

**Amendment ?
Request for Opposition to any Proposed Limitation
on Possession of Firearms**

1 **Amendment ? proposes amending the Colorado Constitution to:**

- 2 ♦ request that all Colorado elected officials oppose the adoption of any
3 binding international agreement that restricts the right to keep and bear
4 arms as set forth in the Colorado Constitution.

5 **Summary and Analysis**

6 ***Constitutional right to bear arms.*** The Colorado Constitution gives an
7 individual the right to bear arms in defense of his or her home, person, or property.
8 The right to bear arms is also provided in the U.S. Constitution. In all matters,
9 including the right to bear arms, the U.S. Constitution takes precedence over federal
10 laws, treaties, and the constitutions and laws of individual states.

11 ***Obligating the votes of elected officials.*** Amendment ? "declares and
12 requests" that all elected public officials in the state oppose any international
13 agreement that would limit the constitutional right to keep and bear arms. The
14 U.S. Constitution gives the President of the United States the power to negotiate
15 treaties and other agreements with foreign nations. Some of these agreements
16 require members of Congress to vote to approve them before they take effect.

17 This measure is a statement of opinion from Colorado voters and does not
18 legally obligate any current or future elected officials to vote in a certain way. Elected
19 members of the U.S. House of Representatives, the state legislature, and local
20 governments may consider resolutions expressing support or opposition concerning
21 treaties, but those resolutions are not legally binding.

22 **Arguments For**

23 1) By requesting opposition to international agreements that limit the right to
24 keep and bear arms, Amendment ? conveys a strong message from the registered
25 voters of Colorado to all state and national elected officials. A proposal to restrict
26 international trade in small arms has been discussed in the United Nations with the
27 input of the United States. If approved, the treaty could restrict the ability of
28 U.S. citizens to obtain certain foreign-made firearms. It could also limit the ability of
29 domestic firearms manufacturers to sell goods in other countries.

1 **Arguments Against**

2 1) This measure is unnecessary because the U.S. Constitution and the
3 Colorado Constitution provide the right to keep and bear arms. The U.S. Constitution
4 supercedes any international agreements that limit such rights. Rather than adding
5 language to the state constitution, citizens may voice their opinions to the elected
6 officials as specific measures come before them. Further, this measure is ineffective
7 because it does not bind elected officials. Those individuals are free to consider any
8 agreement on its merits before deciding whether it is in the nation's best interest.

9 **Estimate of Fiscal Impact**