

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

INTRODUCED

LLS NO. 23-0022.01 Conrad Imel x2313

HOUSE BILL 23-1165

HOUSE SPONSORSHIP

Amabile,

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.*

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 DWELLINGS OR MORE PER SQUARE MILE.

17 (1.5) A RESOLUTION ENACTED PURSUANT TO THIS SECTION MAY
18 NOT PROHIBIT DISCHARGE OF A FIREARM IN A DESIGNATED AREA:

19 (a) BY A PEACE OFFICER ACTING WITHIN THE SCOPE OF THE
20 OFFICER'S AUTHORITY AND IN THE PERFORMANCE OF THE OFFICER'S
21 DUTIES;

1 (b) IN AN INDOOR SHOOTING GALLERY LOCATED ENTIRELY WITHIN
2 A PRIVATE RESIDENCE; OR

3 (c) IN THE NORMAL OPERATION OR USE OF A QUALIFYING SPORT
4 SHOOTING RANGE, AS DEFINED IN SECTION 25-12-109, THAT HOLDS ANY
5 LICENSE OR PERMIT REQUIRED BY STATE, FEDERAL, OR LOCAL LAW.

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

18 (3) Nothing in this section ~~shall be construed~~ PERMITS A BOARD OF
19 COUNTY COMMISSIONERS to restrict or otherwise affect any person's
20 constitutional right to ~~bear arms or his right to the~~ OWN OR POSSESS ARMS
21 OR TO USE ARMS IN defense of ~~his person, his family, or his property~~ SELF,
22 FAMILY, OR PROPERTY.

23 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES, "DWELLING" MEANS A STRUCTURE THAT IS USED, INTENDED TO
25 BE USED, OR USUALLY USED BY A PERSON FOR HABITATION, WHETHER OR
26 NOT THE STRUCTURE IS ATTACHED TO REAL PROPERTY. FOR THE PURPOSES
27 OF THIS SECTION, EACH INDIVIDUAL UNIT THAT PROVIDES COMPLETE

1 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, SUCH AS AN
2 INDIVIDUAL APARTMENT, CONDOMINIUM, MOBILE HOME, OR TRAILER, IS A
3 SEPARATE DWELLING.

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