

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

INTRODUCED

LLS NO. 13-0725.01 Richard Sweetman x4333

HOUSE BILL 13-1187

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A BILL FOR AN ACT

101 **CONCERNING THE INAPPLICABILITY OF CERTAIN FEDERAL FIREARMS**
102 **LAWS WITHIN COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

A statute, order, rule, or regulation of the U.S. government that becomes effective on or after January 1, 2013, shall be unenforceable within Colorado if the statute, rule, or regulation purports to impose a prohibition, restriction, or limitation upon the possession of a firearm, firearm accessory, or ammunition, including but not limited to a capacity

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.

or size limitation or a registration requirement, that does not exist under the laws of this state.

An employee or agent of the U.S. government who enforces or attempts to enforce a statute, rule, or regulation of the U.S. government in violation of the provisions of the bill commits a class 1 misdemeanor.

The attorney general may defend a Colorado resident who is prosecuted by the U.S. government for an alleged offense in violation of the provisions of the bill.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) The tenth amendment to the United States constitution reserves
5 to the states and the people all powers not granted to the federal
6 government elsewhere in the constitution, as those powers were
7 understood at the time that Colorado was admitted to statehood in 1876.
8 The guarantee of those powers is a matter of contract between the state
9 and people of Colorado and the United States, dating from the time that
10 Colorado became a state.

11 (b) The ninth amendment to the United States constitution
12 guarantees to the people rights not enumerated in the constitution, as
13 those rights were understood at the time Colorado became a state, and the
14 guarantee of those rights is a matter of contract between the state and
15 people of Colorado and the United States, dating from the time that
16 Colorado became a state;

17 (c) The second amendment to the United States constitution
18 guarantees the right of the people to keep and bear arms, as that right was
19 understood at the time Colorado was admitted to statehood in 1876, and
20 the guarantee of that right is a matter of contract between the state and
21 people of Colorado and the United States, dating from the time that

1 Colorado became a state; and

2 (d) Section 13 of article II of the Colorado constitution secures for
3 Colorado residents the right to bear arms in defense of his or her home,
4 person, and property, or in aid of the civil power when thereto legally
5 summoned, and this provision has remained unchanged since 1877.

6 **SECTION 2.** In Colorado Revised Statutes, **add** 18-12-112 as
7 follows:

8 **18-12-112. Regulation of firearms, firearm accessories, and**
9 **ammunition - inapplicability of federal law - penalty - definitions.**

10 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
11 REQUIRES:

12 (a) "FIREARM" SHALL HAVE THE SAME MEANING AS SET FORTH IN
13 SECTION 18-1-901 (3) (h).

14 (b) "FIREARM ACCESSORY" MEANS AN ITEM THAT IS USE IN
15 CONJUNCTION WITH, OR MOUNTED ON, A FIREARM BUT THAT IS NOT
16 ESSENTIAL TO THE BASIC FUNCTION OF A FIREARM. "FIREARM ACCESSORY"
17 INCLUDES A DETACHABLE AMMUNITION MAGAZINE.

18 (2) A STATUTE, ORDER, RULE, OR REGULATION OF THE UNITED
19 STATES GOVERNMENT THAT BECOMES EFFECTIVE ON OR AFTER JANUARY
20 1, 2013, SHALL BE UNENFORCEABLE WITHIN COLORADO IF THE STATUTE,
21 RULE, OR REGULATION PURPORTS TO IMPOSE A PROHIBITION, RESTRICTION,
22 OR LIMITATION UPON THE POSSESSION OF A FIREARM, FIREARM
23 ACCESSORY, OR AMMUNITION, INCLUDING BUT NOT LIMITED TO A
24 CAPACITY OR SIZE LIMITATION OR A REGISTRATION REQUIREMENT, THAT
25 DOES NOT EXIST UNDER THE LAWS OF THIS STATE.

26 (3) AN EMPLOYEE OR AGENT OF THE UNITED STATES GOVERNMENT
27 WHO ENFORCES OR ATTEMPTS TO ENFORCE A STATUTE, RULE, OR

1 REGULATION OF THE UNITED STATES GOVERNMENT IN VIOLATION OF
2 SUBSECTION (2) OF THIS SECTION COMMITS A CLASS 1 MISDEMEANOR AND
3 SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 18-1.3-501 (1).

4 (4) THE ATTORNEY GENERAL MAY DEFEND A RESIDENT OF
5 COLORADO WHO IS PROSECUTED BY THE UNITED STATES GOVERNMENT
6 FOR AN ALLEGED OFFENSE DESCRIBED IN SUBSECTION (2) OF THIS SECTION.

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