

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

INTRODUCED

LLS NO. 04-0825.01 Michael Dohr

SENATE BILL 04-158

SENATE SPONSORSHIP

Gordon

HOUSE SPONSORSHIP

(None)

Senate Committees

State Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE SAFE STORAGE OF FIREARMS TO PREVENT JUVENILE**
102 **POSSESSION OF FIREARMS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates a misdemeanor for negligent storage of a firearm if a firearm owner or custodian stores the firearm, the firearm comes into the possession of a juvenile, and the juvenile discharges the firearm and kills himself, herself, or another person.

Provides exceptions if the juvenile possesses the firearm:

While under direct parental or guardian supervision;
In self-defense;

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.*

While defending his or her residence;
While attending a hunter safety or firearm safety course;
While at a shooting range;
While hunting under a valid hunting license;
While practicing for or engaging in an organized performance or competition;
While traveling to or from any of the listed activities;
As a result of a robbery or burglary.

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

2 **SECTION 1.** Part 1 of article 12 of title 18, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
4 read:

5 **18-12-112. Safe storage of a firearm.** (1) A FIREARM OWNER OR
6 CUSTODIAN COMMITS NEGLIGENT STORAGE OF A FIREARM IF HE OR SHE,
7 ACTING WITH CRIMINAL NEGLIGENCE, STORES THE FIREARM AND IT COMES
8 INTO THE POSSESSION OF A PERSON UNDER THE AGE OF EIGHTEEN YEARS
9 WHO THEN DISCHARGES THE FIREARM AND AS A RESULT OF THE DISCHARGE
10 KILLS HIMSELF, HERSELF, OR ANOTHER PERSON.

11 (2) SUBSECTION (1) OF THIS SECTION SHALL NOT APPLY IF THE
12 PERSON UNDER THE AGE OF EIGHTEEN YEARS OBTAINS POSSESSION OF THE
13 FIREARM UNDER THE FOLLOWING CIRCUMSTANCES:

14 (a) WHILE UNDER THE DIRECT SUPERVISION OF THE PERSON'S
15 PARENT OR GUARDIAN;

16 (b) WHILE LAWFULLY ACTING IN SELF-DEFENSE OR DEFENSE OF
17 ANOTHER;

18 (c) WHILE DEFENDING HIS OR HER RESIDENCE FROM UNLAWFUL
19 ENTRY BY A PERSON;

20 (d) WHILE ATTENDING A HUNTER SAFETY OR FIREARM SAFETY
21 COURSE;

1 (e) WHILE PRACTICING THE USE OF A FIREARM OR TARGET
2 SHOOTING AT AN ESTABLISHED SHOOTING RANGE AUTHORIZED BY THE
3 GOVERNING BODY OF THE JURISDICTION IN WHICH THE RANGE IS LOCATED
4 OR AT ANY OTHER AREA WHERE THE DISCHARGE OF A FIREARM IS NOT
5 PROHIBITED;

6 (f) WHILE HUNTING OR TRAPPING PURSUANT TO A VALID LICENSE
7 ISSUED TO THE PERSON UNDER EIGHTEEN YEARS OF AGE PURSUANT TO
8 ARTICLE 4 OF TITLE 33, C.R.S.;

9 (g) WHILE ENGAGING IN AN ORGANIZED COMPETITION INVOLVING
10 THE USE OF A FIREARM OR PARTICIPATING IN OR PRACTICING FOR A
11 PERFORMANCE BY A TAX-EXEMPT ORGANIZATION PURSUANT TO 26 U.S.C.
12 SEC. 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS
13 AMENDED, WHICH USES FIREARMS AS PART OF THE PERFORMANCE;

14 (h) WHILE TRAVELING WITH AN UNLOADED FIREARM TO OR FROM
15 AN ACTIVITY DESCRIBED IN PARAGRAPH (a), (d), (e), (f), OR (g) OF THIS
16 SUBSECTION (2); OR

17 (i) AS A RESULT OF A ROBBERY, AS DESCRIBED IN SECTION
18 18-4-301 OR 18-4-302, OR AS A RESULT OF A BURGLARY, AS DESCRIBED IN
19 SECTION 18-4-202, 18-4-203, OR 18-4-204.

20 (3) NEGLIGENT STORAGE OF A FIREARM IS A CLASS 3
21 MISDEMEANOR.

22 **SECTION 2. Effective date - applicability.** This act shall take
23 effect July 1, 2004, and shall apply to offenses committed on or after said
24 date.

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