

**First Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 03-0631.01 Julie Pelegrin

**SENATE BILL 03-025**

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**SENATE SPONSORSHIP**

**Dyer,**

**HOUSE SPONSORSHIP**

**Hefley,**

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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.*

SENATE  
Amended 2nd Reading  
February 19, 2003

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. 18-12-105.6, Colorado Revised Statutes, is  
3 amended to read:

4 **18-12-105.6. Limitation on local ordinances regarding firearms**  
5 **in private vehicles.** (1) The general assembly hereby finds that:

6 (a) A person carrying a weapon in a private automobile or other  
7 private means of conveyance FOR HUNTING OR for lawful protection of  
8 such person's or another's person or property, as permitted in sections  
9 18-12-105 (2) (b) and 18-12-105.5 (3) (c), may tend to travel WITHIN A  
10 COUNTY, CITY AND COUNTY, OR MUNICIPAL JURISDICTION OR in or through  
11 different county, city and county, and municipal jurisdictions, en route to  
12 the person's destination;

13 (b) Inconsistent laws exist in local jurisdictions with regard to the  
14 circumstances under which weapons may be carried in automobiles and  
15 other private means of conveyance;

16 (c) This inconsistency creates a confusing patchwork of laws that  
17 unfairly subjects a person who lawfully travels with a weapon ~~in or~~  
18 ~~through one jurisdiction~~ to criminal penalties because he or she travels  
19 WITHIN A JURISDICTION OR into or through another jurisdiction;

20 (d) This inconsistency places citizens in the position of not  
21 knowing when they may be violating local laws while traveling WITHIN  
22 A JURISDICTION OR in, through, or between different jurisdictions, and

1 therefore being unable to avoid committing a crime.

2 (2) (a) Based on the findings specified in subsection (1) of this  
3 section, the general assembly concludes that the carrying of weapons in  
4 private automobiles or other private means of conveyance FOR HUNTING  
5 OR for lawful protection of a person's or another's person or property  
6 while traveling into, or through, OR WITHIN, a municipal, county, or city  
7 and county jurisdiction, regardless of the number of times the person  
8 stops in a jurisdiction, is a matter of statewide concern and is not an  
9 offense.

10 (b) Notwithstanding any other provision of law, no municipality,  
11 county, or city and county shall have the authority to enact or enforce any  
12 ordinance or resolution that would restrict a person's ability to travel with  
13 a weapon in a private automobile or other private means of conveyance  
14 FOR HUNTING OR for lawful protection of a person's or another's person or  
15 property while traveling into, or through, OR WITHIN, a municipal, county,  
16 or city and county jurisdiction, regardless of the number of times the  
17 person stops in a jurisdiction.

18 **SECTION 2.** Title 29, Colorado Revised Statutes, is amended  
19 **BY THE ADDITION OF A NEW ARTICLE to read:**

20 **ARTICLE 11.7**

21 **Regulation of Firearms**

22 **29-11.7-101. Legislative declaration.** (1) **THE GENERAL**  
23 **ASSEMBLY HEREBY FINDS THAT:**

24 (a) **SECTION 3 OF ARTICLE II OF THE STATE CONSTITUTION, THE**  
25 **ARTICLE REFERRED TO AS THE STATE BILL OF RIGHTS, DECLARES THAT ALL**  
26 **PERSONS HAVE CERTAIN INALIENABLE RIGHTS, WHICH INCLUDE THE RIGHT**  
27 **TO DEFEND THEIR LIVES AND LIBERTIES;**

1           (b) SECTION 13 OF ARTICLE II OF THE STATE CONSTITUTION  
2           PROTECTS THE FUNDAMENTAL RIGHT OF A PERSON TO KEEP AND BEAR  
3           ARMS AND IMPLEMENTS SECTION 3 OF ARTICLE II OF THE STATE  
4           CONSTITUTION;

5           (c) THE GENERAL ASSEMBLY RECOGNIZES A DUTY TO PROTECT AND  
6           DEFEND THE FUNDAMENTAL CIVIL RIGHTS SET FORTH IN PARAGRAPHS (a)  
7           AND (b) OF THIS SUBSECTION (1);

8           (d) THERE EXISTS A WIDESPREAD INCONSISTENCY AMONG  
9           JURISDICTIONS WITHIN THE STATE WITH REGARD TO FIREARMS  
10           REGULATIONS;

11           (e) THIS INCONSISTENCY AMONG LOCAL GOVERNMENT LAWS  
12           REGULATING LAWFUL FIREARM POSSESSION AND OWNERSHIP HAS  
13           EXTRATERRITORIAL IMPACT ON STATE CITIZENS AND THE GENERAL PUBLIC  
14           BY SUBJECTING THEM TO CRIMINAL AND CIVIL PENALTIES IN SOME  
15           JURISDICTIONS FOR CONDUCT WHOLLY LAWFUL IN OTHER JURISDICTIONS;

16           (f) INCONSISTENCY AMONG LOCAL GOVERNMENTS OF LAWS  
17           REGULATING THE POSSESSION AND OWNERSHIP OF FIREARMS RESULTS IN  
18           PERSONS BEING TREATED DIFFERENTLY UNDER THE LAW SOLELY ON THE  
19           BASIS OF WHERE THEY RESIDE, AND A PERSON'S RESIDENCE IN A  
20           PARTICULAR COUNTY OR CITY OR CITY AND COUNTY IS NOT A RATIONAL  
21           CLASSIFICATION WHEN IT IS THE BASIS FOR DENIAL OF EQUAL TREATMENT  
22           UNDER THE LAW;

23           (g) THIS INCONSISTENCY PLACES CITIZENS IN THE POSITION OF NOT  
24           KNOWING WHEN THEY MAY BE VIOLATING THE LOCAL LAWS AND  
25           THEREFORE BEING UNABLE TO AVOID VIOLATING THE LAW AND BECOMING  
26           SUBJECT TO CRIMINAL AND OTHER PENALTIES.

27           (2) BASED ON THE FINDINGS SPECIFIED IN SUBSECTION (1) OF THIS

1 SECTION, THE GENERAL ASSEMBLY CONCLUDES THAT:

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

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

8 **29-11.7-102. Firearms database - prohibited.** (1) A LOCAL  
9 GOVERNMENT, INCLUDING A LAW ENFORCEMENT AGENCY, SHALL NOT  
10 MAINTAIN A LIST OR OTHER FORM OF RECORD OR DATABASE OF:

11 (a) PERSONS WHO PURCHASE, EXCHANGE, OR PAWN FIREARMS OR  
12 WHO LEAVE FIREARMS FOR REPAIR OR SALE ON CONSIGNMENT;

13 (b) PERSONS WHO TRANSFER FIREARMS, UNLESS THE PERSONS ARE  
14 FEDERALLY LICENSED FIREARMS DEALERS;

15 (c) THE DESCRIPTIONS, INCLUDING SERIAL NUMBERS, OF FIREARMS  
16 PURCHASED, TRANSFERRED, EXCHANGED, PAWNED, OR LEFT FOR REPAIR  
17 OR SALE ON CONSIGNMENT.

18 **29-11.7-103. Regulation - type of firearm - prohibited.** A  
19 LOCAL GOVERNMENT MAY NOT ENACT AN ORDINANCE, REGULATION, OR  
20 OTHER LAW THAT PROHIBITS THE SALE, PURCHASE, OR POSSESSION OF A  
21 FIREARM THAT A PERSON MAY LAWFULLY SELL, PURCHASE, OR POSSESS  
22 UNDER STATE OR FEDERAL LAW. ANY SUCH ORDINANCE, REGULATION, OR  
23 OTHER LAW ENACTED BY A LOCAL GOVERNMENT PRIOR TO THE EFFECTIVE  
24 DATE OF THIS SECTION IS VOID AND UNENFORCEABLE.

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