

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws. 2003



SENATE BILL 03-025

BY SENATOR(S) Dyer, Andrews, and Teck;
also REPRESENTATIVE(S) Hefley, Cadman, Cloer, Crane, Harvey,
Hoppe, King, Larson, Lundberg, May M., Miller, Rhodes, Rose, Schultheis,
Sinclair, Spence, Stafford, Tochtrop, White, Wiens, and Williams T.

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

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

SECTION 1. 18-12-105.6, Colorado Revised Statutes, is amended to read:

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

(a) A person carrying a weapon in a private automobile or other private means of conveyance FOR HUNTING OR for lawful protection of such person's or another's person or property, as permitted in sections 18-12-105 (2) (b) and 18-12-105.5 (3) (c), may tend to travel WITHIN A COUNTY, CITY

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AND COUNTY, OR MUNICIPAL JURISDICTION OR in or through different county, city and county, and municipal jurisdictions, en route to the person's destination;

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

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

(d) This inconsistency places citizens in the position of not knowing when they may be violating local laws while traveling WITHIN A JURISDICTION OR in, through, or between different jurisdictions, and therefore being unable to avoid committing a crime.

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

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

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

ARTICLE 11.7
Regulation of Firearms

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

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

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

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

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

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

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

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

(2) BASED ON THE FINDINGS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE GENERAL ASSEMBLY CONCLUDES THAT:

(a) THE REGULATION OF FIREARMS IS A MATTER OF STATEWIDE

CONCERN;

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

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

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

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

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

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

29-11.7-104. Regulation - carrying - posting. A LOCAL GOVERNMENT MAY ENACT AN ORDINANCE, REGULATION, OR OTHER LAW THAT PROHIBITS THE OPEN CARRYING OF A FIREARM IN A BUILDING OR SPECIFIC AREA WITHIN THE LOCAL GOVERNMENT'S JURISDICTION. IF A LOCAL GOVERNMENT ENACTS AN ORDINANCE, REGULATION, OR OTHER LAW THAT PROHIBITS THE OPEN CARRYING OF A FIREARM IN A BUILDING OR SPECIFIC AREA, THE LOCAL GOVERNMENT SHALL POST SIGNS AT THE PUBLIC ENTRANCES TO THE BUILDING OR SPECIFIC AREA INFORMING PERSONS THAT THE OPEN CARRYING OF FIREARMS IS PROHIBITED IN THE BUILDING OR SPECIFIC AREA.

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

John Andrews
PRESIDENT OF
THE SENATE

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO