

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 01-0811.01 Michael Dohr

SENATE BILL 01-160

SENATE SPONSORSHIP

Gordon,

HOUSE SPONSORSHIP

(None),

Senate Committees

Judiciary

House Committees

A BILL FOR AN ACT

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

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.

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 OR
5 CUSTODIAN COMMITS NEGLIGENT STORAGE OF A FIREARM IF HE OR SHE
6 THROUGH AN ACT OF CRIMINAL NEGLIGENCE, AS DEFINED BY SECTION
7 18-1-501(3), STORES THE FIREARM AND IT COMES INTO THE POSSESSION OF
8 A PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO THEN UNLAWFULLY:

- 9 (a) POSSESSES THE FIREARM IN A PUBLIC PLACE; OR
10 (b) USES THE FIREARM IN VIOLATION OF ANY STATE OR FEDERAL
11 LAW; OR
12 (c) DISCHARGES THE FIREARM.

13
14 (2) SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY IF THE
15 PERSON UNDER THE AGE OF EIGHTEEN YEARS OBTAINS POSSESSION OF THE
16 FIREARM UNDER THE FOLLOWING CIRCUMSTANCES:

- 17 (a) WHILE UNDER THE DIRECT SUPERVISION OF THE PERSON'S
18 UNDER THE AGE OF EIGHTEEN YEARS PARENT OR GUARDIAN;
19 (b) IN THE LAWFUL ACT OF SELF-DEFENSE OR DEFENSE OF
20 ANOTHER;
21 (c) IN ORDER TO DEFEND HIS OR HER RESIDENCE FROM UNLAWFUL
22 ENTRY BY ANY PERSON;
23 (d) WHILE ATTENDING A HUNTER SAFETY OR FIREARM SAFETY

1 COURSE;

2 (e) WHILE PRACTICING THE USE OF A FIREARM OR TARGET
3 SHOOTING AT AN ESTABLISHED RANGE AUTHORIZED BY THE GOVERNING
4 BODY OF THE JURISDICTION IN WHICH SUCH RANGE IS LOCATED OR ANY
5 OTHER AREA WHERE THE DISCHARGE OF A FIREARM IS NOT PROHIBITED;

6 (f) WHILE HUNTING OR TRAPPING PURSUANT TO A VALID LICENSE
7 ISSUED TO SUCH PERSON PURSUANT TO ARTICLE 4 OF TITLE 33, C.R.S.;

8 (g) WHILE ENGAGING IN AN ORGANIZED COMPETITION INVOLVING
9 THE USE OF A FIREARM OR PARTICIPATING IN OR PRACTICING FOR A
10 PERFORMANCE BY AN ORGANIZED GROUP UNDER 501 (c) (3) AS
11 DETERMINED BY THE FEDERAL INTERNAL REVENUE SERVICE WHICH USES
12 FIREARMS AS PART OF SUCH PERFORMANCE;

13 (h) WHILE TRAVELING WITH ANY FIREARM IN SUCH PERSON'S
14 POSSESSION BEING UNLOADED TO OR FROM ANY ACTIVITY DESCRIBED IN
15 PARAGRAPH (a), (d), (e), (f), OR (g) OF THIS SUBSECTION (2); OR

16 (i) THROUGH THE COMMISSION OF ROBBERY, AS DEFINED BY
17 SECTION 18-4-301 OR SECTION 18-4-302; OR BURGLARY, AS DEFINED BY
18 SECTIONS 18-4-202, 18-4-203, AND 18-4-204.

19 (3) NEGLIGENT STORAGE OF A FIREARM IS A CLASS 3
20 MISDEMEANOR.

21 **SECTION 2. Effective date - applicability.** (1) This act shall
22 take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly that is
24 allowed for submitting a referendum petition pursuant to article V, section
25 1 (3) of the state constitution; except that, if a referendum petition is filed
26 against this act or an item, section, or part of this act within such period,
27 then the act, item, section, or part, if approved by the people, shall take

1 effect on the date of the official declaration of the vote thereon by
2 proclamation of the governor.

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