

First Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 03-0631.01 Julie Pelegrin

SENATE BILL 03-025

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SENATE SPONSORSHIP

Dyer

HOUSE SPONSORSHIP

(None)

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Senate Committees

House Committees

Judiciary

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A BILL FOR AN ACT

101 CONCERNING LIMITATION OF THE ABILITY OF A LOCAL GOVERNMENT  
102 TO REGULATE FIREARMS, AND, IN CONNECTION THEREWITH,  
103 IDENTIFYING FIREARMS REGULATION AS A MATTER OF  
104 STATEWIDE CONCERN.

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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 a local government from adopting an ordinance, resolution, or other law that would impose a greater restriction on a person's ability to own, possess, carry, use, or transfer a firearm than is imposed by state law. Identifies imposition of a greater penalty as being

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.*

a greater restriction. Specifies that an ordinance, resolution, or other law 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. Recognizes that a zoning ordinance that applies equally to all commercial establishments is not a restriction on a person's ability to own, possess, carry, use, or transfer a firearm.

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

7 (I) SECTION 3 OF ARTICLE II OF THE STATE CONSTITUTION, THE  
8 ARTICLE REFERRED TO AS THE STATE BILL OF RIGHTS, DECLARES THAT ALL  
9 PERSONS HAVE CERTAIN INALIENABLE RIGHTS, WHICH INCLUDE THE RIGHT  
10 TO DEFEND THEIR LIVES AND LIBERTIES;

11 (II) THERE EXISTS A WIDESPREAD INCONSISTENCY AMONG  
12 JURISDICTIONS WITHIN THE STATE WITH REGARD TO FIREARMS  
13 REGULATIONS;

14 (III) THIS INCONSISTENCY CREATES A CONFUSING AND  
15 UNENFORCEABLE PATCHWORK OF LAWS THAT UNFAIRLY SUBJECTS A  
16 CITIZEN WHO LAWFULLY POSSESSES A FIREARM IN ONE JURISDICTION TO  
17 CRIMINAL PENALTIES BECAUSE HE OR SHE TRAVELS INTO ANOTHER  
18 JURISDICTION;

19 (IV) THIS INCONSISTENCY PLACES CITIZENS IN THE POSITION OF  
20 NOT KNOWING WHEN THEY MAY BE VIOLATING THE LOCAL LAWS AND  
21 THEREFORE BEING UNABLE TO AVOID COMMITTING A CRIME.

22 (b) BASED ON THE FINDINGS SPECIFIED IN PARAGRAPH (a) OF THIS

1 SUBSECTION (1), THE GENERAL ASSEMBLY CONCLUDES THAT:

2 (I) THE REGULATION OF FIREARMS IS A MATTER OF STATEWIDE  
3 CONCERN;

4 (II) IT IS NECESSARY TO PROVIDE STATEWIDE LAWS CONCERNING  
5 THE OWNERSHIP, POSSESSION, CARRYING, USE, AND TRANSFERRING OF A  
6 FIREARM TO ENSURE THAT LAW-ABIDING PERSONS ARE NOT UNFAIRLY  
7 PLACED IN THE POSITION OF UNKNOWINGLY COMMITTING CRIMES  
8 INVOLVING FIREARMS.

9 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A  
10 LOCAL GOVERNMENT SHALL NOT HAVE THE AUTHORITY TO ENACT AN  
11 ORDINANCE, RESOLUTION, OR OTHER LAW THAT WOULD RESTRICT A  
12 PERSON'S ABILITY TO OWN, POSSESS, CARRY, USE, OR TRANSFER A FIREARM  
13 TO A GREATER EXTENT THAN THE PERSON'S ABILITY TO OWN, POSSESS,  
14 CARRY, USE, OR TRANSFER A FIREARM IS RESTRICTED BY STATE STATUTE.

15 (b) AN ORDINANCE, RESOLUTION, OR OTHER LAW THAT IMPOSES OR  
16 OTHERWISE RESULTS IN A GREATER PENALTY FOR VIOLATION OF THE  
17 ORDINANCE, RESOLUTION, OR OTHER LAW THAN WOULD BE IMPOSED FOR  
18 OR RESULT FROM VIOLATION OF A COMPARABLE STATE STATUTE SHALL BE  
19 DEEMED TO BE A GREATER RESTRICTION THAN THAT IMPOSED BY STATE  
20 STATUTE.

21 (3) AN ORDINANCE, RESOLUTION, OR OTHER LAW PASSED PRIOR TO  
22 THE EFFECTIVE DATE OF THIS SECTION THAT VIOLATES THE PROVISIONS OF  
23 THIS SECTION SHALL BE DEEMED UNAUTHORIZED AND THEREFORE  
24 UNENFORCEABLE AS TO EVENTS OCCURRING ON OR AFTER THE EFFECTIVE  
25 DATE OF THIS SECTION.

26 (4) A LOCAL GOVERNMENT MAY ADOPT A ZONING ORDINANCE  
27 THAT APPLIES EQUALLY TO ALL COMMERCIAL ESTABLISHMENTS,

1 INCLUDING COMMERCIAL ESTABLISHMENTS THAT DEAL WITH FIREARMS,  
2 AND THE ORDINANCE SHALL NOT BE CONSTRUED TO RESTRICT A PERSON'S  
3 ABILITY TO OWN, POSSESS, CARRY, USE, OR TRANSFER A FIREARM.

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