



**Weld County
District Attorney's Office
Nineteenth Judicial District**

Kenneth R. Buck – District Attorney
Michael J. Rourke – Asst. District Attorney

To: Weld County Chiefs and Sheriff John Cooke

From: Kenneth R. Buck, Weld County District Attorney *Kenneth R. Buck*

Date: September 30, 2013

Re: Transfer of Firearms Necessitated by Flooding in Weld County

Dear Chiefs and Sheriff Cooke,

During the 2012-2013 Legislative Session, the General Assembly passed and the Governor signed into law H.B 1229, which requires a transferor of a firearm to obtain background checks on transferees (i.e. the individual receiving the firearm) prior to the transfer of that firearm. Failure to obtain such a background check prior to the transfer of the firearm constitutes a class 1 misdemeanor.

With the destruction and devastation caused by the flooding in Weld County, a number of our citizens have been forced to evacuate their homes, only to return to find them uninhabitable. And as a result of this emergency situation, many of these residents have been forced to give their firearms to others for safekeeping while they attempt to rebuild. It seems under the circumstances unconscionable to require those impacted by the flood waters to obtain a background check under these circumstances.

As a result, the District Attorney's Office will not accept for prosecution any allegation that an individual failed to obtain a background check prior to transferring a firearm under these emergency circumstances.

For those jurisdictions which encompass multiple judicial districts, I have sent this memo to Tom Raynes, Executive Director at the Colorado District Attorney's Council with a request for him to send this memo to neighboring District Attorneys. If you have questions as to how other judicial districts are handling this issue, please consult those District Attorneys.

Should you have any questions or concerns, please feel free to contact my office.

cc: Tom Raynes, CDAC