

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0022.01 Conrad Imel x2313

HOUSE BILL 23-1165

HOUSE SPONSORSHIP

Amabile and McCormick,

SENATE SPONSORSHIP

Roberts and Jaquez Lewis,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE AUTHORITY OF A BOARD OF COUNTY**
102 **COMMISSIONERS TO PROHIBIT DISCHARGE OF FIREARMS IN**
103 **UNINCORPORATED AREAS OF A COUNTY.**

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>.)

Under existing law, a board of county commissioners (board) may designate unincorporated areas of a county where it is unlawful to discharge firearms, except the board may not prohibit discharge of firearms in shooting galleries, on private grounds, or in residences under circumstances that do not endanger persons or property. A designated

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

HOUSE
Amended 2nd Reading
February 14, 2023

area must have an average population density of 100 persons or more per square mile.

The bill repeals the exception for private property, repeals the minimum population density requirement, and instead requires that the designated area have 30 dwellings or more per square mile. A board is not allowed to prohibit discharge of a firearm in a designated area by a peace officer, in an indoor shooting gallery located in a private residence, or at a shooting range.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 30-15-302 as
3 follows:

4 **30-15-302. Board of county commissioners to designate area**
5 **- definition.** (1) The board of county commissioners of any county in this
6 state may designate, by resolution, areas in the unincorporated territory
7 of ~~such~~ THE county in ~~which~~ WHERE it is unlawful for any person to
8 discharge any firearms. ~~except a duly authorized law enforcement officer~~
9 ~~acting in the line of duty, but nothing in this subsection (1) shall prevent~~
10 ~~the discharge of any firearm in shooting galleries or in any private~~
11 ~~grounds or residence under circumstances when such firearm can be~~
12 ~~discharged in such a manner as not to endanger persons or property and~~
13 ~~also in such a manner as to prevent the projectile from any such firearm~~
14 ~~from traversing any grounds or space outside the limits of such shooting~~
15 ~~gallery, grounds, or residence~~ AN AREA DESIGNATED PURSUANT TO THIS
16 SECTION MUST HAVE THIRTY-FIVE DWELLINGS OR MORE PER SQUARE MILE.
17 BEFORE ADOPTING A RESOLUTION TO DESIGNATE AN AREA PURSUANT TO
18 THIS SUBSECTION (1), THE BOARD OF COUNTY COMMISSIONERS MAY
19 CONSULT WITH THE SHERIFF AND CONSIDER THE SHERIFF'S
20 RECOMMENDATION OF WHETHER TO ADOPT THE RESOLUTION.

21 (1.5) A RESOLUTION ENACTED PURSUANT TO THIS SECTION MAY

1 NOT PROHIBIT DISCHARGE OF A FIREARM IN A DESIGNATED AREA:

2 (a) BY A PEACE OFFICER ACTING WITHIN THE SCOPE OF THE
3 OFFICER'S AUTHORITY AND IN THE PERFORMANCE OF THE OFFICER'S
4 DUTIES;

5 (b) IN AN INDOOR SHOOTING GALLERY LOCATED ENTIRELY WITHIN
6 A PRIVATE RESIDENCE; █

7 (c) IN THE NORMAL LAWFUL OPERATION OR USE OF A QUALIFYING
8 SPORT SHOOTING RANGE, AS DEFINED IN SECTION 25-12-109;

9 (d) BY A PERSON ENGAGED IN A LAWFUL HUNTING ACTIVITY;

10 (e) BY A PERSON ENGAGED IN LIVESTOCK MANAGEMENT; OR

11 (f) PURSUANT TO A WILDLIFE MANAGEMENT ACTIVITY CONDUCTED
12 BY A GOVERNMENT AGENCY, OR AS DESCRIBED IN SECTION 33-3-106 OR
13 SECTION 33-6-107 (9).

14 (2) ~~No area shall be so designated under authority of subsection~~
15 ~~(1) of this section unless it has an average population density of not less~~
16 ~~than one hundred persons per square mile in the area designated, and,~~
17 ~~before making any such designation~~ BEFORE DESIGNATING AN AREA AS
18 AN AREA IN WHICH IT IS UNLAWFUL TO DISCHARGE ANY FIREARMS
19 PURSUANT TO SUBSECTION (1) OF THIS SECTION, the board of county
20 commissioners shall hold a public hearing thereon at which any interested
21 person shall MUST have an opportunity to be heard. The provisions of
22 article 3 of title 33, C.R.S., concerning the state's liability for damages
23 done to property by wild animals protected by the game laws of the state
24 shall not apply to any area designated by a board of county commissioners
25 under authority of this part 3.

26 (3) Nothing in this section ~~shall be construed~~ PERMITS A BOARD OF
27 COUNTY COMMISSIONERS to restrict or otherwise affect any person's

1 constitutional right to bear arms or his right to the OWN OR POSSESS ARMS
2 OR TO USE ARMS IN defense of his person, his family, or his property SELF,
3 FAMILY, OR PROPERTY.

4 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES, "DWELLING" MEANS A STRUCTURE THAT IS USED, INTENDED TO
6 BE USED, OR USUALLY USED BY A PERSON FOR HABITATION, WHETHER OR
7 NOT THE STRUCTURE IS ATTACHED TO REAL PROPERTY. FOR THE PURPOSES
8 OF THIS SECTION, EACH INDIVIDUAL UNIT THAT PROVIDES COMPLETE
9 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, SUCH AS AN
10 INDIVIDUAL APARTMENT, CONDOMINIUM, MOBILE HOME, OR TRAILER, IS A
11 SEPARATE DWELLING.

12 **SECTION 2. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2024 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.