

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0006.04 Conrad Imel x2313

HOUSE BILL 20-1355

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HOUSE SPONSORSHIP

Duran and Mullica,

SENATE SPONSORSHIP

Bridges and Hansen,

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House Committees

State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO SECURE FIREARMS TO PREVENT USE BY  
102 PERSONS NOT LAWFULLY PERMITTED TO POSSESS FIREARMS.

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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://leg.colorado.gov>.)*

The bill creates the offense of unlawful storage of a firearm if a person stores a firearm in a manner that the person knows, or should know:

- ! That a juvenile can gain access to the firearm without the permission of the juvenile's parent or guardian; or
- ! A resident of the premises is ineligible to possess a firearm

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

under state or federal law.

Unlawful storage of a firearm is a class 2 misdemeanor.

The bill requires licensed firearms dealers to provide with each firearm, at the time of a firearm sale or transfer, a locking device capable of securing the firearm. Transferring a firearm without a locking device is an unclassified misdemeanor punishable by a maximum \$500 fine.

The bill requires the state court administrator to annually report to the general assembly about the number of charges related to safe firearms storage, and the disposition of those charges.

The bill requires the department of public health and environment to develop and implement a firearms storage education campaign to educate the public about the safe storage of firearms and state requirements related to firearms safety and storage. The bill creates the firearms safe storage education campaign fund (fund) in the state treasury. A voluntary contribution designation line for the fund will appear on the state individual income tax return form (form) for the 5 income tax years following the year that the executive director of the department of revenue certifies to the revisor of statutes that there is a space available on the form and the fund is next in the queue.

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

2           **SECTION 1.** In Colorado Revised Statutes, 18-12-101, **add**  
3 (1)(f.7) as follows:

4           **18-12-101. Definitions - peace officer affirmative defense.**

5 (1) As used in this article 12, unless the context otherwise requires:

6           (f.7) "LOCKING DEVICE" MEANS A DEVICE THAT PROHIBITS THE  
7 OPERATION OR DISCHARGE OF A FIREARM AND THAT CAN ONLY BE  
8 DISABLED WITH THE USE OF A KEY, COMBINATION, OR BIOMETRIC DATA.

9           **SECTION 2.** In Colorado Revised Statutes, **add** 18-12-113 as  
10 follows:

11           **18-12-113. Unlawful storage of a firearm - exceptions.** (1) A  
12 PERSON COMMITS UNLAWFUL STORAGE OF A FIREARM WHEN THE PERSON  
13 STORES A FIREARM UPON ANY PREMISES THAT THE PERSON OWNS OR  
14 CONTROLS AND THE PERSON KNOWS OR REASONABLY SHOULD KNOW

1 THAT:

2 (a) A JUVENILE CAN GAIN ACCESS TO THE FIREARM WITHOUT THE  
3 PERMISSION OF THE JUVENILE'S PARENT OR GUARDIAN; OR

4 (b) A RESIDENT OF THE PREMISES IS INELIGIBLE TO POSSESS A  
5 FIREARM PURSUANT TO STATE OR FEDERAL LAW.

6 (2) UNLAWFUL STORAGE OF A FIREARM IS A CLASS 2  
7 MISDEMEANOR.

8 (3) IT IS AN EXCEPTION TO THE OFFENSE OF UNLAWFUL STORAGE  
9 OF A FIREARM WHEN:

10 (a) THE PERSON CARRIES THE FIREARM ON HIS OR HER PERSON OR  
11 WITHIN SUCH CLOSE PROXIMITY THERETO THAT THE PERSON CAN READILY  
12 RETRIEVE AND USE THE FIREARM AS IF THE PERSON CARRIED THE FIREARM  
13 ON HIS OR HER PERSON;

14 (b) THE FIREARM IS KEPT IN A LOCKED GUN SAFE OR OTHER SECURE  
15 CONTAINER OR IN A MANNER WHICH A REASONABLE PERSON WOULD  
16 BELIEVE TO BE SECURE AND A JUVENILE OR RESIDENT OF THE PREMISES  
17 WHO IS INELIGIBLE TO POSSESS A FIREARM DOES NOT HAVE ACCESS TO THE  
18 KEY, COMBINATION, OR OTHER UNLOCKING MECHANISM NECESSARY TO  
19 OPEN THE SAFE OR CONTAINER;

20 (c) THE PERSON PROPERLY INSTALLS A LOCKING DEVICE ON THE  
21 FIREARM AND A JUVENILE OR RESIDENT OF THE PREMISES WHO IS  
22 INELIGIBLE TO POSSESS A FIREARM DOES NOT HAVE ACCESS TO THE KEY,  
23 COMBINATION, OR OTHER UNLOCKING MECHANISM NECESSARY TO REMOVE  
24 THE LOCKING DEVICE; OR

25 (d) THE FIREARM IS AN ANTIQUE FIREARM, AS DEFINED IN 18  
26 U.S.C. SEC. 921 (a)(16), AS AMENDED, OR A CURIO OR RELIC, AS DEFINED  
27 IN 27 CFR SEC. 478.11, AS AMENDED.

1 (4) IT IS AN AFFIRMATIVE DEFENSE TO THE OFFENSE OF UNLAWFUL  
2 STORAGE OF A FIREARM THAT A JUVENILE GAINED POSSESSION OF, AND  
3 USED, THE FIREARM FOR THE PURPOSE OF EXERCISING THE RIGHTS  
4 CONTAINED IN SECTION 18-1-704 OR 18-1-704.5 OR IN DEFENSE OF  
5 LIVESTOCK.

6 **SECTION 3.** In Colorado Revised Statutes, **add** 18-12-405 as  
7 follows:

8 **18-12-405. Locking device required - penalty.** (1) (a) EVERY  
9 LICENSED GUN DEALER, AS DEFINED IN SECTION 18-12-506, SHALL  
10 PROVIDE WITH EACH FIREARM SOLD OR OTHERWISE TRANSFERRED A  
11 LOCKING DEVICE CAPABLE OF SECURING THE FIREARM.

12 (b) THIS SUBSECTION (1) DOES NOT APPLY TO THE TRANSFER OF AN  
13 ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16), AS  
14 AMENDED, OR A CURIO OR RELIC, AS DEFINED IN 27 CFR SEC. 478.11, AS  
15 AMENDED.

16 (2) EVERY LICENSED GUN DEALER SHALL POST, IN A CONSPICUOUS  
17 LOCATION ON ITS PREMISES AND AT ANY OTHER LOCATION AT WHICH THE  
18 DEALER SELLS A FIREARM, EITHER THE NOTICE DEVELOPED AS PART OF THE  
19 FIREARMS SAFE STORAGE EDUCATION CAMPAIGN DESCRIBED IN SECTION  
20 25-1-130 (6)(a) OR THE FOLLOWING NOTICE, IN WRITING, ON A PRINTED  
21 CARD, WITH EACH LETTER AT A MINIMUM OF ONE INCH IN HEIGHT:

22 **NOTICE**

23 UNLAWFUL STORAGE OF A FIREARM MAY RESULT IN  
24 IMPRISONMENT OR FINE.

25 (3) EVERY LICENSED GUN DEALER SHALL PROVIDE TO EACH  
26 PURCHASER OR TRANSFEREE OF A FIREARM THE INFORMATION SHEET  
27 DEVELOPED AS PART OF THE FIREARMS SAFE STORAGE EDUCATION

1 CAMPAIGN, AS DESCRIBED IN SECTION 25-1-130 (6)(b).

2 (4) A LICENSED GUN DEALER WHO VIOLATES THIS SECTION IS  
3 GUILTY OF AN UNCLASSIFIED MISDEMEANOR PUNISHABLE BY A FINE OF NOT  
4 MORE THAN FIVE HUNDRED DOLLARS.

5 **SECTION 4.** In Colorado Revised Statutes, 13-3-101, **add** (16)  
6 as follows:

7 **13-3-101. State court administrator - report - definition -**  
8 **repeal.** (16) (a) ON OR BEFORE JULY 31, 2021, AND ON OR BEFORE EACH  
9 JULY 31 THEREAFTER, THE STATE COURT ADMINISTRATOR SHALL SUBMIT  
10 A REPORT TO THE GENERAL ASSEMBLY THAT INCLUDES THE FOLLOWING:

11 (I) THE NUMBER OF CHARGES BROUGHT IN EACH JUDICIAL DISTRICT  
12 FOR UNLAWFUL STORAGE OF A FIREARM PURSUANT TO SECTION 18-12-113  
13 IN THE PRIOR STATE FISCAL YEAR, AND THE DISPOSITION OF THOSE  
14 CHARGES; AND

15 (II) THE NUMBER OF CHARGES BROUGHT IN EACH JUDICIAL  
16 DISTRICT FOR A VIOLATION OF SECTION 18-12-405 IN THE PRIOR STATE  
17 FISCAL YEAR, AND THE DISPOSITION OF THOSE CHARGES.

18 (b) THIS SUBSECTION (16) IS REPEALED, EFFECTIVE DECEMBER 31,  
19 2023.

20 **SECTION 5.** In Colorado Revised Statutes, **add** 25-1-130 as  
21 follows:

22 **25-1-130. Firearms safe storage education campaign.** (1) THE  
23 DEPARTMENT SHALL DEVELOP AND IMPLEMENT A FIREARMS SAFE STORAGE  
24 EDUCATION CAMPAIGN, REFERRED TO IN THIS SECTION AS THE "EDUCATION  
25 CAMPAIGN", TO EDUCATE THE PUBLIC ABOUT SAFE STORAGE OF FIREARMS  
26 AND STATE REQUIREMENTS RELATED TO FIREARMS SAFETY AND STORAGE.  
27 THE DEPARTMENT SHALL CONSULT WITH THE DIVISION OF CRIMINAL

1 JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IN DEVELOPING AND  
2 IMPLEMENTING THE EDUCATION CAMPAIGN.

3 (2) THE EDUCATION CAMPAIGN MUST INFORM THE PUBLIC,  
4 INCLUDING FIREARMS OWNERS, POTENTIAL FIREARMS PURCHASERS, AND  
5 LICENSED GUN DEALERS, OF THE FOLLOWING:

6 (a) THE UNLAWFUL STORAGE OF A FIREARM OFFENSE DESCRIBED  
7 IN SECTION 18-12-113;

8 (b) THE PENALTIES FOR AN OFFENSE RELATED TO PROVIDING A  
9 HANDGUN TO A JUVENILE OR ALLOWING A JUVENILE TO POSSESS A  
10 FIREARM IN VIOLATION OF SECTION 18-12-108.7; AND

11 (c) THE REQUIREMENT THAT A LICENSED GUN DEALER PROVIDE A  
12 LOCKING DEVICE WITH EACH FIREARM TRANSFERRED, AS DESCRIBED IN  
13 SECTION 18-12-405 (1).

14 (3) (a) THE DEPARTMENT SHALL DEVELOP AND PROVIDE  
15 MATERIALS TO LOCAL LAW ENFORCEMENT AGENCIES TO ASSIST THOSE  
16 AGENCIES WITH EDUCATING THE PUBLIC ABOUT SAFE STORAGE OF  
17 FIREARMS AND STATE REQUIREMENTS RELATED TO FIREARMS SAFETY AND  
18 STORAGE.

19 (b) THE DEPARTMENT MAY DEVELOP AND PROVIDE MATERIALS TO  
20 HEALTH CARE PROVIDERS TO ASSIST PROVIDERS WITH EDUCATING THE  
21 PUBLIC ABOUT SAFE STORAGE OF FIREARMS AND STATE REQUIREMENTS  
22 RELATED TO FIREARMS SAFETY AND STORAGE.

23 (4) THE EDUCATION CAMPAIGN MAY PROVIDE INFORMATION  
24 ABOUT PROGRAMS THAT ASSIST FIREARMS OWNERS WITH THE COST OF  
25 PURCHASING FIREARMS LOCKING DEVICES, GUN SAFES, OR OTHER SECURE  
26 FIREARMS STORAGE CONTAINERS, INCLUDING PROGRAMS THAT PROVIDE  
27 FREE OR REDUCED-PRICE LOCKING DEVICES.

1           (5) IN FURTHERANCE OF THE GOALS OF THE EDUCATION CAMPAIGN,  
2 THE DEPARTMENT MAY USE TELEVISION MESSAGING, RADIO BROADCASTS,  
3 PRINT MEDIA, DIGITAL STRATEGIES, OR ANY OTHER FORM OF MESSAGING  
4 DEEMED APPROPRIATE BY THE DEPARTMENT.

5           (6) (a) THE DEPARTMENT SHALL DEVELOP A NOTICE ON A PRINTED  
6 CARD, WITH EACH LETTER AT A MINIMUM OF ONE INCH IN HEIGHT,  
7 INTENDED TO BE DISPLAYED ON THE PREMISES OF A LICENSED GUN DEALER  
8 THAT INFORMS FIREARMS PURCHASERS THAT UNLAWFUL STORAGE OF A  
9 FIREARM MAY RESULT IN IMPRISONMENT OR FINE. THE DEPARTMENT  
10 SHALL MAKE ELECTRONIC COPIES OF THE NOTICE PUBLICLY AVAILABLE  
11 WITHOUT CHARGE.

12           (b) THE DEPARTMENT SHALL DEVELOP AN INFORMATION SHEET  
13 THAT EDUCATES FIREARMS PURCHASERS OF THE UNLAWFUL STORAGE OF  
14 A FIREARM OFFENSE DESCRIBED IN SECTION 18-12-113. THE INFORMATION  
15 SHEET MUST DESCRIBE THE OFFENSE, AND EXCEPTIONS AND AFFIRMATIVE  
16 DEFENSES THERETO, AND THE REQUIREMENT THAT EACH LICENSED GUN  
17 DEALER PROVIDE A LOCKING DEVICE WITH EACH FIREARM SOLD OR  
18 OTHERWISE TRANSFERRED. THE DEPARTMENT SHALL MAKE ELECTRONIC  
19 COPIES OF THE INFORMATION SHEET PUBLICLY AVAILABLE WITHOUT  
20 CHARGE.

21           (7) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,  
22 GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS, FROM PRIVATE  
23 OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION.

24           (8) THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE  
25 DEPARTMENT NO MORE THAN FIFTY THOUSAND DOLLARS ANNUALLY FOR  
26 THE PURPOSES OF THIS SECTION.

27           **SECTION 6.** In Colorado Revised Statutes, **add** part 52 to article

1 22 of title 39 as follows:

2

PART 52

3

FIREARMS SAFE STORAGE EDUCATION CAMPAIGN FUND

4

VOLUNTARY CHECKOFF

5

**39-22-5201. Voluntary contribution designation - procedure**

6

**- effective date.** FOR THE FIVE CONSECUTIVE INCOME TAX YEARS

7

IMMEDIATELY FOLLOWING THE YEAR IN WHICH THE EXECUTIVE DIRECTOR

8

FILES WRITTEN CERTIFICATION WITH THE REVISOR OF STATUTES AS

9

SPECIFIED IN SECTION 39-22-1001 (8) THAT A LINE ON THE INCOME TAX

10

RETURN FORM HAS BECOME AVAILABLE AND THE FIREARMS SAFE STORAGE

11

EDUCATION CAMPAIGN FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE

12

QUEUE ESTABLISHED PURSUANT TO SAID SECTION 39-22-1001 (8), THE

13

EXECUTIVE DIRECTOR SHALL ENSURE THAT THE COLORADO STATE

14

INDIVIDUAL INCOME TAX RETURN FORM CONTAINS A LINE WHEREBY EACH

15

INDIVIDUAL TAXPAYER MAY DESIGNATE THE AMOUNT OF THE

16

CONTRIBUTION, IF ANY, THE INDIVIDUAL WISHES TO MAKE TO THE

17

FIREARMS SAFE STORAGE EDUCATION CAMPAIGN FUND CREATED IN

18

SECTION 39-22-5202 (1).

19

**39-22-5202. Contributions credited to the firearms safe**

20

**storage education campaign fund - creation - appropriation.** (1) THE

21

DEPARTMENT OF REVENUE SHALL DETERMINE ANNUALLY THE TOTAL

22

AMOUNT DESIGNATED PURSUANT TO SECTION 39-22-5201 AND SHALL

23

REPORT THAT AMOUNT TO THE STATE TREASURER AND TO THE GENERAL

24

ASSEMBLY. THE STATE TREASURER SHALL CREDIT THAT AMOUNT TO THE

25

FIREARMS SAFE STORAGE EDUCATION CAMPAIGN FUND, WHICH FUND IS

26

HEREBY CREATED IN THE STATE TREASURY. ALL INTEREST DERIVED FROM

27

THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND SHALL BE

1 CREDITED TO THE FUND.

2 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE ANNUALLY  
3 FROM THE FIREARMS SAFE STORAGE EDUCATION CAMPAIGN FUND TO THE  
4 DEPARTMENT OF REVENUE ITS COSTS OF ADMINISTERING MONEY  
5 DESIGNATED AS CONTRIBUTIONS TO THE FUND. AFTER SUBTRACTING THE  
6 APPROPRIATION TO THE DEPARTMENT OF REVENUE, THE STATE TREASURER  
7 SHALL ANNUALLY TRANSFER THE MONEY REMAINING IN THE FUND TO THE  
8 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT FOR THE PURPOSES  
9 OF CONDUCTING THE FIREARMS SAFE STORAGE EDUCATION CAMPAIGN  
10 DESCRIBED IN SECTION 25-1-130. THE CONTRIBUTIONS TRANSFERRED IN  
11 ACCORDANCE WITH THIS SECTION MAY BE EXPENDED WITHOUT  
12 APPROPRIATION.

13 **39-22-5203. Repeal of part.** THIS PART 52 IS REPEALED,  
14 EFFECTIVE JANUARY 1 OF THE SIXTH INCOME TAX YEAR FOLLOWING THE  
15 YEAR IN WHICH THE EXECUTIVE DIRECTOR FILES WRITTEN CERTIFICATION  
16 WITH THE REVISOR OF STATUTES AS SPECIFIED IN SECTION 39-22-1001 (8)  
17 THAT A LINE HAS BECOME AVAILABLE AND THE FIREARMS SAFE STORAGE  
18 EDUCATION CAMPAIGN FUND VOLUNTARY CONTRIBUTION IS NEXT IN THE  
19 QUEUE, UNLESS THE FIREARMS SAFE STORAGE EDUCATION CAMPAIGN  
20 FUNDESTABLISHED BY THIS PART 52 IS CONTINUED OR REESTABLISHED BY  
21 THE GENERAL ASSEMBLY ACTING BY BILL PRIOR TO SAID DATE.

22 **SECTION 7. Effective date - applicability.** This act takes effect  
23 July 1, 2020, and applies to offenses committed on or after said date.

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