

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

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:

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, USE, 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) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO
22 MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE THE
23 AUTHORITY TO ENACT ANY ORDINANCE OR RESOLUTION THAT WOULD
24 RESTRICT A PERSON'S ABILITY TO OWN, POSSESS, CARRY, USE, REPAIR,
25 MANUFACTURE, DISPLAY, OR TRANSFER A FIREARM TO A GREATER EXTENT
26 THAN THE PERSON'S ABILITY TO OWN, POSSESS, CARRY, USE, REPAIR,

1 MANUFACTURE, DISPLAY, OR TRANSFER A FIREARM IS RESTRICTED BY
2 STATE STATUTE.

3 (b) ANY ORDINANCE OR RESOLUTION THAT IMPOSES OR OTHERWISE
4 RESULTS IN A GREATER PENALTY FOR VIOLATION OF SAID ORDINANCE OR
5 RESOLUTION THAN WOULD BE IMPOSED FOR OR RESULT FROM VIOLATION
6 OF A COMPARABLE STATE STATUTE SHALL BE DEEMED TO BE A GREATER
7 RESTRICTION THAN THAT IMPOSED BY STATE STATUTE.

8 (3) ANY ORDINANCE OR RESOLUTION PASSED PRIOR TO THE
9 EFFECTIVE DATE OF THIS SECTION THAT VIOLATES THE PROVISIONS OF THIS
10 SECTION SHALL BE DEEMED UNAUTHORIZED AND THEREFORE
11 UNENFORCEABLE AS TO EVENTS OCCURRING ON OR AFTER THE EFFECTIVE
12 DATE OF THIS SECTION.

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