

**Second Regular Session
Sixty-third General Assembly
STATE OF COLORADO
CORRECTED INTRODUCED**

LLS NO. 02-0773.01 Michael Dohr

HOUSE BILL 02-1264

HOUSE SPONSORSHIP

Borodkin, Bacon, Chavez, Coleman, Garcia, Groff, Hodge, Jameson, Mace, Madden, Marshall, Ragsdale, Romanoff, Saliman, Tapia, Veiga, Weddig, and Williams S.

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate 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.

Provides exceptions if the juvenile possesses the firearm:

- While under direct parental or guardian supervision;
- In self-defense;
- While defending his or her residence;

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;
- While traveling to or from any of the listed activities;
- As a result of a robbery or burglary.

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 **18-12-112. Safe storage of a firearm.** (1) A FIREARM OWNER OR
5 CUSTODIAN COMMITS NEGLIGENT STORAGE OF A FIREARM IF HE OR SHE
6 ACTING WITH CRIMINAL NEGLIGENCE, AS DEFINED BY SECTION 18-1-501
7 (3), STORES THE FIREARM AND IT COMES INTO THE POSSESSION OF A
8 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 (2) SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY IF THE
14 PERSON UNDER THE AGE OF EIGHTEEN YEARS OBTAINS POSSESSION OF THE
15 FIREARM UNDER THE FOLLOWING CIRCUMSTANCES:

- 16 (a) WHILE UNDER THE DIRECT SUPERVISION OF THE PERSON'S
17 PARENT OR GUARDIAN;
18 (b) WHILE IN THE LAWFUL ACT OF SELF-DEFENSE OR DEFENSE OF
19 ANOTHER;
20 (c) WHILE DEFENDING HIS OR HER RESIDENCE FROM UNLAWFUL
21 ENTRY BY ANY PERSON;
22 (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 AT 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 UNLOADED FIREARM TO OR FROM
14 ANY ACTIVITY DESCRIBED IN PARAGRAPH (a), (d), (e), (f), OR (g) OF THIS
15 SUBSECTION (2); OR

16 (i) AS A RESULT OF A ROBBERY, AS DESCRIBED IN SECTION
17 18-4-301 OR 18-4-302, OR AS A RESULT OF A BURGLARY, AS DESCRIBED IN
18 SECTION 18-4-202, 18-4-203, OR 18-4-204.

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

21 **SECTION 2. Effective date - applicability.** This act shall take
22 effect July 1, 2002, and shall apply to offenses committed on or after said
23 date.

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