

First Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 03-0756.01 Bob Lackner

HOUSE BILL 03-1290

---

HOUSE SPONSORSHIP

Lee,

SENATE SPONSORSHIP

(None),

---

House Committees

State, Veterans, & Military Affairs

Senate Committees

---

A BILL FOR AN ACT

101 CONCERNING DECLARATIONS OF A STATE OF EMERGENCY, AND, IN  
102 CONNECTION THEREWITH, TERMINATING EXISTING STATES OF  
103 EMERGENCY AND ESTABLISHING PROCEDURES TO BE FOLLOWED  
104 IN CONNECTION WITH THE FUTURE DECLARATION OF A STATE OF  
105 EMERGENCY.

---

Bill Summary

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

Terminates any existing state of emergency currently in effect that has been declared by any branch of state government and that has resulted in the exercise of extraordinary powers by the governor or any other officer, employee, department, agency, or office of the state unless

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.*

extended by the legislature at the request of the governor in accordance with the procedures specified in the act.

Defines the circumstances and conditions that constitute a predicate for a declaration of a state of emergency. Specifies that no state of emergency shall be declared unless the governor's request for the declaration has been approved by a 2/3 majority of all of the members of both houses of the general assembly. In connection with requests made by the governor for a declaration of a state of emergency in cases where the general assembly is and is not in session, specifies requirements pertaining to the content of the governor's request for a declaration, the process by which the request is considered by the general assembly, the expiration date of a state of emergency, and an extension of a state of emergency. Specifies that the failure of either house to approve the mandatory joint resolution requesting the declaration of a state of emergency by the required majority shall void and nullify any declaration of a state of emergency that is the subject of the resolution.

When the general assembly is not in session, authorizes the governor to declare a state of emergency and to simultaneously convene a special session of the general assembly for the purpose of considering the ratification of the governor's declaration. Specifies that the failure of either house to approve the mandatory joint resolution requesting ratification by the required majority shall void and nullify any declaration of a state of emergency that is the subject of the resolution.

Specifies that any statutory enactment that becomes law to address the emergency and any rule promulgated by any department, agency, or office of state government to address the emergency shall be temporary and shall automatically be repealed on the date of the expiration of the emergency.

Specifies that any state of emergency that has been declared in accordance with the requirements of the act may be extended upon a request by the governor to preserve the state of emergency for an additional period, and the length of any one extension authorized shall not exceed a specified period past the original expiration date. Provides that no state of emergency shall be extended unless the joint resolution requesting the extension has been approved by a 2/3 majority of all of the members of both houses of the general assembly. Specifies that no state of emergency shall be extended on more than a specified number of occasions.

Repeals existing statutory provisions authorizing the governor to prohibit certain activity in connection with firearms or ammunition in the event of a riot, insurrection, or invasion, and requiring any person to obtain a permit from the governor to undertake certain activity in connection with any firearm or ammunition in such circumstances.

Makes legislative findings and declarations. Makes conforming amendments.

---

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

2           **SECTION 1.** Part 1 of article 20 of title 24, Colorado Revised  
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
4 read:

5           **24-20-111. Termination of existing declarations of states of**  
6 **emergency - procedures for declarations of future states of emergency**  
7 **- legislative declaration.** (1) (a) THE GENERAL ASSEMBLY HEREBY  
8 FINDS, DETERMINES, AND DECLARES THAT:

9           (I) IN 1933, UPON SIMULTANEOUS REQUEST AND DECLARATIONS OF  
10 EMERGENCY BY THE GOVERNORS OF ALL FORTY-EIGHT STATES THEN IN  
11 EXISTENCE AND UNDER THE COORDINATION OF OFFICIALS OF THE  
12 ADMINISTRATION OF PRESIDENT FRANKLIN D. ROOSEVELT, THE UNITED  
13 STATES CONGRESS ADOPTED THE FEDERAL "EMERGENCY BANKING RELIEF  
14 ACT", P.L. NO. 73-1, ON MARCH 9, 1933, AND OTHER SUBSEQUENT ACTS  
15 THAT GRANTED EXTRAORDINARY POWERS TO THE PRESIDENT OF THE  
16 UNITED STATES TO ADDRESS THE FINANCIAL CRISIS THAT BECAME KNOWN  
17 AS THE GREAT DEPRESSION. AT OR ABOUT THE SAME TIME, SIMILAR  
18 POWERS WERE GRANTED TO, AND EXERCISED BY, GOVERNORS OF SEVERAL  
19 STATES, INCLUDING COLORADO.

20           (II) ALTHOUGH THE GREAT DEPRESSION ENDED  
21 CONTEMPORANEOUSLY WITH THE ENTRY OF THE UNITED STATES INTO  
22 WORLD WAR II IN 1941, THE STATE OF EMERGENCY HAS NEVER BEEN  
23 DECLARED TO BE AT AN END. THE EXTRAORDINARY POWERS GRANTED TO  
24 THE PRESIDENT, THE GOVERNORS, AND OTHER OFFICERS OF THE FEDERAL  
25 AND STATE GOVERNMENT HAVE NEVER BEEN REVIEWED OR RESCINDED,  
26 AND THE POWERS THEN GRANTED CONTINUE TO BE IN FULL FORCE AND

1 EFFECT TODAY.

2 (III) AS A CONSEQUENCE OF THE EXERCISE OF THESE POWERS, THE  
3 POTENTIAL EXISTS THAT SUCH POWERS MAY BE ABUSED, WITH ADVERSE  
4 EFFECTS UPON THE WELFARE OF THE CITIZENS OF THE STATE OF  
5 COLORADO.

6 (IV) AS OF THE EFFECTIVE DATE OF THIS SECTION, NO  
7 CIRCUMSTANCE THAT DOES OR WOULD REQUIRE THE EXERCISE OF  
8 EXTRAORDINARY POWERS BY THE GOVERNMENT OF THE STATE OF  
9 COLORADO, AS IF UNDER A DECLARATION OF A STATE OF EMERGENCY, IS  
10 KNOWN TO EXIST WITHIN THE STATE.

11 (b) NOW, THEREFORE, IN FURTHERANCE OF ENHANCED  
12 PROTECTION OF THE LIBERTIES OF THE PEOPLE, THE GENERAL ASSEMBLY  
13 INTENDS BY THIS SECTION, WITHOUT CAUSING ANY INTERFERENCE WITH  
14 THE CONSTITUTIONAL POWERS GRANTED TO EITHER OF THE OTHER  
15 BRANCHES OF STATE GOVERNMENT, TO TERMINATE EXISTING STATES OF  
16 EMERGENCY AND TO SPECIFY BY STATUTE THE CIRCUMSTANCES AND  
17 CONDITIONS THAT SHALL BE PRESENT AND THE PROCEDURES THAT SHALL  
18 BE FOLLOWED IN ORDER FOR A STATE OF EMERGENCY TO BE DECLARED.

19 (2) ANY STATE OF EMERGENCY IN EXISTENCE PRIOR TO JANUARY  
20 1, 2003, THAT HAS BEEN DECLARED BY ANY BRANCH OF THE GOVERNMENT  
21 OF THE STATE OF COLORADO AND THAT HAS RESULTED IN THE EXERCISE OF  
22 EXTRAORDINARY POWERS BY THE GOVERNOR OR ANY OTHER OFFICER,  
23 EMPLOYEE, DEPARTMENT, AGENCY, OR OFFICE OF THE STATE SHALL BE  
24 TERMINATED ON JULY 1, 2003, UNLESS THE STATE OF EMERGENCY IS  
25 OTHERWISE EXTENDED UNDER THE PROCEDURES SPECIFIED IN SUBSECTION  
26 (6) OF THIS SECTION.

27 (3) ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, AN

1 EMERGENCY AT THE STATE LEVEL SHALL ONLY BE DECLARED IN  
2 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION IF THE  
3 FOLLOWING CIRCUMSTANCES ARE PRESENT:

4 (a) RIOTOUS PUBLIC BEHAVIOR TO SUCH EXTENT THAT  
5 REASONABLE EFFORTS OF LOCAL LAW ENFORCEMENT OFFICERS ARE  
6 INSUFFICIENT TO CONTAIN IT;

7 (b) AN INVASION BY FORCE OF ARMS OR AUTHORITY FOREIGN TO  
8 THE STATE OF COLORADO;

9 (c) A NATURAL DISASTER EXISTING GENERALLY OVER A  
10 SUBSTANTIAL PORTION OF THE STATE TO SUCH EXTENT THAT THE  
11 REASONABLE COOPERATIVE EFFORTS OF LOCAL AUTHORITIES ARE UNABLE  
12 TO ADDRESS ITS CONSEQUENCES; OR

13 (d) FINANCIAL TURMOIL GENERALLY PERVASIVE THROUGHOUT THE  
14 STATE THAT THREATENS THE ECONOMIC WELL-BEING OF THE STATE AS A  
15 WHOLE, NOT MERELY A SEGMENT OF THE ECONOMY SEEKING  
16 PREFERENTIAL TREATMENT OR STATUS.

17 (4) IN THE CASE OF A CIRCUMSTANCE OR CONDITION  
18 NECESSITATING THE DECLARATION OF A STATE OF EMERGENCY THAT  
19 OCCURS WHEN THE GENERAL ASSEMBLY IS IN SESSION:

20 (a) THE PROCESS FOR THE DECLARATION OF A STATE OF  
21 EMERGENCY PURSUANT TO THIS SECTION SHALL BE COMMENCED WITH A  
22 WRITTEN REQUEST FOR THE DECLARATION SUBMITTED BY THE GOVERNOR  
23 TO THE GENERAL ASSEMBLY, WHICH REQUEST SHALL DESCRIBE WITH  
24 PARTICULARITY THE CONDITIONS AND CIRCUMSTANCES NECESSITATING  
25 THE DECLARATION THAT SATISFY THE REQUIREMENTS OF SUBSECTION (3)  
26 OF THIS SECTION. UPON SUBMISSION OF THE REQUEST, THE OFFICE OF  
27 LEGISLATIVE LEGAL SERVICES SHALL PREPARE A JOINT RESOLUTION FOR

1 CONSIDERATION BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE  
2 REQUIREMENTS OF THIS SUBSECTION (4) REQUESTING THE DECLARATION  
3 AND THAT FAIRLY REFLECTS AND INCORPORATES THE INFORMATION  
4 CONTAINED IN THE REQUEST OF THE GOVERNOR. THE JOINT RESOLUTION  
5 SHALL BE PREPARED ON AN EXPEDITED BASIS SO THAT IT MAY BE HEARD BY  
6 THE JOINT SESSION OF THE STATE AFFAIRS COMMITTEES PURSUANT TO  
7 PARAGRAPH (b) OF THIS SUBSECTION (4).

8 (b) NO LATER THAN FORTY-EIGHT HOURS AFTER SUBMISSION OF  
9 THE REQUEST BY THE GOVERNOR, THE JOINT RESOLUTION SHALL BE HEARD  
10 BEFORE A JOINT SESSION OF THE COMMITTEES OF EACH HOUSE THAT ARE  
11 GIVEN JURISDICTION FOR MATTERS INVOLVING STATE AFFAIRS. AFTER  
12 HEARING TESTIMONY, THE STATE AFFAIRS COMMITTEES OF EACH HOUSE  
13 SHALL SEPARATELY VOTE ON THE QUESTION OF WHETHER TO SEND THE  
14 JOINT RESOLUTION TO ITS FULL HOUSE FOR APPROVAL. IF A MAJORITY OF  
15 THE MEMBERS OF EACH COMMITTEE PRESENT VOTE TO SEND THE JOINT  
16 RESOLUTION TO THE FULL HOUSE OF THE COMMITTEE FOR ITS APPROVAL,  
17 THE RESOLUTION SHALL BE SENT TO THE FULL HOUSE FOR ITS APPROVAL.  
18 EACH HOUSE VOTE SHALL TAKE PLACE NO LATER THAN FOUR DAYS AFTER  
19 SUBMISSION OF THE REQUEST BY THE GOVERNOR. NO STATE OF  
20 EMERGENCY SHALL BE DECLARED PURSUANT TO THIS SUBSECTION (4)  
21 UNLESS THE JOINT RESOLUTION HAS BEEN APPROVED BY A TWO-THIRDS  
22 MAJORITY OF ALL OF THE MEMBERS OF BOTH HOUSES OF THE GENERAL  
23 ASSEMBLY. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
24 THE FAILURE OF EITHER HOUSE TO APPROVE THE JOINT RESOLUTION BY THE  
25 MAJORITY SPECIFIED IN THIS PARAGRAPH (b) SHALL VOID AND NULLIFY  
26 ANY DECLARATION OF A STATE OF EMERGENCY THAT IS THE SUBJECT OF  
27 THE RESOLUTION.

1           (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY JOINT  
2 RESOLUTION CONSIDERED BY THE GENERAL ASSEMBLY IN ACCORDANCE  
3 WITH THE REQUIREMENTS OF THIS SUBSECTION (4) SHALL SPECIFY A DATE  
4 ON WHICH THE STATE OF EMERGENCY THAT IS THE SUBJECT OF THE  
5 RESOLUTION SHALL EXPIRE, WHICH EXPIRATION DATE SHALL NOT BE MORE  
6 THAN ONE HUNDRED EIGHTY DAYS FROM THE DATE OF APPROVAL OF THE  
7 JOINT RESOLUTION IN ACCORDANCE WITH PARAGRAPH (b) OF THIS  
8 SUBSECTION (4). NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY  
9 STATUTORY ENACTMENT THAT BECOMES LAW TO ADDRESS THE  
10 EMERGENCY PURSUANT TO THIS SUBSECTION (4), AND ANY RULE  
11 PROMULGATED BY ANY DEPARTMENT, AGENCY, OR OFFICE OF STATE  
12 GOVERNMENT TO ADDRESS THE EMERGENCY, SHALL BE TEMPORARY AND  
13 SHALL AUTOMATICALLY BE REPEALED ON THE DATE OF THE EXPIRATION OF  
14 THE EMERGENCY WITHIN THE MEANING OF THIS PARAGRAPH (c).

15           (5) (a) IN THE CASE OF A CIRCUMSTANCE OR CONDITION  
16 NECESSITATING THE DECLARATION OF A STATE OF EMERGENCY THAT  
17 OCCURS WHEN THE GENERAL ASSEMBLY IS NOT IN SESSION, THE  
18 GOVERNOR:

19           (I) MAY DECLARE A STATE OF EMERGENCY TO ADDRESS THE  
20 CIRCUMSTANCE OR CONDITION; AND

21           (II) IF THE GOVERNOR HAS DECLARED A STATE OF EMERGENCY  
22 PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), SHALL ALSO  
23 SIMULTANEOUSLY CONVENE A SPECIAL SESSION OF THE GENERAL  
24 ASSEMBLY PURSUANT TO SECTION 9 OF ARTICLE IV AND SECTION 7 OF  
25 ARTICLE V OF THE STATE CONSTITUTION, WHICH SPECIAL SESSION SHALL  
26 COMMENCE NO LATER THAN SEVEN DAYS AFTER THE DECLARATION  
27 SPECIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a) FOR THE PURPOSE

1 OF CONSIDERING THE RATIFICATION OF THE DECLARATION.

2 (b) UPON THE DECLARATION OF A STATE OF EMERGENCY PURSUANT  
3 TO PARAGRAPH (a) OF THIS SUBSECTION (5), THE OFFICE OF LEGISLATIVE  
4 LEGAL SERVICES SHALL PREPARE A JOINT RESOLUTION FOR CONSIDERATION  
5 BY THE GENERAL ASSEMBLY IN ACCORDANCE WITH THE REQUIREMENTS OF  
6 THIS SUBSECTION (5) THAT REQUESTS RATIFICATION BY THE GENERAL  
7 ASSEMBLY OF THE GOVERNOR'S DECLARATION OF A STATE OF EMERGENCY  
8 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5). OTHER  
9 PROCEDURES FOR CONSIDERATION BY THE GENERAL ASSEMBLY OF THE  
10 JOINT RESOLUTION PURSUANT TO THIS SUBSECTION (5) SHALL FOLLOW AS  
11 CLOSELY AS POSSIBLE THE PROCEDURES SPECIFIED IN SUBSECTION (4) OF  
12 THIS SECTION FOR THE CONSIDERATION BY THE GENERAL ASSEMBLY OF A  
13 JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO DECLARE A STATE OF  
14 EMERGENCY WHEN THE GENERAL ASSEMBLY IS IN SESSION. NO STATE OF  
15 EMERGENCY SHALL BE DECLARED PURSUANT TO THIS SUBSECTION (5)  
16 UNLESS THE JOINT RESOLUTION REQUESTING RATIFICATION HAS BEEN  
17 APPROVED BY A TWO-THIRDS MAJORITY OF ALL OF THE MEMBERS OF BOTH  
18 HOUSES OF THE GENERAL ASSEMBLY. NOTWITHSTANDING ANY OTHER  
19 PROVISION OF LAW, THE FAILURE OF EITHER HOUSE TO APPROVE THE JOINT  
20 RESOLUTION REQUESTING RATIFICATION BY THE MAJORITY SPECIFIED IN  
21 THIS PARAGRAPH (b) SHALL VOID AND NULLIFY ANY DECLARATION OF A  
22 STATE OF EMERGENCY THAT IS THE SUBJECT OF THE RESOLUTION.

23 (c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY JOINT  
24 RESOLUTION CONSIDERED BY THE GENERAL ASSEMBLY IN ACCORDANCE  
25 WITH THE REQUIREMENTS OF THIS SUBSECTION (5) SHALL SPECIFY A DATE  
26 ON WHICH THE STATE OF EMERGENCY THAT IS THE SUBJECT OF THE  
27 RESOLUTION SHALL EXPIRE, WHICH EXPIRATION DATE SHALL BE NO LATER

1 THAN THE FEBRUARY 1 FOLLOWING THE GOVERNOR'S DECLARATION OF  
2 THE STATE OF EMERGENCY PURSUANT TO PARAGRAPH (a) OF THIS  
3 SUBSECTION (5). NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY  
4 STATUTORY ENACTMENT THAT BECOMES LAW TO ADDRESS THE  
5 EMERGENCY PURSUANT TO THIS SUBSECTION (5), AND ANY RULE  
6 PROMULGATED BY ANY DEPARTMENT, AGENCY, OR OFFICE OF STATE  
7 GOVERNMENT TO ADDRESS THE EMERGENCY, SHALL BE TEMPORARY AND  
8 SHALL AUTOMATICALLY BE REPEALED ON THE DATE OF THE EXPIRATION OF  
9 THE EMERGENCY WITHIN THE MEANING OF THIS PARAGRAPH (c).

10 (6) (a) ANY STATE OF EMERGENCY THAT HAS BEEN DECLARED IN  
11 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION MAY BE  
12 EXTENDED UPON A REQUEST BY THE GOVERNOR TO PRESERVE THE STATE  
13 OF EMERGENCY FOR AN ADDITIONAL PERIOD, AND THE LENGTH OF ANY ONE  
14 EXTENSION AUTHORIZED UNDER THIS SUBSECTION (6) SHALL NOT EXCEED  
15 ONE HUNDRED EIGHTY DAYS PAST THE ORIGINAL EXPIRATION DATE AS  
16 SPECIFIED IN EITHER SUBSECTION (4) OR (5) OF THIS SECTION. A REQUEST  
17 FOR AN EXTENSION PURSUANT TO THIS SUBSECTION (6) SHALL DESCRIBE  
18 WITH PARTICULARITY THE CIRCUMSTANCES AND CONDITIONS  
19 NECESSITATING THE CONTINUATION OF THE STATE OF EMERGENCY.

20 (b) PROCEDURES FOR CONSIDERATION BY THE GENERAL ASSEMBLY  
21 OF A REQUEST FOR EXTENSION PURSUANT TO THIS SUBSECTION (6) SHALL  
22 FOLLOW AS CLOSELY AS POSSIBLE THE PROCEDURES SPECIFIED IN  
23 SUBSECTIONS (4) AND (5) OF THIS SECTION FOR THE CONSIDERATION BY  
24 THE GENERAL ASSEMBLY OF A JOINT RESOLUTION AUTHORIZING THE  
25 GOVERNOR TO DECLARE A STATE OF EMERGENCY WHEN THE GENERAL  
26 ASSEMBLY IS IN SESSION OR OF A JOINT RESOLUTION RATIFYING A STATE OF  
27 EMERGENCY DECLARED BY THE GOVERNOR WHEN THE GENERAL ASSEMBLY

1 IS NOT IN SESSION. NO STATE OF EMERGENCY SHALL BE EXTENDED  
2 PURSUANT TO THIS SUBSECTION (6) UNLESS THE JOINT RESOLUTION  
3 REQUESTING THE EXTENSION HAS BEEN APPROVED BY A TWO-THIRDS  
4 MAJORITY OF ALL OF THE MEMBERS OF BOTH HOUSES OF THE GENERAL  
5 ASSEMBLY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE  
6 FAILURE OF EITHER HOUSE TO APPROVE THE JOINT RESOLUTION  
7 REQUESTING THE EXTENSION BY THE MAJORITY SPECIFIED IN THIS  
8 PARAGRAPH (b) SHALL TERMINATE THE STATE OF EMERGENCY ON ITS  
9 ORIGINAL EXPIRATION DATE. NOTWITHSTANDING ANY OTHER PROVISION  
10 OF LAW, NO STATE OF EMERGENCY SHALL BE EXTENDED PURSUANT TO THE  
11 REQUIREMENTS OF THIS SUBSECTION (6) ON MORE THAN TWO OCCASIONS.

12 (7) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT  
13 EXISTING STATUTORY PROVISIONS ENACTED TO ADDRESS NATURAL  
14 DISASTERS OR OTHER CIRCUMSTANCES THAT DO NOT NECESSITATE THE  
15 DECLARATION OF A STATE OF EMERGENCY PURSUANT TO SUBSECTION (3)  
16 OF THIS SECTION.

17 (8) NO DECLARATION OF A STATE OF EMERGENCY SHALL OPERATE  
18 IN A MANNER SO AS TO ABROGATE ANY RIGHT GUARANTEED THE PEOPLE  
19 UNDER THE LAWS OR CONSTITUTIONS OF THE STATE OF COLORADO OR THE  
20 UNITED STATES.

21 **SECTION 2. Repeal.** 24-20-201, Colorado Revised Statutes, is  
22 repealed as follows:

23 **24-20-201. Insurrection - firearms prohibited.** ~~When, in the~~  
24 ~~opinion of the governor, a condition of riot, insurrection, or invasion~~  
25 ~~exists in this state or in any county, city, town, or district in this state, he~~  
26 ~~shall have the right to declare the state or any such county, city, town, or~~  
27 ~~district to be in a state of riot, or insurrection, or invasion, by~~

1 proclamation, and to prohibit the purchase, manufacture for sale or use,  
2 receiving, carrying, or use, or the selling, giving away, transportation, or  
3 otherwise disposing, or the permitting of others to obtain possession of  
4 any firearms or ammunition in the places covered by said proclamation  
5 or in any other portion of the state designated by him during the time that  
6 said proclamation remains in force.

7 **SECTION 3. Repeal.** 24-20-202, Colorado Revised Statutes, is  
8 repealed as follows:

9 **24-20-202. Permit to bear arms.** If the governor at any time  
10 issues his proclamation as provided in section 24-20-201 declaring the  
11 state or any county, city, town, or district within the state to be in a state  
12 of riot, or insurrection, or invasion, it is unlawful while said proclamation  
13 is in force for any person, firm, or corporation within the territory  
14 covered by said proclamation to purchase, manufacture for sale or use,  
15 receive, transport, carry, or use any firearm or ammunition or to sell, give  
16 away, or otherwise dispose of or permit others to obtain possession of  
17 any firearm or ammunition without a written permit from the governor or  
18 his regularly authorized representative. No permit shall be issued by the  
19 governor or his representative unless and until the person so desiring such  
20 permit satisfies the governor or his representative that the same is to be  
21 used in defense of his home, person, or property. This section shall not  
22 apply to legally authorized peace officers, or sheriffs, designated by the  
23 governor or his representative, or members of the national guard of  
24 Colorado. No permit shall be issued to allow the purchase, manufacture  
25 for sale or use, receipt, use, transportation, or disposing of firearms or  
26 ammunition by anyone not a citizen of the United States or to anyone  
27 who has not been a resident of the state of Colorado for more than one

1 ~~year prior to the issuance of the proclamation mentioned in section~~  
2 ~~24-20-201.~~

3 **SECTION 4. Repeal.** 24-20-204, Colorado Revised Statutes, is  
4 repealed as follows:

5 **24-20-204. Violation - penalty.** ~~Any person, firm, or corporation~~  
6 ~~violating the provisions of section 24-20-202 is guilty of a misdemeanor~~  
7 ~~and, upon conviction thereof, shall be punished by a fine of not less than~~  
8 ~~one hundred dollars nor more than one thousand dollars, or by~~  
9 ~~imprisonment in the county jail for not more than one year, or by both~~  
10 ~~such fine and imprisonment.~~

11 **SECTION 5.** 24-77-104 (3) (a), Colorado Revised Statutes, is  
12 amended to read:

13 **24-77-104. State emergency reserve - creation - declaration of**  
14 **emergency.** (3) The state emergency reserve may be expended in any  
15 given fiscal year upon:

16 (a) The declaration of a state OF emergency by the passage of a  
17 joint resolution ~~which~~ THAT is approved by a two-thirds majority of the  
18 members of both houses of the general assembly ~~and which is approved~~  
19 ~~by the governor in accordance with section 39 of article V of the state~~  
20 ~~constitution~~ UPON THE REQUEST OF THE GOVERNOR FOR A DECLARATION  
21 OF A STATE OF EMERGENCY IN ACCORDANCE WITH THE REQUIREMENTS OF  
22 SECTION 24-20-111; or

23 **SECTION 6.** 24-77-105 (2) (a) (I), Colorado Revised Statutes,  
24 is amended to read:

25 **24-77-105. Emergency taxes - declaration of emergency -**  
26 **limitation.** (2) (a) Any emergency tax may be imposed by the state  
27 upon:

1           (I) The declaration of a state OF emergency by the passage of a  
2 joint resolution ~~which~~ THAT is approved by a two-thirds majority of the  
3 members of both houses of the general assembly ~~and which is approved~~  
4 ~~by the governor in accordance with section 39 of article V of the state~~  
5 ~~constitution~~ UPON THE REQUEST OF THE GOVERNOR FOR A DECLARATION  
6 OF A STATE OF EMERGENCY IN ACCORDANCE WITH THE REQUIREMENTS OF  
7 SECTION 24-20-111; and

8           **SECTION 7.** 28-3-103 (1), Colorado Revised Statutes, is  
9 amended to read:

10           **28-3-103. General provisions.** (1) In case the United States is  
11 at war or in case of any other emergency declared by the president or the  
12 congress of the United States or by the governor ~~or~~ WITH THE APPROVAL  
13 OF the general assembly of this state IN ACCORDANCE WITH THE  
14 REQUIREMENTS OF SECTION 24-20-111, C.R.S., any organization, unit, or  
15 detachment of the military forces of this state, by direction of the  
16 governor and upon order of the officer in immediate command thereof,  
17 may continue in fresh pursuit of insurrectionists, saboteurs, terrorists,  
18 enemies, or enemy forces beyond the border of this state into another  
19 state until they are apprehended or captured by such organization, unit,  
20 or detachment or until the military or police forces of such other state or  
21 the forces of the United States have had a reasonable opportunity to pick  
22 up the pursuit or to apprehend or capture the persons pursued, if such  
23 other state has given authority by law for such pursuit by such forces of  
24 this state. Except as provided by law, any person who is apprehended or  
25 captured in another state by any of the forces of this state shall, without  
26 unnecessary delay, be surrendered to the military or police forces of the  
27 state in which he or she is taken or to the United States, but such

1       surrender shall not constitute a waiver by this state of its right to extradite  
2       or prosecute such person for any crime committed in this state.

3               **SECTION 8. Effective date.** This act shall take effect July 1,  
4       2003.

5               **SECTION 9. Safety clause.** The general assembly hereby finds,  
6       determines, and declares that this act is necessary for the immediate  
7       preservation of the public peace, health, and safety.