

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 15-0392.01 Ed DeCecco x4216

**SENATE BILL 15-231**

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**SENATE SPONSORSHIP**

**Marble,** Grantham, Holbert, Hill, Woods, Aguilar, Crowder, Guzman, Hodge, Jahn, Lambert, Lundberg, Neville T., Scott, Sonnenberg, Steadman, Ulibarri

**HOUSE SPONSORSHIP**

**Salazar and Everett,** Humphrey, Neville P., Klingenschmitt, Ransom, Buck, Dore, Joshi, Lundeen, Melton, Navarro, Nordberg, Rankin, Saine, Singer

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING A LIMITATION ON THE USE OF FORCE BY A REGULATORY**  
102                    **AGENCY, AND, IN CONNECTION THEREWITH, ENACTING THE**  
103                    **"REGULATORY AGENCY DEMILITARIZATION ACT".**

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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://www.leg.state.co.us/bills summaries>.)*

The bill limits the activities of regulatory agencies in the following manner:

- !            Requires a federal regulatory agency to provide local law enforcement agencies with a notice of an impending operation of a special weapons and tactics team, a tactical

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.*

- response team, or other type of specialized unit, which notice must include a copy of the court order authorizing the operation;
- ! Prohibits a federal regulatory agency from using a specialized unit, unless it provides this notice;
  - ! Prohibits a state regulatory agency from purchasing a firearm;
  - ! Prohibits any person from a state regulatory agency from using a firearm in connection with the exercise of his or her duties on behalf of the agency; and
  - ! Annually requires the office of the governor to certify to the general assembly that no state regulatory agency has purchased any firearms and to provide information about any specialized units in a state regulatory agency.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 116 to  
3 title 24 as follows:

4 **ARTICLE 116**

5 **Regulatory Agency -**

6 **Firearms and Reporting**

7 **24-116-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY  
8 BE CITED AS THE "REGULATORY AGENCY DEMILITARIZATION ACT".

9 **24-116-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "FEDERAL REGULATORY AGENCY" HAS THE SAME MEANING AS  
12 "FEDERAL AGENCY" AS SET FORTH IN 40 U.S.C. SEC. 102, BUT DOES NOT  
13 INCLUDE THE FOLLOWING FEDERAL AGENCIES AND DEPARTMENTS:

- 14 (a) THE DEPARTMENT OF DEFENSE;
- 15 (b) THE DEPARTMENT OF JUSTICE;
- 16 (c) THE DEPARTMENT OF HOMELAND SECURITY;
- 17 (d) THE NUCLEAR REGULATORY COMMISSION;

1 (e) THE UNITED STATES CAPITOL POLICE;  
2 (f) THE BUREAU OF DIPLOMATIC SECURITY; AND  
3 (g) THE MILITARY DEPARTMENTS, AS DEFINED IN 5 U.S.C. SEC.  
4 102.

5 (2) "FIREARM" MEANS ANY HANDGUN, AUTOMATIC, REVOLVER,  
6 PISTOL, RIFLE, SHOTGUN, OR OTHER INSTRUMENT OR DEVICE CAPABLE OR  
7 INTENDED TO BE CAPABLE OF DISCHARGING BULLETS, CARTRIDGES, OR  
8 OTHER EXPLOSIVE CHARGES.

9 (3) "SPECIALIZED UNIT" MEANS A UNIT THAT RECEIVES SPECIAL  
10 TACTICAL OR MILITARY-STYLE TRAINING OR USES HARD-PLATED BODY  
11 ARMOR, SHIELDS, OR HELMETS AND THAT RESPONDS TO HIGH-RISK  
12 SITUATIONS THAT FALL OUTSIDE THE CAPABILITIES OF REGULAR LAW  
13 ENFORCEMENT OFFICERS. A "SPECIALIZED UNIT" INCLUDES A SPECIAL  
14 WEAPONS AND TACTICS TEAM, TACTICAL RESPONSE TEAM, SPECIAL EVENTS  
15 TEAM, SPECIAL RESPONSE TEAM, OR AN ACTIVE SHOOTER TEAM.

16 (4) "STATE REGULATORY AGENCY" MEANS ANY DEPARTMENT,  
17 BOARD, BUREAU, COMMISSION, DIVISION, INSTITUTION, OFFICE, OR OTHER  
18 AGENCY OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH OF THE  
19 STATE GOVERNMENT, EXCLUDING THE FOLLOWING:

20 (a) THE COLORADO STATE PATROL CREATED IN SECTION  
21 24-33.5-201;

22 (b) THE DEPARTMENT OF CORRECTIONS;

23 (c) THE COLORADO BUREAU OF INVESTIGATION CREATED IN  
24 SECTION 24-33.5-401;

25 (d) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
26 MANAGEMENT IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN  
27 SECTION 24-33.5-1603;

1 (e) CRIMINAL INVESTIGATIVE UNITS WITHIN THE ATTORNEY  
2 GENERAL'S OFFICE;

3 (f) A CAMPUS POLICE AGENCY AT A STATE INSTITUTION OF HIGHER  
4 EDUCATION; AND

5 (g) THE DIVISION OF PARKS AND WILDLIFE CREATED PURSUANT TO  
6 SECTION 33-9-104, C.R.S.

7 **24-116-103. Federal regulatory agency - specialized unit -**  
8 **notice - ban.** (1) AT LEAST TWENTY-FOUR HOURS PRIOR TO USING A  
9 SPECIALIZED UNIT TO CONDUCT ANY TYPE OF OPERATION WITHIN THIS  
10 STATE, A FEDERAL REGULATORY AGENCY MUST PROVIDE NOTICE OF AN  
11 IMPENDING OPERATION TO THE COUNTY SHERIFF OF THE COUNTY IN WHICH  
12 THE OPERATION IS TO OCCUR, AND, IF IT IS TO OCCUR WITHIN AN  
13 INCORPORATED AREA, TO THE POLICE DEPARTMENT, TOWN MARSHAL, OR  
14 OTHER LOCAL LAW ENFORCEMENT AGENCY OF THE CITY OR TOWN. THE  
15 NOTICE MUST INCLUDE A COPY OF THE COURT ORDER THAT AUTHORIZES  
16 THE SPECIALIZED UNIT TO CONDUCT THE OPERATION.

17 (2) A FEDERAL REGULATORY AGENCY SHALL NOT USE A  
18 SPECIALIZED UNIT TO CONDUCT ANY OPERATION WITHIN THIS STATE,  
19 UNLESS THE AGENCY FIRST PROVIDES THE NOTICE REQUIRED BY  
20 SUBSECTION (1) OF THIS SECTION.

21 **24-116-104. State regulatory agency - firearm prohibition -**  
22 **specialized units report.** (1) BEGINNING THIRTY DAYS AFTER THE  
23 EFFECTIVE DATE OF THIS SECTION, A STATE REGULATORY AGENCY SHALL  
24 NOT PURCHASE A FIREARM AND NO PERSON FROM A STATE REGULATORY  
25 AGENCY SHALL USE A FIREARM IN CONNECTION WITH THE EXERCISE OF HIS  
26 OR HER DUTIES ON BEHALF OF THE AGENCY.

27 (2) ON OR BEFORE JANUARY 1, 2016, AND EACH JANUARY 1

1 THEREAFTER, THE OFFICE OF THE GOVERNOR SHALL SUBMIT A REPORT TO  
2 THE GENERAL ASSEMBLY THAT:

3 (a) CERTIFIES NO STATE REGULATORY AGENCY HAS PURCHASED A  
4 FIREARM OR, IF NOT TRUE, IDENTIFIES ANY STATE REGULATORY AGENCY  
5 THAT HAS PURCHASED A FIREARM;

6 (b) IDENTIFIES EACH STATE REGULATORY AGENCY THAT HAS A  
7 SPECIALIZED UNIT; AND

8 (c) DESCRIBES THE PURPOSE OF THE STATE REGULATORY AGENCY'S  
9 SPECIALIZED UNIT AND IDENTIFIES THE STATE LAW THAT AUTHORIZES THE  
10 UNIT.

11 (3) THE REPORT REQUIRED BY SUBSECTION (2) OF THIS SECTION IS  
12 EXEMPT FROM THE AUTOMATIC EXPIRATION DESCRIBED IN SECTION  
13 24-1-136 (11).

14 **SECTION 2. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2016 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.