

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

REVISED

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

LLS NO. 21-0940.01 Conrad Imel x2313

SENATE BILL 21-256

SENATE SPONSORSHIP

Fenberg and Moreno, Danielson, Fields, Gonzales, Jaquez Lewis

HOUSE SPONSORSHIP

Hooton and Daugherty, McCormick

Senate Committees

State, Veterans, & Military Affairs

House Committees

State, Civic, Military, & Veterans Affairs

A BILL FOR AN ACT

101 **CONCERNING PERMITTING REGULATION OF FIREARMS BY LOCAL**
102 **GOVERNING BODIES.**

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 declares that the regulation of firearms is a matter of state and local concern. Existing law prohibits a local government from enacting an ordinance, regulation, or other law that prohibits the sale, purchase, or possession of a firearm. The bill permits a local government to enact an ordinance, regulation, or other law governing or prohibiting the sale, purchase, transfer, or possession of a firearm, ammunition, or

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.*

HOUSE
Amended 2nd Reading
June 1, 2021

SENATE
3rd Reading Unamended
May 18, 2021

SENATE
Amended 2nd Reading
May 17, 2021

firearm component or accessory that is not less restrictive than state laws governing the sale, purchase, transfer, or possession of the firearm, ammunition, or firearm component or accessory.

Existing law prohibits a local government from enacting an ordinance or resolution that conflicts with state law regarding concealed carry of handguns. The bill permits a local government, including a special district, and governing board of an institution of higher education to 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.

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

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

4 **29-11.7-101. Legislative declaration.** (1) The general assembly
5 hereby finds that:

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

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

17 ~~(f) Inconsistency among local governments of laws regulating the~~
18 ~~possession and ownership of firearms results in persons being treated~~
19 ~~differently under the law solely on the basis of where they reside, and a~~
20 ~~person's residence in a particular county or city or city and county is not~~

1 a rational classification when it is the basis for denial of equal treatment
2 under the law;

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

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

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

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

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

17 **29-11.7-101.5. Definitions.** AS USED IN THIS ARTICLE 11.7,
18 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

25 **29-11.7-103. Local regulations governing firearms permitted.**

26 (1) UNLESS OTHERWISE EXPRESSLY PROHIBITED PURSUANT TO STATE
27 LAW, a local government may ~~not~~ enact an ordinance, regulation, or other

1 law ~~that prohibits~~ GOVERNING OR PROHIBITING the sale, purchase,
2 TRANSFER, or possession of a firearm, AMMUNITION, OR FIREARM
3 COMPONENT OR ACCESSORY that a person may lawfully sell, purchase,
4 TRANSFER, or possess under state or federal law. THE LOCAL ORDINANCE,
5 REGULATION, OR OTHER LAW MAY NOT IMPOSE A REQUIREMENT ON THE
6 SALE, PURCHASE, TRANSFER, OR POSSESSION OF A FIREARM, AMMUNITION,
7 OR FIREARM COMPONENT OR ACCESSORY THAT IS LESS RESTRICTIVE THAN
8 STATE LAW, AND any ~~such~~ LESS RESTRICTIVE ordinance, regulation, or
9 other law enacted by a local government ~~prior to March 18, 2003~~ BEFORE
10 THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED IN 2021, is void and
11 unenforceable. A LOCAL ORDINANCE, REGULATION, OR OTHER LAW
12 GOVERNING THE SALE, PURCHASE, TRANSFER, OR POSSESSION OF A
13 FIREARM, AMMUNITION, OR FIREARM COMPONENT OR ACCESSORY MAY
14 ONLY IMPOSE A CRIMINAL PENALTY FOR A VIOLATION UPON A PERSON WHO
15 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE PERSON'S
16 CONDUCT WAS PROHIBITED.

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

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

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

27 **18-12-201. Legislative declaration.** (1) The general assembly

1 finds that:

2 (a) There exists a widespread inconsistency among jurisdictions
3 within the state with regard to the issuance of permits to carry concealed
4 handguns; ~~and identification of areas of the state where it is lawful to~~
5 ~~carry concealed handguns;~~

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

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

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

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

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

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

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

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

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

10 **18-12-214. Authority granted by permit - carrying restrictions**
11 **- local authority.** (1) (a) A permit to carry a concealed handgun
12 authorizes the permittee to carry a concealed handgun in all areas of the
13 state, except as specifically limited in this section. A permit does not
14 authorize the permittee to use a handgun in a manner that would violate
15 a provision of state law. ~~A local government does not have authority to~~
16 ~~adopt or enforce an ordinance or resolution that would conflict with any~~
17 ~~provision of this part 2.~~

18 (c) (I) A LOCAL GOVERNMENT, INCLUDING A SPECIAL DISTRICT, OR
19 THE GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION,
20 INCLUDING THE BOARD OF DIRECTORS OF THE AURARIA HIGHER
21 EDUCATION CENTER, MAY ENACT AN ORDINANCE, RESOLUTION, RULE, OR
22 OTHER REGULATION THAT PROHIBITS A PERMITTEE FROM CARRYING A
23 CONCEALED HANDGUN IN A BUILDING OR SPECIFIC AREA WITHIN THE
24 LOCAL GOVERNMENT'S OR GOVERNING BOARD'S JURISDICTION, OR FOR A
25 SPECIAL DISTRICT, IN A BUILDING OR SPECIFIC AREA UNDER THE DIRECT
26 CONTROL OR MANAGEMENT OF THE DISTRICT, INCLUDING A BUILDING OR
27 FACILITY MANAGED PURSUANT TO AN AGREEMENT BETWEEN THE DISTRICT

1 AND A CONTRACTOR. AN ORDINANCE, RESOLUTION, OR OTHER
2 REGULATION PROHIBITING A PERMITTEE FROM CARRYING A CONCEALED
3 HANDGUN MAY ONLY IMPOSE A CIVIL PENALTY FOR A VIOLATION AND
4 REQUIRE THE PERSON TO LEAVE THE PREMISES. FOR A FIRST OFFENSE, THE
5 ORDINANCE, RESOLUTION, OR OTHER REGULATION MAY NOT IMPOSE A FINE
6 THAT EXCEEDS FIFTY DOLLARS AND MAY NOT IMPOSE A SENTENCE OF
7 INCARCERATION. A PERSON WHO DOES NOT LEAVE THE PREMISES WHEN
8 REQUIRED MAY BE SUBJECT TO CRIMINAL PENALTIES.

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

17 (2.5) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
18 AUTHORIZE A PERSON TO CARRY A CONCEALED HANDGUN INTO A PLACE
19 WHERE THE CARRYING OF CONCEALED HANDGUNS IS PROHIBITED BY A
20 LOCAL ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION.

21 (3.5) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
22 AUTHORIZE A PERSON TO CARRY A CONCEALED HANDGUN ONTO THE REAL
23 PROPERTY, OR INTO ANY IMPROVEMENTS ERECTED THEREON, OF A PUBLIC
24 COLLEGE OR UNIVERSITY IF THE CARRYING OF CONCEALED HANDGUNS IS
25 PROHIBITED BY THE GOVERNING BOARD OF THE COLLEGE OR UNIVERSITY.

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

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