

**Initiative #42
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 individual
7 the right to bear arms in defense of his or her home, person, or property. The right to
8 bear arms is also provided in the U.S. Constitution. In all matters, including the right
9 to bear arms, the U.S. Constitution takes precedence over federal laws, treaties, and
10 the constitutions and laws of individual states.

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

17 This measure is a statement of opinion from Colorado voters and does not legally
18 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 **Argument For**

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

1 **Argument Against**

2 1) This measure is unnecessary because the U.S. Constitution and the Colorado
3 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**

10 Amendment ? is not expected to affect state or local government revenues or
11 spending.