO A CONTRACT OR AGREEMENT WITH A
23	GOVERNMENTAL BODY FOR THE SALE OF <u>FIREARMS OR ITEMS REGULATED</u>
24	PURSUANT TO THE "NATIONAL FIREARMS ACT" TO THE GOVERNMENTAL
25	BODY PURSUANT TO THIS SECTION.
26	(g) "NATIONAL FIREARMS ACT" MEANS THE FEDERAL "NATIONAL
27	FIREARMS ACT", 26 U.S.C. SEC. 5801 ET SEO.

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1	(3)(a) DURING A GOVERNMENTAL BODY'S <u>CONTRACTING PROCESS</u> ,
2	A GOVERNMENTAL BODY'S SOURCING METHOD PROCESS CONDUCTED
3	PURSUANT TO THE CODE, AS APPLICABLE, OR UPON REQUEST DURING
4	THE TERM OF A CONTRACT WITH A GOVERNMENTAL BODY RELATING TO
5	THE PROCUREMENT OF <u>FIREARMS OR ITEMS REGULATED PURSUANT TO THE</u>
6	"National Firearms Act", a firearms contractor or a firearms
7	BIDDER SHALL, IF APPLICABLE:
8	(I) Comply with the requirements of section $18-12-401.5(1)$
9	TO ENGAGE IN THE BUSINESS OF DEALING IN FIREARMS IN THE STATE, IF
10	APPLICABLE;
11	(II) PROVIDE TO THE GOVERNMENTAL BODY PROOF AND COPIES OF
12	ALL REQUIRED LICENSES, INCLUDING A FEDERAL FIREARMS LICENSE,
13	PERMITS, AND CERTIFICATES;
14	(III) Provide, if the contractor or bidder is a federally
15	LICENSED FIREARMS DEALER, TO THE GOVERNMENTAL BODY ANY
16	MATERIALS THAT ARE NOT CONFIDENTIAL DOCUMENTING ANY UNITED
17	STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES
18	TRACE REQUESTS THE CONTRACTOR OR BIDDER RECEIVED EACH YEAR FOR
19	THE PAST <u>THREE</u> CALENDAR YEARS BEFORE THE DATE OF THE CONTRACT
20	OR BID, THE NUMBER OF TRACE REQUESTS IN THE CALENDAR YEARS
21	BEFORE THE YEAR OF THE CONTRACT OR BID, IF APPLICABLE, AND THE
22	TIME BETWEEN THE SALE OF THE FIREARM SUBJECT TO THE TRACE
23	REQUEST AND THE CRIME THAT GENERATED THE TRACE REQUEST. IF THE
24	MATERIALS DESCRIBED IN THIS SUBSECTION (3)(a)(III) ARE NOT
25	AVAILABLE BECAUSE THE CONTRACTOR OR BIDDER DOES NOT MAINTAIN
26	THE MATERIALS, THE CONTRACTOR OR BIDDER SHALL SUBMIT A
27	STATEMENT CONFIRMING THE MATERIALS ARE NOT AVAILABLE BECAUSE

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1	THE CONTRACTOR OR BIDDER DOES NOT KEEP OR MAINTAIN THE
2	MATERIALS.
3	(IV) PROVIDE TO THE GOVERNMENTAL BODY MATERIALS
4	DOCUMENTING ANY THEFT OR LOSS OF <u>FIREARMS OR ITEMS REGULATED</u>
5	PURSUANT TO THE "NATIONAL FIREARMS ACT" FROM THE PREMISES OF
6	THE CONTRACTOR OR BIDDER WITHIN THE PAST $\underline{\text{THREE}}$ CALENDAR YEARS
7	BEFORE THE DATE OF THE CONTRACT OR BID TO EVALUATE POTENTIAL
8	SECURITY CONCERNS;
9	(V) PROVIDE TO THE GOVERNMENTAL BODY A TRUE COPY OF THE
10	MOST RECENT INSPECTION REPORT OF ANY <u>FIREARM</u> INSPECTION
11	CONDUCTED BY A STATE OR LOCAL AGENCY, INCLUDING ANY ADDITIONAL
12	MATERIALS DOCUMENTING ADMINISTRATIVE ACTIONS TAKEN BY THE
13	STATE OR LOCAL AGENCY, IF APPLICABLE;
14	(VI) DISCLOSE TO THE GOVERNMENTAL BODY ANY VIOLATIONS
15	DISCOVERED FROM AN INSPECTION CONDUCTED BY A FEDERAL AGENCY
16	DURING THE LAST TWO FIREARM INSPECTIONS, IF APPLICABLE, AND
17	PROVIDE MATERIALS DOCUMENTING THE CONTRACTOR'S OR BIDDER'S
18	CORRECTIVE ACTIONS TAKEN IN RESPONSE TO A FINDING OF
19	NONCOMPLIANCE OR A VIOLATION OF A FEDERAL <u>FIREARM</u> LAW,
20	REGULATION, OR REQUIREMENT;
21	(VII) PROVIDE TO THE GOVERNMENTAL BODY IN WRITING ANY
22	PRACTICES OR POLICIES ADOPTED BY THE CONTRACTOR OR BIDDER,
23	INCLUDING ANY SUBSEQUENT AMENDMENTS MADE TO THE PRACTICES OR
24	POLICIES DURING THE $\underline{SOURCING METHOD}$ PROCESS $\underline{CONDUCTED PURSUANT}$
25	TO THE CODE, AS APPLICABLE, AND CONTRACT TERM, TO:
26	(A) PREVENT, DETECT, AND SCREEN FOR THE TRANSFER OF
27	FIREARMS TO STRAW PURCHASERS OR FIREARM TRAFFICKERS;

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1	(B) PREVENT, DETECT, AND SCREEN AGAINST SALES OF FIREARMS
2	OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT" TO
3	INDIVIDUALS PROHIBITED FROM POSSESSING A FIREARM BY FEDERAL,
4	STATE, OR LOCAL LAW, OR COURT ORDER;
5	(C) PREVENT, DETECT, AND DOCUMENT THE THEFT OR LOSS OF
6	FIREARMS OR ITEMS REGULATED PURSUANT TO THE "NATIONAL FIREARMS
7	<u>ACT";</u>
8	(D) Train employees to ensure compliance with all
9	APPLICABLE FEDERAL, STATE, AND LOCAL FIREARMS LAWS AND
10	REGULATIONS; <u>AND</u>
11	(E) ASSIST LAW ENFORCEMENT AGENCIES IN THE INVESTIGATION
12	AND PREVENTION OF CRIMINAL ACCESS TO <u>FIREARMS OR ITEMS</u>
13	REGULATED PURSUANT TO THE "NATIONAL FIREARMS ACT"; AND
14	
15	(VIII) COMPLY WITH ALL APPLICABLE FEDERAL, STATE, OR LOCAL
16	LAWS.
17	(b) THE CONTRACTOR OR BIDDER SHALL AFFIRM AT THE TIME OF
18	THE BID THAT THE CONTRACTOR OR BIDDER SHALL NOT SELL
19	UNSERIALIZED GUN BUILD $\underline{\text{KITS.}}$ UNSERIALIZED FIREARMS, UNSERIALIZED
20	UNFINISHED FRAMES, OR UNFINISHED RECEIVERS THROUGH THE DURATION
21	OF THE CONTRACT. THE CONTRACTOR OR BIDDER SHALL PROVIDE
22	DOCUMENTATION TO PROVE COMPLIANCE WITH APPLICABLE FEDERAL,
23	STATE, OR LOCAL LAWS RELATED TO <u>UNSERIALIZED FIREARMS</u> ,
24	UNSERIALIZED UNFINISHED FRAMES, OR UNFINISHED RECEIVERS.
25	(c) THE CONTRACTOR OR BIDDER SHALL SUBMIT TO THE
26	DEPARTMENT A CERTIFICATION STATEMENT, SIGNED AND AFFIRMED
27	UNDER PENALTY OF PERJURY, AS DEFINED IN SECTION 18-8-503, STATING

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1	THAT THE MATERIALS PROVIDED IN SUBSECTION (3)(a) OF THIS SECTION
2	ARE TRUE AND COMPLETE.
3	(4) (a) The attorney general $\underline{\text{may}}$ assist the department in
4	DEVELOPING PROCESSES AND PROCEDURES TO IMPLEMENT THIS SECTION,
5	INCLUDING A PROCESS TO ADMINISTER AND ASSESS A CONTRACTOR'S OR
6	BIDDER'S COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. THE
7	PROCESS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:
8	(I) DEVELOPING A PREQUALIFICATION PROCESS TO PREQUALIFY
9	POTENTIAL CONTRACTORS OR BIDDERS AS SET FORTH IN SECTION
10	24-103-402;
11	(II) DEVELOPING A SCORING SYSTEM TO EVALUATE A POTENTIAL
12	CONTRACTOR'S OR BIDDER'S RECORD OF SAFE BUSINESS PRACTICES THAT
13	IS USED IN AWARDING CONTRACTS OR PURCHASES; AND
14	(III) TERMINATING CONTRACTS WITH CONTRACTORS OR BIDDERS
15	FOUND TO BE NONCOMPLIANT WITH THE TERMS OF THIS SECTION DURING
16	THE TERM OF THE CONTRACT AS SET FORTH IN SECTION $24-106-101\ (3)(c)$
17	AND $(3)(d)$.
18	(b) THE DEPARTMENT SHALL REJECT A BID OR PROPOSAL FOR A
19	CONTRACT OR SALE OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE
20	"NATIONAL FIREARMS ACT" IF:
21	$(I) \ A \ contractor \ or \ bidder \ has \ not \ submitted \ the \ required$
22	DOCUMENTATION SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION;
23	(II) THE CONTRACTOR'S OR BIDDER'S REQUIRED DOCUMENTATION
24	DOES NOT MEET THE STANDARDS SET FORTH IN SUBSECTION $(3)(a)$ OF THIS
25	SECTION; OR
26	(III) THE DEPARTMENT DETERMINES THE BIDDER OR CONTRACTOR
27	IS NOT ENGAGING IN SAFE BUSINESS PRACTICES.

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I	(5) A GOVERNMENTAL BODY SHALL NOT WAIVE THE
2	REQUIREMENTS OF THIS SECTION OR MAKE EXIGENT OR EMERGENCY
3	PURCHASES OF <u>FIREARMS OR ITEMS REGULATED PURSUANT TO THE</u>
4	"NATIONAL FIREARMS ACT" TO SUBVERT THIS SECTION.
5	(6) The department may adopt rules to implement this
6	SECTION.
7	(7) A RESIDENT BIDDER AND NONRESIDENT BIDDER ARE TREATED
8	EQUALLY FOR PURPOSES OF THIS SECTION. A RESIDENT BIDDER SHALL NOT
9	RECEIVE A BID PREFERENCE AGAINST A NONRESIDENT BIDDER FOR THE
10	PURCHASE OF FIREARMS OR ITEMS REGULATED PURSUANT TO THE
11	"NATIONAL FIREARMS ACT" AS SET FORTH IN SECTION 24-103-906 (1)(a).
12	
13	SECTION 3. Act subject to petition - effective date. Sections
14	1 and 2 of this act take effect January 1, 2026, and the remainder of this
15	act takes effect at 12:01 a.m. on the day following the expiration of the
16	ninety-day period after final adjournment of the general assembly; except
17	that, if a referendum petition is filed pursuant to section 1 (3) of article V
18	of the state constitution against this act or an item, section, or part of this
19	act within such period, then the act, item, section, or part will not take
20	effect unless approved by the people at the general election to be held in
21	November 2026 and, in such case, will take effect on the date of the
22	official declaration of the vote thereon by the governor.

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