

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0352.01 Conrad Imel x2313

SENATE BILL 24-131

SENATE SPONSORSHIP

Jaquez Lewis and Kolker, Cutter, Fields, Sullivan

HOUSE SPONSORSHIP

Brown and Lindsay, Froelich

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING CARRYING A FIREARM IN SENSITIVE SPACES**
102 **RECOGNIZED BY THE UNITED STATES SUPREME COURT AS**
103 **PLACES AT WHICH LONGSTANDING LAWS PROHIBITED CARRYING**
104 **FIREARMS.**

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 prohibits a person from carrying a firearm, both openly and concealed, in public locations specified in the bill. A violation is an unclassified misdemeanor, punishable by a maximum \$250 fine; except

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.

that a second or subsequent offense is punishable by a maximum \$1,000 fine. The bill includes exceptions for law enforcement officers, members of the United States armed forces or Colorado National Guard, security personnel, firearms stored in locked containers in vehicles, and possession for instruction in conjunction with an organized class, extracurricular activity, or athletic team authorized by a college or university.

Existing law prohibits openly carrying a firearm within any polling location or central count facility, or within 100 feet of a ballot drop box or any building in which a polling location or central count facility is located, while an election or any related ongoing election administration activity is in progress. The bill prohibits carrying a firearm in any manner at those locations.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The second amendment to the United States constitution
5 protects the right of persons to keep and bear arms, and the supreme court
6 of the United States has held that states may, consistent with the second
7 amendment, regulate carrying firearms in sensitive places;

8 (b) Colorado currently regulates carrying firearms in specified
9 sensitive places, including certain government buildings, schools, and
10 public transportation facilities;

11 (c) The sensitive spaces described in this act are places where
12 children and other members of the public congregate; and

13 (d) The sensitive spaces described in this act are sensitive places
14 at which the state can regulate carrying firearms consistent with the
15 second amendment.

16 SECTION 2. In Colorado Revised Statutes, add
17 18-12-105.3 as follows:

18 **18-12-105.3. Unlawful carrying of a firearm in government**

1 **buildings - penalty - definitions.** (1) A PERSON SHALL NOT KNOWINGLY
2 CARRY A FIREARM, WHETHER LOADED OR NOT LOADED, IN ANY OF THE
3 FOLLOWING LOCATIONS, INCLUDING THEIR ADJACENT PARKING AREAS:

4 (a) ON THE PROPERTY OF OR WITHIN ANY BUILDING IN WHICH:

5 (I) THE CHAMBERS, GALLERIES, OR OFFICES OF THE GENERAL
6 ASSEMBLY, OR EITHER HOUSE THEREOF, ARE LOCATED;

7 (II) A LEGISLATIVE HEARING OR MEETING OF THE GENERAL
8 ASSEMBLY IS BEING CONDUCTED; OR

9 (III) THE OFFICIAL OFFICE OF ANY MEMBER, OFFICER, OR
10 EMPLOYEE OF THE GENERAL ASSEMBLY IS LOCATED;

11 (b) UNLESS PERMITTED BY A LOCAL GOVERNMENT, AS DESCRIBED
12 IN SUBSECTION (4)(b) OF THIS SECTION, ON THE PROPERTY OR WITHIN ANY
13 BUILDING IN WHICH:

14 (I) THE CHAMBERS OR GALLERIES OF A LOCAL GOVERNMENT'S
15 GOVERNING BODY ARE LOCATED;

16 (II) A MEETING OF A LOCAL GOVERNMENT'S GOVERNING BODY IS
17 BEING CONDUCTED; OR

18 (III) THE OFFICIAL OFFICE OF ANY ELECTED MEMBER OF A LOCAL
19 GOVERNMENT'S GOVERNING BODY OR OF THE CHIEF EXECUTIVE OFFICER
20 OF A LOCAL GOVERNMENT IS LOCATED; OR

21 (c) A COURTHOUSE OR ANY OTHER BUILDING OR PORTION OF A
22 BUILDING USED FOR COURT PROCEEDINGS.

23 (2) THIS SECTION DOES NOT APPLY TO:

24 (a) A PEACE OFFICER CARRYING A FIREARM PURSUANT TO THE
25 AUTHORITY GRANTED IN SECTION 16-2.5-101 (2);

26 (b) A MEMBER OF THE UNITED STATES ARMED FORCES OR
27 COLORADO NATIONAL GUARD WHEN ENGAGED IN THE LAWFUL

1 DISCHARGE OF THE MEMBER'S OFFICIAL DUTIES;

2 (c) SECURITY PERSONNEL EMPLOYED OR RETAINED BY AN ENTITY
3 THAT CONTROLS OR OPERATES A PLACE DESCRIBED IN THIS SECTION WHILE
4 ENGAGED IN THE SECURITY PERSONNEL'S OFFICIAL DUTIES;

5 (d) LAW ENFORCEMENT PERSONNEL, DEFENSE COUNSEL
6 PERSONNEL, AND COURT PERSONNEL CARRYING OR POSSESSING A FIREARM
7 IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES AS PART OF THE LAWFUL
8 AND COMMON PRACTICES OF A LEGAL PROCEEDING; AND

9 (e) A PERSON WHO HOLDS A VALID PERMIT TO CARRY A
10 CONCEALED HANDGUN OR A TEMPORARY EMERGENCY PERMIT ISSUED
11 PURSUANT TO PART 2 OF THIS ARTICLE 12 WHO IS CARRYING A CONCEALED
12 HANDGUN IN THE ADJACENT PARKING AREA OF A LOCATION LISTED IN
13 SUBSECTION (1) OF THIS SECTION.

14 (3) A PERSON COMMITS UNLAWFUL CARRYING OF A FIREARM IN A
15 GOVERNMENT BUILDING IF THE PERSON VIOLATES SUBSECTION (1) OF THIS
16 SECTION. UNLAWFUL CARRYING OF A FIREARM IN A GOVERNMENT
17 BUILDING IS A CLASS 1 MISDEMEANOR.

18 (4) (a) THIS SECTION DOES NOT PROHIBIT A LOCAL GOVERNMENT
19 FROM ENACTING AN ORDINANCE, REGULATION, OR OTHER LAW PURSUANT
20 TO SECTION 18-12-214 OR 29-11.7-104 THAT PROHIBITS A PERSON FROM
21 CARRYING A FIREARM IN A SPECIFIED PLACE.

22 (b) A LOCAL GOVERNMENT MAY ENACT AN ORDINANCE,
23 REGULATION, OR OTHER LAW THAT PERMITS A PERSON TO CARRY A
24 FIREARM AT PLACE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

25 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
26 REQUIRES:

27 (a) "GOVERNING BODY" HAS THE SAME MEANING SET FORTH IN

1 SECTION 29-1-102.

2 (b) "LOCAL GOVERNMENT" MEANS ANY CITY, COUNTY, CITY AND
3 COUNTY, SPECIAL DISTRICT, OR OTHER POLITICAL SUBDIVISION OF THIS
4 STATE, OR ANY DEPARTMENT, AGENCY, OR INSTRUMENTALITY THEREOF.

5 SECTION 3. In Colorado Revised Statutes, 18-12-105.5, amend
6 (1)(a), (1)(b)(II), (3) introductory portion, (3)(d.5), and (3)(h); repeal
7 (3)(d); and add (1)(a.5), (3)(i), and (3)(j) as follows:

8 18-12-105.5. Unlawfully carrying a weapon - unlawful
9 possession of weapons - school, college, or university grounds.

10 (1) (a) A person shall not knowingly and unlawfully and without legal
11 authority carry, bring, or have in the person's possession a deadly weapon
12 as defined in section 18-1-901 (3)(e) THAT IS NOT A FIREARM in or on the
13 real estate and all improvements erected thereon of any public or private
14 elementary, middle, junior high, high, or vocational school or any public
15 or private college, university, or seminary; except for the purpose of
16 presenting an authorized public demonstration or exhibition pursuant to
17 instruction in conjunction with an organized school or class, for the
18 purpose of carrying out the necessary duties and functions of an employee
19 of an educational institution that require the use of a deadly weapon THAT
20 IS NOT A FIREARM, or for the purpose of participation in an authorized
21 extracurricular activity or on an athletic team.

22 (a.5) A PERSON SHALL NOT KNOWINGLY CARRY A FIREARM, EITHER
23 OPENLY OR CONCEALED, IN OR ON THE REAL ESTATE AND ALL
24 IMPROVEMENTS ERECTED THEREON OF ANY PUBLIC OR PRIVATE
25 PRESCHOOL; PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH,
26 HIGH, OR VOCATIONAL SCHOOL; OR ANY PUBLIC OR PRIVATE COLLEGE,
27 UNIVERSITY, OR SEMINARY; EXCEPT FOR THE PURPOSE OF PRESENTING AN

1 AUTHORIZED PUBLIC DEMONSTRATION OR EXHIBITION PURSUANT TO
2 INSTRUCTION IN CONJUNCTION WITH AN ORGANIZED SCHOOL OR CLASS,
3 FOR THE PURPOSE OF CARRYING OUT THE NECESSARY DUTIES AND
4 FUNCTIONS OF AN EMPLOYEE OF AN EDUCATIONAL INSTITUTION THAT
5 REQUIRE THE USE OF A FIREARM, OR FOR THE PURPOSE OF PARTICIPATION
6 IN AN AUTHORIZED EXTRACURRICULAR ACTIVITY OR ON AN ATHLETIC
7 TEAM.

8 (b) (II) A person who violates subsection (1)(a) SUBSECTION
9 (1)(a.5) of this section commits a class 5 felony if the weapon involved
10 is a firearm, as defined in section 18-1-901 CLASS 1 MISDEMEANOR.

11 (3) It shall not be IS NOT an offense under this section if:

12 (d) The person, at the time of carrying a concealed weapon, held
13 a valid written permit to carry a concealed weapon issued pursuant to
14 section 18-12-105.1, as said section existed prior to its repeal; except that
15 it shall be an offense under this section if the person was carrying a
16 concealed handgun in violation of the provisions of section 18-12-214
17 (3); or

18 (d.5) The weapon involved was a handgun, and the person held a
19 valid permit to carry a concealed handgun or a temporary emergency
20 permit issued pursuant to part 2 of this article, except that it shall be an
21 offense under this section if the person was carrying a concealed handgun
22 in violation of the provisions of ARTICLE 12, AND THE PERSON IS
23 CARRYING THE HANDGUN:

24 (I) ON THE REAL PROPERTY, OR INTO ANY IMPROVEMENTS
25 ERECTED THEREON, OF A PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR
26 HIGH SCHOOL IN ACCORDANCE WITH THE AUTHORITY GRANTED PURSUANT
27 TO section 18-12-214 (3); or

1 (II) IN A PARKING AREA OF A PRESCHOOL OR A PUBLIC OR PRIVATE
2 COLLEGE, UNIVERSITY, OR SEMINARY; OR

3 (h) The person has possession of the weapon for use in an
4 educational program approved by a school, which program includes, but
5 shall not be IS NOT limited to, any course designed for the repair or
6 maintenance of weapons; OR

7 (i) THE WEAPON INVOLVED IS A FIREARM; THE PERSON CARRYING
8 THE FIREARM IS EMPLOYED OR RETAINED AS SECURITY PERSONNEL BY A
9 PRESCHOOL OR A PUBLIC OR PRIVATE COLLEGE, UNIVERSITY, OR
10 SEMINARY; AND THE PERSON IS CARRYING THE FIREARM WHILE ENGAGED
11 IN THE PERSON'S OFFICIAL DUTIES AS SECURITY PERSONNEL; OR

12 (j) A PRESCHOOL IS ON THE SAME REAL ESTATE AS ANOTHER
13 BUILDING OR IMPROVEMENT THAT IS NOT A SCHOOL AND THAT IS OPEN TO
14 THE PUBLIC AND THE PERSON IS CARRYING A FIREARM ON AN AREA OF
15 REAL ESTATE OR ANY IMPROVEMENT THEREON THAT IS NOT DESIGNATED
16 AS A PRESCHOOL.

17 **SECTION 4.** In Colorado Revised Statutes, 1-13-724, **amend**
18 **(1)(a)(III), (1)(b)(I), (3)(a), (3)(b), (3)(c) introductory portion, and**
19 **(3)(c)(I) as follows:**

20 **1-13-724. Unlawfully carrying a firearm at a polling location**
21 **or drop box - exception - legislative declaration.** (1) (a) The general
22 assembly finds and declares that:

23 (III) ~~Openly carried~~ Firearms in or near a polling location or drop
24 box may intimidate, threaten, or coerce voters, affecting Coloradans'
25 exercise of their voting rights; and

26 (b) The general assembly further declares that:

27 (I) Regulating ~~openly carried~~ firearms at polling locations and

1 drop boxes is substantially related to the general assembly's interest in
2 ensuring all Colorado voters have the right to vote in an environment that
3 is safe FROM GUN VIOLENCE and free from intimidation;

4 (3) (a) It is unlawful for any person to openly carry a firearm, as
5 defined in section 18-1-901 (3)(h), within any polling location, or within
6 one hundred feet of a drop box or any building in which a polling location
7 is located, as publicly posted by the designated election official, on the
8 day of any election or during the time when voting is permitted for any
9 election. The designated election official responsible for any central count
10 facility, polling location, or drop box involved in that election cycle shall
11 visibly place a sign notifying persons of the one-hundred-foot no open
12 carry zone for firearms required pursuant to this section.

13 (b) It is unlawful for any person to openly carry a firearm, as
14 defined in section 18-1-901 (3)(h), within a central count facility, or
15 within one hundred feet of any building in which a central count facility
16 is located, during any ongoing election administration activity related to
17 an active election conducted by the designated election official, as
18 publicly posted by the designated election official.

19 (c) This subsection (1) SUBSECTION (3) does not apply to:

20 (I) A person who openly carries a firearm that the person owns on
21 the person's private property that is within the one-hundred-foot buffer
22 zone or while traveling directly between the person's private property and
23 a place outside the one-hundred-foot buffer zone; or

24 **SECTION 5. In Colorado Revised Statutes, 18-12-105, amend**
25 **(1) introductory portion, (1)(c), and (2) introductory portion; and add**
26 **(2)(b.5) as follows:**

27 **18-12-105. Unlawfully carrying a concealed weapon - unlawful**

1 possession of weapons. (1) A person commits a class 1 misdemeanor if
2 such THE person knowingly and unlawfully:

3 (c) Without legal authority, carries, brings, or has in such THE
4 person's possession a firearm or any explosive, incendiary, or other
5 dangerous device on the property of or within any building in which the
6 chambers, galleries, or offices of the general assembly, or either house
7 thereof, are located, or in which a legislative hearing or meeting is being
8 or is to be conducted, or in which the official office of any member,
9 officer, or employee of the general assembly is located.

10 (2) It shall not be IS NOT an offense PURSUANT TO THIS SECTION
11 if the defendant was:

12 (b.5) CARRYING A CONCEALED FIREARM AT A SPECIFIC LOCATION
13 IN VIOLATION OF SECTION 1-13-724, 18-12-105.3, OR 18-12-105.5.

14 SECTION 6. In Colorado Revised Statutes, 18-12-214, amend
15 (3.5) as follows:

16 18-12-214. Authority granted by permit - carrying restrictions
17 - local authority. (3.5) A permit issued pursuant to this part 2 does not
18 authorize a person to carry a concealed handgun:

19 (a) Onto the real property, or into any improvements erected
20 thereon, of a PRESCHOOL OR A public OR PRIVATE college, or university,
21 if the carrying of concealed handguns is prohibited by the governing
22 board of the college or university OR SEMINARY IN VIOLATION OF SECTION
23 18-12-105.5;

24 (b) IN A GOVERNMENT BUILDING IN VIOLATION OF SECTION
25 18-12-105.3;

26 (c) AT A POLLING LOCATION, DROP BOX, OR CENTRAL COUNT
27 FACILITY, IN VIOLATION OF SECTION 1-13-724.

1 **SECTION 7. Effective date - applicability.** This act takes effect
2 July 1, 2024, and applies to offenses committed on or after said date.

3 **SECTION 8. Safety clause.** The general assembly finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety or for appropriations for
6 the support and maintenance of the departments of the state and state
7 institutions.