

SENATE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

January 13, 2003  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB03-025 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend page 2, after line 10, insert the following:

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

6           (III) THE GENERAL ASSEMBLY RECOGNIZES A DUTY TO PROTECT  
7 AND DEFEND THE FUNDAMENTAL CIVIL RIGHTS SET FORTH IN  
8 SUBPARAGRAPH (II) OF THIS PARAGRAPH (a) AND THIS SUBPARAGRAPH  
9 (III);".

10 Renumber succeeding subparagraphs accordingly.

11 Page 2, strike lines 14 through 18 and substitute the following:

12           "(V) THIS INCONSISTENCY AMONG LOCAL GOVERNMENT LAWS  
13 REGULATING LAWFUL FIREARM OWNERSHIP, POSSESSION, CARRYING,  
14 TRANSPORTATION, USE, AND TRANSFER HAS EXTRATERRITORIAL IMPACT  
15 ON STATE CITIZENS AND THE GENERAL PUBLIC BY SUBJECTING THEM TO  
16 CRIMINAL AND CIVIL PENALTIES IN SOME JURISDICTIONS FOR CONDUCT  
17 WHOLLY LAWFUL IN OTHER JURISDICTIONS;

1 (VI) INCONSISTENCY AMONG LOCAL GOVERNMENTS OF LAWS  
2 REGULATING THE OWNERSHIP, POSSESSION, CARRYING, TRANSPORTATION,  
3 USE, AND TRANSFER OF FIREARMS RESULTS IN PERSONS BEING TREATED  
4 DIFFERENTLY UNDER THE LAW SOLELY ON THE BASIS OF WHERE THEY  
5 RESIDE, AND A PERSON'S RESIDENCE IN A PARTICULAR COUNTY OR CITY OR  
6 CITY AND COUNTY IS NOT A RATIONAL CLASSIFICATION WHEN IT IS THE  
7 BASIS FOR DENIAL OF EQUAL TREATMENT UNDER THE LAW;"

8 line 19, strike "(IV)" and substitute "(VII)";

9 line 21, strike "COMMITTING A CRIME." and substitute "VIOLATING THE  
10 LAW AND BECOMING SUBJECT TO CRIMINAL AND OTHER PENALTIES."

11 Page 3, line 5, after "CARRYING," insert "TRANSPORTATION," and, strike  
12 "TRANSFERRING" and substitute "TRANSFER";

13 line 12, after "CARRY," insert "TRANSPORT,";

14 strike line 14 and substitute "CARRY, TRANSPORT, USE, OR TRANSFER A  
15 FIREARM IS RESTRICTED BY STATE STATUTE; EXCEPT THAT A LOCAL  
16 GOVERNMENT MAY ENACT AN ORDINANCE, RESOLUTION, OR OTHER LAW,  
17 TO PROHIBIT:

18 (I) A PERSON FROM OPENLY CARRYING IN PUBLIC A FIREARM THAT  
19 IS NOT UNLOADED AND COMPLETELY ENCLOSED WITHIN A CASE  
20 SPECIFICALLY DESIGNED FOR THE CARRYING OF FIREARMS. FOR PURPOSES  
21 OF THIS SUBPARAGRAPH (I), A HOLSTER SHALL NOT BE CONSIDERED A  
22 CASE.

23 (II) A PERSON FROM DISCHARGING A FIREARM WITHIN THE LOCAL  
24 GOVERNMENT'S JURISDICTION.";

25 line 18, strike "COMPARABLE STATE STATUTE" and substitute "STATE  
26 STATUTE PERTAINING TO THE SAME OR SIMILAR SUBJECT MATTER";

27 line 23, strike "DEEMED UNAUTHORIZED" and substitute "VOID".

28 Page 4, line 3, after "CARRY," insert "TRANSPORT,".

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\*SB025\_C.001\*