

Colorado Bureau of Investigation

InstaCheck Unit



Crime Information Center

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If you are denied by the Colorado Bureau of Investigation for the purchase of a Firearm you have the right to appeal the decision. **We cannot disclose the reason(s) for your denial over the telephone, nor do we handle appeals in person.** In order to appeal you **MUST**:

In writing, submit your intent to appeal.

Your request **must** include, the C.B.I. transaction number, your current mailing address, daytime phone number, and evening phone number.

Please mail all submissions to:

P.O. Box 280629

Denver, CO 80228-0629

Once we receive your intent to appeal, we will mail the reasons for your denial, within five business days.

Upon receiving the reasons for your denial, if you choose to continue the appeal process, you **must** provide **certified documentation** of the charge(s) noted, showing the final disposition(s) of the noted charge(s). **PLEASE SEND ORIGINALS OF ALL DOCUMENTATION**, they will be sent back to you.

If you have sent complete and proper certified documentation, showing the disposition(s) of the charge(s), we will issue a Reversal of Denial letter to you in the mail. This letter **must** be given where the original transaction was denied. If you prefer to purchase a firearm at a different dealer a new background check will be required.

Based on the disposition(s) received, we will update our records so that the same charge(s) will not affect your future purchases in Colorado. However, we have no authority to update criminal history records from another state.

In the event that additional charges are found during the appeal process, you will be notified and given the opportunity to appeal those charges.

FREQUENTLY ASKED QUESTIONS ABOUT FIREARM DISAPPROVAL FACTORS

1. THE COLORED FORM SAYS YOU NEED OFFICIAL COURT DOCUMENTATION - HOW DO I GET THAT?

A. If you went to court then you should contact the court that you appeared in and explain to them that you need copies of the original court proceedings. In Colorado these are known as the register of actions. Be sure you tell them what YEAR you went to court, as the older files are either in storage or microfiche. The information we need on these official court documents include 1) a court case number, 2) the original charge and any amended charge or charges, 3) if the charge was a misdemeanor or a felony, and 4) what the final disposition of the case was.

2. THE FIREARMS DISAPPROVAL FACTORS SHOW THE DISPOSITION AS "UNKNOWN" - WHAT DOES THAT MEAN?

A. That means that we do not know what happened to your case after your arrest.

- 3. I CALLED THE COURT AND THEY HAVE NO RECORD OF ME OR THIS CASE. NOW WHAT DO I DO?**
 - A. The court will need to give you a letter on their letterhead stating that they searched their records and have no documentation (this is ONLY applicable if your firearm disapproval factors show the disposition as "unknown"). The letter should contain the years they searched and the name they searched under as well as what types of court cases they searched (misdemeanor, felony, county court, circuit court, district court, municipal court, etc). They should sign this letter and affix their court seal.
 - B. If your firearm disapproval factors show the disposition as "convicted" you can send us proof from the court that the charge was a misdemeanor (unless it was domestic violence - see C below) or if it was a felony you will need a full and unconditional pardon from the governor of the state in which you were convicted.
 - C. If you were convicted of a charge of domestic violence then you need to provide us with a copy of the police report so we can determine your relationship with the victim and if there was use of force.
- 4. THE CHARGES WERE DROPPED BEFORE I EVER WENT TO COURT, SO THERE WILL NOT BE ANY RECORDS - WHERE DO I OBTAIN THAT INFORMATION?**
 - A. If you want your record to show the correct disposition of your arrest you can contact the agency that dropped the charges (arresting agency, district attorney, etc) and get documentation from them stating that. Have them include the date of arrest, the arrest charges, and the date they charges were dropped. Again, have them sign the letter and affix their seal if they have one.
 - B. If you just want your criminal history updated so that you may purchase firearms, provide us with the court letter stating no records were found (see answer to question #2).
- 5. ONCE I GET THIS INFORMATION TO YOU WILL I HAVE TO GO THROUGH THIS EVERY TIME I TRY TO PURCHASE A FIREARM?**
 - A. No. If you sent an official disposition to your case, we take the information you give us and use it to update your record. We forward information to out of state agencies for them to update your record, but we cannot guarantee that they will do it. However, we make an entry into the Colorado Insta Check file for those out of state charges and for those instances when dispositions were unavailable. We cannot guarantee that you will not be denied again for other charges due to constantly updated records and changes in the laws.
- 6. HOW LONG DOES THE APPEAL PROCESS TAKE?**
 - A. Once we receive the information back from you we then have 30 days to make a decision and to get your record updated.
- 7. HOW WILL I KNOW THE OUTCOME OF MY APPEAL?**
 - A. We will notify you by mail. If your appeal has been approved then we will send you a letter that you will need to take to the dealer or pawn shop where you were originally denied. If you choose to go to a different dealer or pawn shop or don't return to the original dealer within 30 days of the original transaction date, a new background check must be conducted.
- 8. HOW WILL MY DEALER KNOW IF MY APPEAL IS SUCCESSFUL?**
 - A. We will call your dealer to advise them of the change in the status. You must take the letter we send you to the dealer so that he can verify your transaction numbers.
- 9. WHAT IF THE INFORMATION PROVIDED ON THE FIREARM APPROVAL FACTORS IS NOT ME?**
 - A. You will need to go to your local law enforcement agency and be fingerprinted (this will NOT work for restraining orders - see below). Send

your fingerprints to us along with the colored paper you received with your firearm disapproval factors. We will compare the fingerprints you send in to the fingerprints on file for the arrest. If they are not yours we will issue you a letter of misidentification. You MUST take this letter to the dealer every time you purchase firearms, otherwise we have no way of distinguishing you from the person with the criminal history.

10. **WHAT IF THERE IS A RESTRAINING ORDER ON MY FIREARM DISAPPROVAL FACTORS AND IT IS NOT ME OR IT IS NOT DOMESTIC VIOLENCE RELATED?**
 - A. You will need to go to the court where the restraining order was issued and request a copy of both the restraining order and the complaint that was filed. The complaint explains to the court why the person is asking for the restraining order. The restraining order itself tells us exactly why the court issued the restraining order.
11. **WHAT IF MY ARREST DID RESULT IN A FELONY CONVICTION?**
 - A. The only way to overcome a firearm prohibition is with a full and unconditional pardon from the governor of the state in which you were convicted or the President of the United States for federal convictions.

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