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SENATE BILL 21-256

BY SENATOR(S) Fenberg and Moreno, Danielson, Fields, Gonzales, Jaquez Lewis;
also REPRESENTATIVE(S) Hooton and Daugherty, McCormick, Amabile, Bacon, Bennett, Boesenecker, Froelich, Gonzales-Gutierrez, Gray, Herod, Jackson, Jodeh, Kennedy, Kipp, Lontine, Michaelson Jenet, Snyder, Sullivan, Weissman.

CONCERNING PERMITTING REGULATION OF FIREARMS BY LOCAL GOVERNING BODIES.

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

SECTION 1. In Colorado Revised Statutes, 29-11.7-101, **amend** (1)(d), (1)(e), and (2); and **repeal** (1)(f) and (1)(g) as follows:

29-11.7-101. Legislative declaration. (1) The general assembly hereby finds that:

(d) ~~There exists a widespread inconsistency among jurisdictions within the state with regard to firearms regulations;~~ THE STATE HAS AN INTEREST IN THE REGULATION OF FIREARMS DUE TO THE EASE OF TRANSPORTING FIREARMS BETWEEN LOCAL JURISDICTIONS; AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~(e) This inconsistency among local government laws regulating lawful firearm possession and ownership has extraterritorial impact on state citizens and the general public by subjecting them to criminal and civil penalties in some jurisdictions for conduct wholly lawful in other jurisdictions; OFFICIALS OF LOCAL GOVERNMENTS ARE UNIQUELY EQUIPPED TO MAKE DETERMINATIONS AS TO REGULATIONS NECESSARY IN THEIR LOCAL JURISDICTIONS.~~

~~(f) Inconsistency among local governments of laws regulating the possession and ownership of firearms results in persons being treated differently under the law solely on the basis of where they reside, and a person's residence in a particular county or city or city and county is not a rational classification when it is the basis for denial of equal treatment under the law;~~

~~(g) This inconsistency places citizens in the position of not knowing when they may be violating the local laws and therefore being unable to avoid violating the law and becoming subject to criminal and other penalties.~~

(2) Based on the findings specified in subsection (1) of this section, the general assembly concludes that THE REGULATION OF FIREARMS IS A MATTER OF STATE AND LOCAL CONCERN.

~~(a) The regulation of firearms is a matter of statewide concern;~~

~~(b) It is necessary to provide statewide laws concerning the possession and ownership of a firearm to ensure that law-abiding persons are not unfairly placed in the position of unknowingly committing crimes involving firearms.~~

SECTION 2. In Colorado Revised Statutes, **add** 29-11.7-101.5 as follows:

29-11.7-101.5. Definitions. AS USED IN THIS ARTICLE 11.7, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "FIREARM COMPONENT OR ACCESSORY" MEANS AN ITEM CONTAINED IN, USED IN CONJUNCTION WITH, OR MOUNTED TO A FIREARM.

(2) "LOCAL GOVERNMENT" MEANS A STATUTORY OR HOME RULE CITY AND COUNTY, COUNTY, CITY, OR TOWN.

SECTION 3. In Colorado Revised Statutes, **amend** 29-11.7-103 as follows:

29-11.7-103. Local regulations governing firearms permitted.

(1) UNLESS OTHERWISE EXPRESSLY PROHIBITED PURSUANT TO STATE LAW, a local government may ~~not~~ enact an ordinance, regulation, or other law ~~that prohibits~~ GOVERNING OR PROHIBITING the sale, purchase, TRANSFER, or possession of a firearm, AMMUNITION, OR FIREARM COMPONENT OR ACCESSORY that a person may lawfully sell, purchase, TRANSFER, or possess under state or federal law. THE LOCAL ORDINANCE, REGULATION, OR OTHER LAW MAY NOT IMPOSE A REQUIREMENT ON THE SALE, PURCHASE, TRANSFER, OR POSSESSION OF A FIREARM, AMMUNITION, OR FIREARM COMPONENT OR ACCESSORY THAT IS LESS RESTRICTIVE THAN STATE LAW, AND ~~any such~~ LESS RESTRICTIVE ordinance, regulation, or other law enacted by a local government ~~prior to March 18, 2003~~ BEFORE THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED IN 2021, is void and unenforceable. A LOCAL ORDINANCE, REGULATION, OR OTHER LAW GOVERNING THE SALE, PURCHASE, TRANSFER, OR POSSESSION OF A FIREARM, AMMUNITION, OR FIREARM COMPONENT OR ACCESSORY MAY ONLY IMPOSE A CRIMINAL PENALTY FOR A VIOLATION UPON A PERSON WHO KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE PERSON'S CONDUCT WAS PROHIBITED.

(2) NOTHING IN THIS SECTION REQUIRES THE COLORADO BUREAU OF INVESTIGATION TO CONSIDER ANYTHING OTHER THAN STATE OR FEDERAL LAW IN ITS BACKGROUND APPROVAL PROCESS AND DETERMINATIONS.

(3) NOTHING IN THIS SECTION AUTHORIZES A LOCAL GOVERNMENT TO RESTRICT THE MANUFACTURE OR SALE OF ITEMS PURSUANT TO A UNITED STATES MILITARY OR LAW ENFORCEMENT PROCUREMENT CONTRACT.

SECTION 4. In Colorado Revised Statutes, 18-12-201, **amend** (1) and (2) as follows:

18-12-201. Legislative declaration. (1) The general assembly finds that:

(a) There exists a widespread inconsistency among jurisdictions

within the state with regard to the issuance of permits to carry concealed handguns; and identification of areas of the state where it is lawful to carry concealed handguns;

~~(b) This inconsistency among jurisdictions creates public uncertainty regarding the areas of the state in which it is lawful to carry concealed handguns;~~

(c) Inconsistency REGARDING ISSUANCE OF PERMITS results in the arbitrary and capricious denial of permits to carry concealed handguns based on the jurisdiction of residence rather than the qualifications for obtaining a permit;

~~(d) The criteria and procedures for the lawful carrying of concealed handguns historically has been regulated by state statute and should be consistent throughout the state to ensure the consistent implementation of state law; and OFFICIALS OF LOCAL GOVERNMENTS ARE UNIQUELY EQUIPPED TO MAKE DETERMINATIONS AS TO WHERE CONCEALED HANDGUNS CAN BE CARRIED IN THEIR LOCAL JURISDICTIONS; AND~~

~~(e) It is necessary that the state occupy the field of regulation of the bearing of concealed handguns since the issuance of a ISSUING concealed handgun permit is based on a person's constitutional right of self-protection and PERMITS BECAUSE there is a prevailing state interest in ensuring that no citizen is arbitrarily denied a concealed handgun permit. and in ensuring that the laws controlling the use of the permit are consistent throughout the state.~~

(2) Based on the findings specified in subsection (1) of this section, the general assembly hereby concludes that:

(a) ~~The permitting and carrying of~~ THE CRITERIA AND PROCEDURES FOR ISSUING PERMITS TO CARRY concealed handguns is a matter of statewide concern; and

(b) It is necessary to provide statewide uniform standards for issuing permits to carry concealed handguns for self-defense; AND

(c) WHETHER CONCEALED HANDGUNS CAN BE CARRIED IN A SPECIFIC AREA IS A MATTER OF STATE AND LOCAL CONCERN.

SECTION 5. In Colorado Revised Statutes, 18-12-214, **amend** (1)(a); and **add** (1)(c), (2.5), and (3.5) as follows:

18-12-214. Authority granted by permit - carrying restrictions - local authority. (1) (a) A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state, except as specifically limited in this section. A permit does not authorize the permittee to use a handgun in a manner that would violate a provision of state law. ~~A local government does not have authority to adopt or enforce an ordinance or resolution that would conflict with any provision of this part 2.~~

(c) (I) A LOCAL GOVERNMENT, INCLUDING A SPECIAL DISTRICT, OR THE GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION, INCLUDING THE BOARD OF DIRECTORS OF THE AURARIA HIGHER EDUCATION CENTER, MAY ENACT AN ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION THAT PROHIBITS A PERMITTEE FROM CARRYING A CONCEALED HANDGUN IN A BUILDING OR SPECIFIC AREA WITHIN THE LOCAL GOVERNMENT'S OR GOVERNING BOARD'S JURISDICTION, OR FOR A SPECIAL DISTRICT, IN A BUILDING OR SPECIFIC AREA UNDER THE DIRECT CONTROL OR MANAGEMENT OF THE DISTRICT, INCLUDING A BUILDING OR FACILITY MANAGED PURSUANT TO AN AGREEMENT BETWEEN THE DISTRICT AND A CONTRACTOR. AN ORDINANCE, RESOLUTION, OR OTHER REGULATION PROHIBITING A PERMITTEE FROM CARRYING A CONCEALED HANDGUN MAY ONLY IMPOSE A CIVIL PENALTY FOR A VIOLATION AND REQUIRE THE PERSON TO LEAVE THE PREMISES. FOR A FIRST OFFENSE, THE ORDINANCE, RESOLUTION, OR OTHER REGULATION MAY NOT IMPOSE A FINE THAT EXCEEDS FIFTY DOLLARS AND MAY NOT IMPOSE A SENTENCE OF INCARCERATION. A PERSON WHO DOES NOT LEAVE THE PREMISES WHEN REQUIRED MAY BE SUBJECT TO CRIMINAL PENALTIES.

(II) IF A LOCAL GOVERNMENT OR GOVERNING BOARD PROHIBITS CARRYING A CONCEALED HANDGUN IN A BUILDING OR SPECIFIC AREA, THE LOCAL GOVERNMENT OR GOVERNING BOARD SHALL POST SIGNS AT THE PUBLIC ENTRANCES TO THE BUILDING OR SPECIFIC AREA INFORMING PERSONS THAT CARRYING A CONCEALED HANDGUN IS PROHIBITED IN THE BUILDING OR SPECIFIC AREA. THE NOTICE REQUIRED BY THIS SECTION MAY BE INCLUDED ON A SIGN DESCRIBING OPEN CARRY RESTRICTIONS POSTED IN ACCORDANCE WITH SECTION 29-11.7-104.

(2.5) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT AUTHORIZE A PERSON TO CARRY A CONCEALED HANDGUN INTO A PLACE WHERE THE CARRYING OF CONCEALED HANDGUNS IS PROHIBITED BY A LOCAL ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION.

(3.5) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT AUTHORIZE A PERSON TO CARRY A CONCEALED HANDGUN ONTO THE REAL PROPERTY, OR INTO ANY IMPROVEMENTS ERECTED THEREON, OF A PUBLIC COLLEGE OR UNIVERSITY IF THE CARRYING OF CONCEALED HANDGUNS IS PROHIBITED BY THE GOVERNING BOARD OF THE COLLEGE OR UNIVERSITY.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO