

**First Regular Session  
Sixty-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 01-0811.01 Michael Dohr

**SENATE BILL 01-160**

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**SENATE SPONSORSHIP**

**Gordon,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**

**House Committees**

Judiciary

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**A BILL FOR AN ACT**

101 **CONCERNING SAFE STORAGE OF FIREARMS TO PREVENT JUVENILE**  
102 **POSSESSION OF FIREARMS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Creates a misdemeanor for negligent storage of a firearm if the firearm comes into the possession of a juvenile and the juvenile possesses the firearm in a public place, uses the firearm in violation of state or federal law, or discharges the firearm. Defines "negligently store".

Provides exceptions if the juvenile possesses the firearm:

- While under direct parental or guardian supervision;
- In self-defense;
- While defending his or her home;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

- While attending a hunter safety or firearm safety course;
- While at a shooting range;
- While hunting under a valid hunting license;
- While practicing for or engaging in an organized performance or competition.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** Part 1 of article 12 of title 18, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

4           **18-12-112. Safe storage of firearms.** (1) A FIREARM OWNER  
5 COMMITS NEGLIGENT STORAGE OF A FIREARM IF HE OR SHE NEGLIGENTLY  
6 STORES THE FIREARM AND IT COMES INTO THE POSSESSION OF A JUVENILE  
7 WHO THEN:

8           (a) POSSESSES THE FIREARM IN A PUBLIC PLACE; OR

9           (b) USES THE FIREARM IN VIOLATION OF ANY STATE OR FEDERAL  
10 LAW; OR

11           (c) DISCHARGES THE FIREARM.

12           (2) FOR PURPOSES OF THIS SECTION, "NEGLIGENTLY STORE" MEANS  
13 TO PLACE OR LEAVE A FIREARM IN A LOCATION WHERE A REASONABLE  
14 PERSON WOULD FIND A SUBSTANTIAL AND UNJUSTIFIABLE RISK EXISTS THAT  
15 A JUVENILE WOULD OBTAIN POSSESSION OF SUCH FIREARM.

16           (3) SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY IF THE  
17 JUVENILE OBTAINS POSSESSION OF THE FIREARM UNDER THE FOLLOWING  
18 CIRCUMSTANCES:

19           (a) WHILE UNDER THE DIRECT SUPERVISION OF THE JUVENILE'S  
20 PARENT OR GUARDIAN;

21           (b) IN THE LAWFUL ACT OF SELF-DEFENSE;

22           (c) IN ORDER TO DEFEND HIS OR HER HOME FROM UNLAWFUL ENTRY  
23 BY ANY PERSON;

1 (d) WHILE ATTENDING A HUNTER SAFETY OR FIREARM SAFETY  
2 COURSE;

3 (e) WHILE SHOOTING AT AN ESTABLISHED SHOOTING OR FIRING  
4 RANGE;

5 (f) WHILE HUNTING UNDER A VALID LICENSE; OR

6 (g) IN THE COURSE OF ENGAGING IN OR PRACTICING FOR AN  
7 ORGANIZED COMPETITION OR PERFORMANCE.

8 (4) NEGLIGENT STORAGE OF A FIREARM IS A CLASS 3  
9 MISDEMEANOR.

10 **SECTION 2. Effective date - applicability.** (1) This act shall  
11 take effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly that is  
13 allowed for submitting a referendum petition pursuant to article V, section  
14 1 (3) of the state constitution; except that, if a referendum petition is filed  
15 against this act or an item, section, or part of this act within such period,  
16 then the act, item, section, or part, if approved by the people, shall take  
17 effect on the date of the official declaration of the vote thereon by  
18 proclamation of the governor.

19 (2) The provisions of this act shall apply to offenses committed on  
20 or after the applicable effective date of this act.