

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

REREVISED

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

LLS NO. 03-0631.01 Julie Pelegrin

SENATE BILL 03-025

SENATE SPONSORSHIP

Dyer,

HOUSE SPONSORSHIP

Hefley,

Senate Committees

Judiciary

House Committees

Judiciary

HOUSE
3rd Reading Unamended
March 14, 2003

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.**

HOUSE
2nd Reading Unamended
March 13, 2003

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.

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, OR EXCHANGE FIREARMS OR WHO
12 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, OR LEFT FOR REPAIR OR SALE ON
17 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 **29-11.7-104. Regulation - carrying - posting.** A LOCAL
26 GOVERNMENT MAY ENACT AN ORDINANCE, REGULATION, OR OTHER LAW
27 THAT PROHIBITS THE OPEN CARRYING OF A FIREARM IN A BUILDING OR

1 SPECIFIC AREA WITHIN THE LOCAL GOVERNMENT'S JURISDICTION. IF A
2 LOCAL GOVERNMENT ENACTS AN ORDINANCE, REGULATION, OR OTHER
3 LAW THAT PROHIBITS THE OPEN CARRYING OF A FIREARM IN A BUILDING OR
4 SPECIFIC AREA, THE LOCAL GOVERNMENT SHALL POST SIGNS AT THE PUBLIC
5 ENTRANCES TO THE BUILDING OR SPECIFIC AREA INFORMING PERSONS THAT
6 THE OPEN CARRYING OF FIREARMS IS PROHIBITED IN THE BUILDING OR
7 SPECIFIC AREA.

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