

# LAW SUMMARY

*Office of Legislative Legal Services*



## ***Colorado Firearms Laws<sup>1</sup>***

Both the U.S. constitution and the Colorado constitution protect the right to keep and bear arms.<sup>2</sup> Federal, state, and local governments can regulate firearms, as long as they are consistent with constitutional protections. This law summary provides information specifically related to Colorado laws governing firearms.<sup>3</sup>

### ***Purchases***

Federal law requires firearms dealers to be licensed (federal firearms licensee, or FFL) and requires a person purchasing a firearm from an FFL to undergo a background check. Colorado law further requires persons purchasing a firearm from a private seller to undergo a background check. Both an FFL and a private seller are prohibited under Colorado law from transferring a firearm to a buyer until the seller has obtained approval for the transfer following a background check required by state or federal law.<sup>4</sup> Additionally, Colorado law imposes a waiting period for delivery of a purchased firearm that is the longer of three days or when the seller obtains approval following the background check.<sup>5</sup> Colorado law prohibits selling a firearm to, or the purchase of a firearm by, a person younger than 21 years old.<sup>6</sup>

The Colorado Bureau of Investigation (CBI) serves as the point of contact for background checks in Colorado. CBI is prohibited from approving a firearm transfer until it determines

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<sup>1</sup> This summary contains information commonly requested from the Office of Legislative Legal Services. It does not represent an official legal opinion of the General Assembly or the state of Colorado and does not bind the members of the General Assembly. It is intended to provide a general overview of Colorado law as of the date of its preparation. Any person needing legal advice should consult their own lawyer and should not rely on the information in this memorandum.

<sup>2</sup> U.S. Const. amend. II; Colo. Const. art. II, § 13.

<sup>3</sup> This summary does not include information about federal firearms laws and regulations. The two principal federal firearms laws are the National Firearms Act (26 U.S.C. § 5801 et seq.) and the Gun Control Act of 1968 (18 U.S.C. § 921, et seq.).

<sup>4</sup> §§ 18-12-112, C.R.S. (private transfers) and 18-12-112.5, C.R.S. (transfers by licensed dealers).

<sup>5</sup> § 18-12-115, C.R.S.

<sup>6</sup> §§ 18-12-112 (2)(e) and (2)(f), C.R.S. (private sales) and 18-12-112.5 (1)(a.3) and (1)(a.5), C.R.S. (sales by licensed dealers). As of the date of publication of this law summary, a court has enjoined enforcement of these provisions and this summary does not include updates after the date of publication.

that its background investigation is complete and that the transfer would not violate state or federal law. CBI is required to deny a firearm transfer if the buyer or recipient was convicted of certain misdemeanors in the previous five years, even though the person may not be prohibited from possessing a firearm pursuant to state or federal law.<sup>7</sup>

Colorado law includes some additional regulations related to firearms sales. For example, although federal and state law prohibit selling handguns to juveniles, Colorado law specifies that juveniles may purchase firearms other than handguns with the permission of the juvenile's parents.<sup>8</sup> Colorado also prohibits the sale, transfer, or possession of large-capacity ammunition magazines.<sup>9</sup>

### ***Possession and Manufacture***

In addition to regulating firearms purchases, Colorado law regulates who may possess a firearm and places requirements on those who do. Under state law, persons under 18 years of age are prohibited from possessing handguns.<sup>10</sup> Colorado law also prohibits persons convicted of felonies subject to the state Victim Rights Act, crimes that include an act of domestic violence, and other specified felonies from possessing, using, or carrying a firearm.<sup>11</sup>

*Court orders prohibiting firearm possession.* Under Colorado law, a person subject to a protection order may be prohibited from possessing firearms. When a court authorizes a protection order as a result of domestic violence involving the threat, use, or attempted use of physical force, the protection order must require the person to refrain from possessing or purchasing firearms or ammunition and to relinquish any firearm or ammunition in the person's possession or control.<sup>12</sup> As part of a criminal protection order in other cases involving

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<sup>7</sup> § 24-33.5-424 (3)(b.3), C.R.S. The misdemeanors are third degree assault; sexual assault when the victim is at least 15 years of age but less than 17 years of age and the actor is at least ten years older than the victim and is not the spouse of the victim; unlawful sexual contact; child abuse; certain violations of a protection order; a crime against an at-risk person; certain harassment; a bias-motivated crime; certain cruelty to animals; possession of an illegal weapon; unlawfully providing a firearm other than a handgun to a juvenile; and unlawful conduct involving an unserialized firearm, frame, or receiver.

<sup>8</sup> § 18-12-108.7 (3), C.R.S.

<sup>9</sup> Part 3 of article 12 of title 18, C.R.S. "Large-capacity magazine" is defined to mean a magazine capable of accepting, or that is designed to be readily converted to accept, more than 15 rounds of ammunition or more than 28 inches of shotgun shells, or a detachable magazine capable of accepting more than eight shotgun shells when combined with a fixed magazine. § 18-12-301 (2), C.R.S.

<sup>10</sup> § 18-12-108.5, C.R.S.

<sup>11</sup> §§ 18-6-801 (8), C.R.S. (crimes involving domestic violence) and 18-12-108, C.R.S. (Victim Rights Act crimes and other specified felonies).

<sup>12</sup> §§ 13-14-105.5, C.R.S. (civil protection orders) and 18-1-1001 (9), C.R.S. (criminal protection orders).

domestic violence and cases involving crimes subject to the state Victim Rights Act, a court may prohibit possession or control of firearms or other weapons.<sup>13</sup>

*Extreme risk protection orders.*<sup>14</sup> An extreme risk protection order (ERPO) prohibits a person who poses a significant risk of causing personal injury to self or others in the near future from having in their custody or control, or purchasing, possessing, or receiving, a firearm. A person subject to an ERPO, known as a respondent, must surrender all firearms in the person's control.

A family or household member of the respondent, law enforcement officer or agency, licensed medical care provider, licensed mental health-care provider, licensed educator, or district attorney may request an ERPO by filing a petition with a court. A request for a temporary ERPO does not require notice to the respondent. Upon request for a temporary ERPO, the court must hold a hearing in person or by telephone on the day the petition is filed, or on the court day immediately following the day the petition is filed. If a court finds that the respondent poses a significant risk of causing personal injury to self or others in the near future, the court shall issue a temporary ERPO.

Within 14 days after issuing a temporary ERPO, the court shall hold a hearing; provide the respondent with notice of the hearing; and appoint an attorney, at the court's expense, for the respondent. If the court finds that the respondent poses a significant risk of causing personal injury to self or others, the court shall issue an ERPO for a period of 364 days. An ERPO automatically expires but can be renewed for up to one year.

A respondent may request termination of the ERPO once during the period that the order is in effect. Upon hearing the matter, the court shall terminate the ERPO if the respondent establishes that they no longer pose a significant risk of causing personal injury to self or others.

*Possession and manufacture of ghost guns.*<sup>15</sup> Colorado law prohibits possessing, purchasing, transporting, receiving, selling, offering to sell, or transferring a frame or receiver of a firearm that is not imprinted with a serial number, commonly referred to a ghost gun. It is also unlawful to possess, purchase, transport, sell, offer to sell, or transfer an unfinished frame or receiver unless it is required by federal law to be imprinted with a serial number and it is imprinted with a serial number. State law prohibits manufacturing a firearm, including through the use of a 3-D printer, unless the manufacturer is a federally licensed firearm manufacturer.

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<sup>13</sup> § 18-1-1001 (3), C.R.S. Victim Rights Act crimes are defined in § 24-4.1-302 (1), C.R.S.

<sup>14</sup> Article 14.5 of title 13, C.R.S.

<sup>15</sup> § 18-12-111.5, C.R.S.

## ***Safe Storage and Reporting Requirements***

*Safe storage.* Colorado law requires that firearms be responsibly and securely stored when not in use to prevent access by unsupervised juveniles and other unauthorized users. Failure to responsibly and securely store a firearm upon any premises that the person owns or controls when the person knows or reasonably should know that a juvenile can gain access to the firearm without the permission of the juvenile's parent or guardian or when a resident of the premises is ineligible to possess a firearm pursuant to state or federal law is a class 2 misdemeanor.<sup>16</sup>

*Reporting lost or stolen firearms.* State law requires a person who owns a firearm that has been lost or stolen to report the loss or theft to a law enforcement agency within five days after discovering the loss or theft. A first offense for failure to report a lost or stolen firearm is a civil infraction, punishable by a \$25 fine. A second or subsequent offense is a misdemeanor punishable by a maximum \$500 fine.<sup>17</sup>

## ***Carrying Restrictions***

*Open carry.* Generally, state law does not prohibit openly carrying a firearm in public, though there are some places where open carry is prohibited. A local government may prohibit open carry in a building or specific area within its jurisdiction. A local government that prohibits openly carrying a firearm in a building or specific area must post signs at public entrances to the building or specific area informing persons that open carrying of firearms is prohibited.<sup>18</sup>

*Concealed carry.* A person may carry a concealed handgun with a valid permit.<sup>19</sup> Carrying a concealed weapon in public without a permit is a class 1 misdemeanor. A local government may prohibit a person with a concealed carry permit from carrying a concealed handgun in a building or specific area within the local government's jurisdiction. A local government may not impose criminal penalties for prohibited concealed carry. A local government that prohibits carrying a concealed firearm in a building or specific area must post signs at public entrances to the building or area informing persons that concealed carry is prohibited.<sup>20</sup>

*Specific places where carrying a firearm is prohibited.* Colorado law prohibits openly carrying a firearm in certain places related to voting and elections. A person may not openly carry a firearm in a polling location, or within 100 feet of a ballot drop box, on the day of an

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<sup>16</sup> § 18-12-114, C.R.S. Misdemeanor penalties are set forth in § 18-1.3-501, C.R.S.

<sup>17</sup> § 18-12-113, C.R.S.

<sup>18</sup> § 29-11.7-104, C.R.S.

<sup>19</sup> § 18-12-105, C.R.S.

<sup>20</sup> § 18-12-214 (1)(c), C.R.S.

election or during the time when voting is permitted for an election. Also, a person may not openly carry a firearm within a central count facility, or within 100 feet of any building in which a central count facility is located, during ongoing election administration activities. Openly carrying in a prohibited manner at any of these election-related locations is a misdemeanor. A first offense is punishable by a maximum \$250 fine and up to 120 days' imprisonment in a county jail. A second or subsequent offense is punishable by a maximum \$1,000 fine and up to 364 days' imprisonment.<sup>21</sup>

It is a class 6 felony for a person to knowingly carry or possess a deadly weapon, including a firearm, in or on the grounds of a public or private elementary, middle, junior high, high, or vocational school or any public or private college, university, or seminary.<sup>22</sup> The law provides exceptions for law enforcement officers, weapons in automobiles, and weapons used in educational programs.

### ***Concealed Carry Permits***

A permit to carry a concealed handgun (permit) authorizes the permittee to carry a concealed handgun throughout the state, except for places prohibited by state or local law.<sup>23</sup> Colorado law requires county sheriffs to issue permits to an applicant who meet the following criteria:

- Is a legal resident of the state of Colorado;
- Is 21 years of age or older;
- Is not ineligible to possess a firearm pursuant to state or federal law;
- Has not been convicted of perjury in relation to information provided or deliberately omitted on a permit application;
- Does not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired;
- Is not an unlawful user of or addicted to a controlled substance, including marijuana;
- Is not subject to a protection order, including an extreme risk protection order; and
- Demonstrates competence with a handgun through certification as a firearms safety instructor, participation in organized shooting competitions, current military service, certain prior military or law enforcement service, or by completing a handgun safety course.<sup>24</sup>

A sheriff may deny, revoke, suspend, or refuse to renew a permit if the sheriff has a reasonable belief that an applicant or permittee does not meet the criteria for a permit or

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<sup>21</sup> § 1-13-724 (3) and (5), C.R.S.

<sup>22</sup> § 18-12-105.5, C.R.S.

<sup>23</sup> § 18-12-214, C.R.S.

<sup>24</sup> § 18-12-203 (1), C.R.S.

that documented previous behavior by the applicant makes it likely the applicant will present a danger to self or others.<sup>25</sup> An applicant must submit to a background check to verify eligibility for a permit.

Permits are valid for five years. A permittee may renew a permit within 120 days prior to the expiration of a permit and no later than six months after the expiration of a permit.

Sheriffs are required to establish and collect fees for issuing and renewing permits that reflect the actual direct and indirect costs to the sheriff of processing permit applications. The maximum fee for a new permit is \$100; the maximum permit renewal fee is \$50.<sup>26</sup> These amounts are in addition to the cost of a background check required for the issuance of a permit. The Colorado Bureau of Investigation sets the amount of the background check fee.

### ***Local Regulations***

Local governments may enact laws governing or prohibiting the sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component or accessory.<sup>27</sup> The local law may not be less restrictive than state law. As discussed above, a local government may regulate open or concealed carry of a firearm in a building or specific area within its jurisdiction. However, a local government may not restrict a person's ability to travel with a weapon in a private automobile or other private means of conveyance for hunting or for lawful protection of a person or property while traveling into, through, or within a local jurisdiction, regardless of the number of times the person stops in a jurisdiction.<sup>28</sup>

This summary does not include all the details contained in state law. To view the law in its entirety, please review the [Colorado Revised Statutes](#), including article 12 of title 18 (offenses relating to firearms and weapons), articles 14 and 14.5 of title 13 (civil protection orders and extreme risk protection orders), and article 11.7 of title 29 (local regulation of firearms).

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<sup>25</sup> § 18-12-203 (2) and (3), C.R.S.

<sup>26</sup> §§ 18-12-205 (2)(b), C.R.S. (new permit fee) and 18-12-211 (1), C.R.S. (renewal fee).

<sup>27</sup> § 29-11.7-103, C.R.S.

<sup>28</sup> § 18-12-105.6, C.R.S.