

First Regular Session
Sixty-fourth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 03-0756.01 Bob Lackner

HOUSE BILL 03-1290

HOUSE SPONSORSHIP

Lee,

SENATE SPONSORSHIP

Cairns,

House Committees
State, Veterans, & Military Affairs

Senate Committees
State Veterans & Military Affairs

SENATE
Amended 3rd Reading
March 26, 2003

A BILL FOR AN ACT

101 **CONCERNING DECLARATIONS OF A STATE OF 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 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

SENATE
Amended 2nd Reading
March 17, 2003

HOUSE
3rd Reading Unamended
February 21, 2003

HOUSE
Amended 2nd Reading
February 20, 2003

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.

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.** 24-32-2103 (1.5), Colorado Revised Statutes, is

1 amended to read:

2 **24-32-2103. Definitions.** As used in this part 21, unless the
3 context otherwise requires:

4 (1.5) "Disaster" means the occurrence or imminent threat of
5 widespread or severe damage, injury, or loss of life or property resulting
6 from any natural cause or cause of human origin, including but not
7 limited to fire, flood, earthquake, wind, storm, wave action, hazardous
8 substance incident, oil spill or other water contamination requiring
9 emergency action to avert danger or damage, volcanic activity, epidemic,
10 air pollution, blight, drought, infestation, explosion, civil disturbance, or
11 hostile military or paramilitary action, OR A CONDITION OF RIOT,
12 INSURRECTION, OR INVASION EXISTING IN THE STATE OR IN ANY COUNTY,
13 CITY, TOWN, OR DISTRICT IN THE STATE.

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15 repealed as follows:

16 **24-20-201. Insurrection - firearms prohibited.** ~~When, in the~~
17 ~~opinion of the governor, a condition of riot, insurrection, or invasion~~
18 ~~exists in this state or in any county, city, town, or district in this state, he~~
19 ~~shall have the right to declare the state or any such county, city, town, or~~
20 ~~district to be in a state of riot, or insurrection, or invasion, by~~
21 ~~proclamation, and to prohibit the purchase, manufacture for sale or use,~~
22 ~~receiving, carrying, or use, or the selling, giving away, transportation, or~~
23 ~~otherwise disposing, or the permitting of others to obtain possession of~~
24 ~~any firearms or ammunition in the places covered by said proclamation~~
25 ~~or in any other portion of the state designated by him during the time that~~
26 ~~said proclamation remains in force.~~

27 **SECTION 3.** 24-20-202, Colorado Revised Statutes, is amended

1 to read:

2 24-20-202. Restrictions on noncitizens in event of riot,
3 insurrection, or invasion. (1) If the governor at any time issues his A
4 proclamation as provided in section 24-20-201 OR EXECUTIVE ORDER IN
5 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-32-2104 declaring
6 the state or any county, city, town, or district within the state to be in a
7 state of riot, or insurrection, or invasion, it is unlawful while said
8 proclamation OR ORDER is in force for any person firm, or corporation
9 within the territory covered by said proclamation OR ORDER WHO IS NOT
10 A CITIZEN OF THE UNITED STATES to purchase, manufacture for sale or
11 use, receive, transport, carry, or use any firearm or ammunition or to sell,
12 give away, or otherwise dispose of or permit others to obtain possession
13 of any firearm or ammunition. without a written permit from the governor
14 or his regularly authorized representative. No permit shall be issued by
15 the governor or his representative unless and until the person so desiring
16 such permit satisfies the governor or his representative that the same is to
17 be used in defense of his home, person, or property. This section shall
18 not apply to legally authorized peace officers, or sheriffs, designated by
19 the governor or his representative, or members of the national guard of
20 Colorado. No permit shall be issued to allow the purchase, manufacture
21 for sale or use, receipt, use, transportation, or disposing of firearms or
22 ammunition by anyone not a citizen of the United States or to anyone
23 who has not been a resident of the state of Colorado for more than one
24 year prior to the issuance of the proclamation mentioned in section
25 24-20-201.

26 (2) (a) IN ORDER TO SATISFY THE REQUIREMENTS OF SUBSECTION
27 (1) OF THIS SECTION, WHERE THE GOVERNOR HAS ISSUED A PROCLAMATION

1 OR EXECUTIVE ORDER IN ACCORDANCE WITH THE REQUIREMENTS OF
2 SECTION 24-32-2104 DECLARING THE STATE OR ANY COUNTY, CITY, TOWN,
3 OR DISTRICT WITHIN THE STATE TO BE IN A STATE OF RIOT, INSURRECTION,
4 OR INVASION, ANY PERSON WITHIN THE TERRITORY COVERED BY SAID
5 PROCLAMATION OR ORDER WHO INTENDS TO PURCHASE ANY FIREARM OR
6 AMMUNITION SHALL SUBMIT SUCH IDENTIFICATION TO THE VENDOR
7 SELLING THE FIREARM OR AMMUNITION AS SHALL DEMONSTRATE THAT THE
8 PURCHASER IS A CITIZEN OF THE UNITED STATES.

9 (b) FOR PURPOSES OF PARAGRAPH (a) OF THIS SUBSECTION (2), THE
10 SUBMISSION BY A PURCHASER OF ANY OF THE FOLLOWING FORMS OF
11 IDENTIFICATION SHALL CONSTITUTE SUFFICIENT PROOF TO SATISFY THE
12 REQUIREMENT OF THIS SECTION THAT A PURCHASER IS A CITIZEN OF THE
13 UNITED STATES:

14 (I) A VALID UNITED STATES PASSPORT;

15 (II) A VALID EMPLOYEE IDENTIFICATION CARD WITH A
16 PHOTOGRAPH OF THE PURCHASER ISSUED BY ANY BRANCH, DEPARTMENT,
17 AGENCY, OR ENTITY OF THE UNITED STATES GOVERNMENT OR OF THIS
18 STATE, OR BY ANY COUNTY, MUNICIPALITY, BOARD, AUTHORITY, OR OTHER
19 POLITICAL SUBDIVISION OF THIS STATE;

20 (III) A VALID PILOT'S LICENSE WITH A PHOTOGRAPH OF THE
21 PURCHASER ISSUED BY THE FEDERAL AVIATION ADMINISTRATION OR OTHER
22 AUTHORIZED AGENCY OF THE UNITED STATES;

23 (IV) A VALID BIRTH CERTIFICATE ISSUED IN THE PURCHASER'S
24 NAME BY ANY COUNTY OF THIS OR ANY OTHER STATE WHEN SUBMITTED
25 WITH ANOTHER FORM OF VALID IDENTIFICATION BEARING A PHOTOGRAPH
26 OF THE PURCHASER;

27 (V) A VALID CARD ISSUED IN THE PURCHASER'S NAME BY THE

1 FEDERAL SOCIAL SECURITY ADMINISTRATION WHEN SUBMITTED WITH
2 ANOTHER FORM OF VALID IDENTIFICATION BEARING A PHOTOGRAPH OF THE
3 PURCHASER; OR

4 (VI) A VALID UNITED STATES MILITARY IDENTIFICATION CARD
5 WITH A PHOTOGRAPH OF THE PURCHASER.

6 SECTION 4. 24-20-204, Colorado Revised Statutes, is amended
7 to read:

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

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