

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

INTRODUCED

LLS NO. 13-0439.01 Richard Sweetman x4333

SENATE BILL 13-062

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING ESTABLISHING CIVIL LIABILITY FOR CERTAIN BUSINESSES**
102 **THAT PROHIBIT THE CARRYING OF FIREARMS ON THE BUSINESS**
103 **PREMISES.**

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 private business entity shall be liable for damages in any civil action brought by an invitee if:

- ! The private business entity holds itself open to the public;
- ! The private business entity prohibits the carrying of

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.

firearms, whether concealed or open, on the premises of the business, where such carrying would otherwise be permitted under law;

! The private business entity fails to employ on the premises of the business at least 1 on-duty security officer, who is armed with a firearm, for each 50 persons who are present on the premises of the business; and

! The invitee incurs said damages as a result of actions taken by another person, against whose actions the invitee could have defended himself or herself with a firearm in the absence of the private business entity's prohibition against the carrying of firearms.

"Private business entity" includes, but is not limited to, a tax-exempt, not-for-profit entity that conducts retail sales or provides retail services to the public.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-21-128 as
3 follows:

4 **13-21-128. Civil liability for businesses that prohibit the**
5 **carrying of firearms.** (1) A PRIVATE BUSINESS ENTITY SHALL BE LIABLE
6 FOR DAMAGES IN ANY CIVIL ACTION BROUGHT BY AN INVITEE PURSUANT
7 TO SECTION 13-21-115 (3) (c) IF:

8 (a) THE PRIVATE BUSINESS ENTITY HOLDS ITSELF OPEN TO THE
9 PUBLIC;

10 (b) THE PRIVATE BUSINESS ENTITY PROHIBITS THE CARRYING OF
11 FIREARMS, WHETHER CONCEALED OR OPEN, ON THE PREMISES OF THE
12 BUSINESS, WHERE SUCH CARRYING WOULD OTHERWISE BE PERMITTED
13 UNDER LAW;

14 (c) THE PRIVATE BUSINESS ENTITY FAILS TO EMPLOY ON THE
15 PREMISES OF THE BUSINESS AT LEAST ONE ON-DUTY SECURITY OFFICER,
16 WHO IS ARMED WITH A FIREARM, FOR EACH FIFTY PERSONS WHO ARE
17 PRESENT ON THE PREMISES OF THE BUSINESS; AND

1 (d) THE INVITEE INCURS SAID DAMAGES AS A RESULT OF ACTIONS
2 TAKEN BY ANOTHER PERSON, AGAINST WHICH ACTIONS THE INVITEE
3 COULD HAVE DEFENDED HIMSELF OR HERSELF WITH A FIREARM IN THE
4 ABSENCE OF THE PROHIBITION DESCRIBED IN PARAGRAPH (b) OF THIS
5 SUBSECTION (1).

6 (2) AS USED IN THIS SECTION, "PRIVATE BUSINESS ENTITY"
7 INCLUDES, BUT IS NOT LIMITED TO, A NOT-FOR-PROFIT ENTITY WITH
8 TAX-EXEMPT STATUS UNDER SECTION 501 (c) (3) OF THE FEDERAL
9 "INTERNAL REVENUE CODE OF 1986", AS AMENDED, THAT CONDUCTS
10 RETAIL SALES OR PROVIDES RETAIL SERVICES TO THE PUBLIC.

11 **SECTION 2. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.