

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0919.01 Jeff Conway

HOUSE BILL 00-1289

STATE OF COLORADO

BY REPRESENTATIVES Hefley, McPherson, Clapp, Dean, Fairbank, Lee, May, McElhany, Nuñez, and Paschall

REENGROSSED

A BILL FOR AN ACT

101 CONCERNING FIREARMS REGULATION, AND, IN CONNECTION THEREWITH,
102 STANDARDIZING FIREARMS REGULATION AS A MATTER OF
103 STATEWIDE CONCERN.

Bill Summary

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

Recognizes that firearms regulation is a matter of statewide concern. Prohibits any municipality, county, or city and county from adopting any ordinance or resolution that would impose a greater restriction on a person's ability to own, possess, carry, use, repair, manufacture, display, or transfer a firearm than is imposed by state law. Identifies imposition of a greater penalty as being a greater restriction. Specifies that any ordinance or resolution in existence as of the effective date of the act that violates the provisions of the act shall be deemed unauthorized and unenforceable on or after the effective date of the act.

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

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

4 18-12-111. Limitation on local ordinances regarding firearms
5 - legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS
6 THAT:

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.

HOUSE
3rd Reading Unamended
January 31, 2000

HOUSE
Amended 2nd Reading
January 28, 2000

1 (I) THERE EXISTS A WIDESPREAD INCONSISTENCY AMONG
2 JURISDICTIONS WITHIN THE STATE WITH REGARD TO FIREARMS
3 REGULATIONS;

4 (II) THIS INCONSISTENCY CREATES A CONFUSING AND
5 UNENFORCEABLE PATCHWORK OF LAWS THAT UNFAIRLY SUBJECTS A
6 CITIZEN WHO LAWFULLY POSSESSES A FIREARM IN ONE JURISDICTION TO
7 CRIMINAL PENALTIES BECAUSE HE OR SHE TRAVELS INTO ANOTHER
8 JURISDICTION;

9 (III) THIS INCONSISTENCY PLACES CITIZENS IN THE POSITION OF
10 NOT KNOWING WHEN THEY MAY BE VIOLATING THE LOCAL LAWS AND
11 THEREFORE BEING UNABLE TO AVOID COMMITTING A CRIME.

12 (b) BASED ON THE FINDINGS SPECIFIED IN PARAGRAPH (a) OF THIS
13 SUBSECTION (1), THE GENERAL ASSEMBLY CONCLUDES THAT:

14 (I) THE REGULATION OF FIREARMS IS A MATTER OF STATEWIDE
15 CONCERN;

16 (II) IT IS NECESSARY TO PROVIDE STATEWIDE LAWS CONCERNING
17 THE OWNERSHIP, POSSESSION, CARRYING, REPAIR, MANUFACTURE,
18 DISPLAY, OR TRANSFERRING OF A FIREARM TO ENSURE THAT LAW-ABIDING
19 PERSONS ARE NOT UNFAIRLY PLACED IN THE POSITION OF UNKNOWINGLY
20 COMMITTING CRIMES INVOLVING FIREARMS.

21 (2) (a) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW
22 EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH (a), NO MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL
24 HAVE THE AUTHORITY TO ENACT ANY ORDINANCE OR RESOLUTION THAT
25 WOULD RESTRICT A PERSON'S ABILITY TO OWN, POSSESS, CARRY, REPAIR,
26 MANUFACTURE, DISPLAY, OR TRANSFER A FIREARM TO A GREATER

1 EXTENT THAN THE PERSON'S ABILITY TO OWN, POSSESS, CARRY, REPAIR,
2 MANUFACTURE, DISPLAY, OR TRANSFER A FIREARM IS RESTRICTED BY
3 STATE STATUTE.

4 (II) SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) SHALL NOT BE
5 INTERPRETED TO RESTRICT A MUNICIPALITY, COUNTY, OR CITY AND
6 COUNTY FROM REGULATING THE AREAS IN OR CIRCUMSTANCES UNDER
7 WHICH A PERSON MAY DISCHARGE A FIREARM.

8 (b) ANY ORDINANCE OR RESOLUTION THAT IMPOSES OR OTHERWISE
9 RESULTS IN A GREATER PENALTY FOR VIOLATION OF SAID ORDINANCE OR
10 RESOLUTION THAN WOULD BE IMPOSED FOR OR RESULT FROM VIOLATION
11 OF A COMPARABLE STATE STATUTE SHALL BE DEEMED TO BE A GREATER
12 RESTRICTION THAN THAT IMPOSED BY STATE STATUTE.

13 (3) ANY ORDINANCE OR RESOLUTION PASSED PRIOR TO THE
14 EFFECTIVE DATE OF THIS SECTION THAT VIOLATES THE PROVISIONS OF THIS
15 SECTION SHALL BE DEEMED UNAUTHORIZED AND THEREFORE
16 UNENFORCEABLE AS TO EVENTS OCCURRING ON OR AFTER THE EFFECTIVE
17 DATE OF THIS SECTION.

18 **SECTION 2.** 18-12-105.1, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SUBSECTION to read:

20 **18-12-105.1 Permits for concealed weapons - liability.** (3) A
21 SHERIFF OR CHIEF OF POLICE SHALL NOT REQUIRE AN APPLICANT FOR A
22 CONCEALED WEAPONS PERMIT TO PROVIDE INFORMATION CONCERNING
23 ANY WEAPON OWNED OR USED BY THE APPLICANT, INCLUDING BUT NOT
24 LIMITED TO THE BRAND NAME, MODEL, CALIBER, OR SERIAL NUMBER OF
25 ANY FIREARM OWNED OR USED BY THE APPLICANT.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.