

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

INTRODUCED

LLS NO. 21-0940.01 Conrad Imel x2313

SENATE BILL 21-256

SENATE SPONSORSHIP

Fenberg and Moreno,

HOUSE SPONSORSHIP

Hooton and Daugherty, McCormick

Senate Committees

State, Veterans, & Military Affairs

House Committees

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.

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 UNLESS OTHERWISE EXPRESSLY PROHIBITED PURSUANT TO STATE LAW, a
27 local government may **not** enact an ordinance, regulation, or other law

1 ~~that prohibits~~ GOVERNING OR PROHIBITING the sale, purchase, TRANSFER,
2 or possession of a firearm, AMMUNITION, OR FIREARM COMPONENT OR
3 ACCESSORY that a person may lawfully sell, purchase, TRANSFER, or
4 possess under state or federal law. THE LOCAL ORDINANCE, REGULATION,
5 OR OTHER LAW MAY NOT IMPOSE A REQUIREMENT ON THE SALE,
6 PURCHASE, TRANSFER, OR POSSESSION OF A FIREARM, AMMUNITION, OR
7 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.

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

14 **18-12-201. Legislative declaration.** (1) The general assembly
15 finds that:

16 (a) There exists a widespread inconsistency among jurisdictions
17 within the state with regard to the issuance of permits to carry concealed
18 handguns; ~~and identification of areas of the state where it is lawful to~~
19 ~~carry concealed handguns;~~

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

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

27 (d) ~~The criteria and procedures for the lawful carrying of~~

1 ~~concealed handguns historically has been regulated by state statute and~~
2 ~~should be consistent throughout the state to ensure the consistent~~
3 ~~implementation of state law; and~~ OFFICIALS OF LOCAL GOVERNMENTS ARE
4 UNIQUELY EQUIPPED TO MAKE DETERMINATIONS AS TO WHERE CONCEALED
5 HANDGUNS CAN BE CARRIED IN THEIR LOCAL JURISDICTIONS; AND

6 (e) It is necessary that the state occupy the field of regulation of
7 ~~the bearing of concealed handguns since the issuance of a~~ ISSUING
8 concealed handgun permit is based on a person's constitutional right of
9 ~~self-protection and~~ PERMITS BECAUSE there is a prevailing state interest
10 in ensuring that no citizen is arbitrarily denied a concealed handgun
11 permit. ~~and in ensuring that the laws controlling the use of the permit are~~
12 ~~consistent throughout the state.~~

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

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

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

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

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

24 **18-12-214. Authority granted by permit - carrying restrictions**
25 **- local authority.** (1) (a) A permit to carry a concealed handgun
26 authorizes the permittee to carry a concealed handgun in all areas of the
27 state, except as specifically limited in this section. A permit does not

1 authorize the permittee to use a handgun in a manner that would violate
2 a provision of state law. ~~A local government does not have authority to~~
3 ~~adopt or enforce an ordinance or resolution that would conflict with any~~
4 ~~provision of this part 2.~~

5 (c) (I) A LOCAL GOVERNMENT, INCLUDING A SPECIAL DISTRICT, OR
6 THE GOVERNING BOARD OF AN INSTITUTION OF HIGHER EDUCATION MAY
7 ENACT AN ORDINANCE, RESOLUTION, RULE, OR OTHER REGULATION THAT
8 PROHIBITS A PERMITTEE FROM CARRYING A CONCEALED HANDGUN IN A
9 BUILDING OR SPECIFIC AREA WITHIN THE LOCAL GOVERNMENT'S OR
10 GOVERNING BOARD'S JURISDICTION.

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

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

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

1 **SECTION 6. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.