

Proposed Questions for Attorney General Opinion

C.R.S. 18-12-101(1)(g.7), "standard rate of fire" (SB25-003)

Prepared by a Colorado constituent

Background

Possession of a rapid-fire device has been a class 5 felony under C.R.S. 18-12-102 since April 10, 2025. C.R.S. 18-12-101(1)(g.7) defines a rapid-fire device as one that increases a semiautomatic firearm's rate of fire "above the standard rate of fire" for that firearm. Neither "standard rate of fire" nor "rate of fire" is defined, no agency is directed to define either term, and the legislative record does not address them.

The text measures the rate of fire "for the semiautomatic firearm," which reads as a property of the firearm (its mechanical cycling rate), not the speed at which a particular person operates the trigger. C.R.S. 18-12-101(1)(g.8) defines a semiautomatic firearm by its mechanism. Under that reading, a component that does not change the firearm's mechanism improves the operator's use of existing capability and does not increase the firearm's rate of fire.

Questions

1. Is "standard rate of fire" based on (a) the firearm's mechanical cycling capability, (b) a typical shooter, (c) the individual possessor, or (d) another measure?
2. If human performance is the baseline, whose performance, and how is it measured?
3. Is the standard set by make and model, or generally?
4. Does the definition cover aftermarket triggers that change pull weight, travel, or reset but require a separate pull for each shot? Muzzle devices, stocks, or grips?
5. Will the State publish a list of covered devices or adopt its interpretation through rulemaking?
6. What guidance has been provided to district attorneys or law enforcement on applying this standard?
7. Does a federal firearms licensee with Special Occupational Tax status (FFL/SOT) have a "valid permit and license for possession" of a rapid-fire device under C.R.S. 18-12-102(5)? If not, how may a licensee lawfully possess, manufacture, or transfer such devices in Colorado?