

## CHAPTER 1

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 93S-1001**

BY REPRESENTATIVES Adkins, Grampas, Owen, Romero, Allen, Armstrong, Blue, DeGette, Eisenach, Fleming, Friednash, Gordon, Hagedorn, R. Hernandez, June, Kaufman, Keller, Kerns, Kreutz, Lawrence, Lyle, Mattingly, Pierson, Reeser, Shoemaker, and Snyder;  
also SENATORS Wham, Blickensderfer, Owens, Casey, Feeley, Gallagher, Johnson, Mares, Meiklejohn, Norton, Ruddick, Traylor, and Wells.

**AN ACT**

CONCERNING THE COMMISSION OF CRIMINAL ACTS BY JUVENILES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

**SECTION 1.** 18-12-101 (1) (a), Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended, and the said 18-12-101 (1) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

**18-12-101. Definitions.** (1) As used in this article, unless the context otherwise requires:

(a) ~~"Ballistic knife" means any knife that has a blade which is forcefully projected from the handle by means of a spring loaded device or explosive charge.~~ "ADULT" MEANS ANY PERSON EIGHTEEN YEARS OF AGE OR OLDER.

(a.3) "BALLISTIC KNIFE" MEANS ANY KNIFE THAT HAS A BLADE WHICH IS FORCEFULLY PROJECTED FROM THE HANDLE BY MEANS OF A SPRING-LOADED DEVICE OR EXPLOSIVE CHARGE.

(e.5) "HANDGUN" MEANS A PISTOL, REVOLVER, OR OTHER FIREARM OF ANY DESCRIPTION, LOADED OR UNLOADED, FROM WHICH ANY SHOT, BULLET, OR OTHER MISSILE CAN BE DISCHARGED, THE LENGTH OF THE BARREL OF WHICH, NOT INCLUDING ANY REVOLVING, DETACHABLE, OR MAGAZINE BREECH, DOES NOT EXCEED TWELVE INCHES.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(e.7) "JUVENILE" MEANS ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS.

**SECTION 2.** Article 12 of title 18, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

**18-12-108.5. Possession of handguns by juveniles - prohibited - exceptions - penalty.** (1) (a) EXCEPT AS PROVIDED IN THIS SECTION, IT IS UNLAWFUL FOR ANY PERSON WHO HAS NOT ATTAINED THE AGE OF EIGHTEEN YEARS KNOWINGLY TO HAVE ANY HANDGUN IN SUCH PERSON'S POSSESSION.

(b) ANY PERSON POSSESSING ANY HANDGUN IN VIOLATION OF PARAGRAPH (a) OF THIS SUBSECTION (1) COMMITS THE OFFENSE OF ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE.

(c) (I) ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE IS A CLASS 2 MISDEMEANOR.

(II) FOR ANY SECOND OR SUBSEQUENT OFFENSE, ILLEGAL POSSESSION OF A HANDGUN BY A JUVENILE IS A CLASS 5 FELONY.

(d) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO IS TAKEN INTO CUSTODY BY A LAW ENFORCEMENT OFFICER FOR AN OFFENSE PURSUANT TO THIS SECTION SHALL BE TAKEN INTO TEMPORARY CUSTODY IN THE MANNER DESCRIBED IN PART 2 OF ARTICLE 2 OF TITLE 19, C.R.S.

(2) THIS SECTION SHALL NOT APPLY TO:

(a) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO IS:

(I) IN ATTENDANCE AT A HUNTER'S SAFETY COURSE OR A FIREARMS SAFETY COURSE; OR

(II) ENGAGING IN PRACTICE IN THE USE OF A FIREARM OR TARGET SHOOTING AT AN ESTABLISHED RANGE AUTHORIZED BY THE GOVERNING BODY OF THE JURISDICTION IN WHICH SUCH RANGE IS LOCATED OR ANY OTHER AREA WHERE THE DISCHARGE OF A FIREARM IS NOT PROHIBITED; OR

(III) ENGAGING IN AN ORGANIZED COMPETITION INVOLVING THE USE OF A FIREARM, OR PARTICIPATING IN OR PRACTICING FOR A PERFORMANCE BY AN ORGANIZED GROUP UNDER 501 (c) (3) AS DETERMINED BY THE FEDERAL INTERNAL REVENUE SERVICE WHICH USES FIREARMS AS A PART OF SUCH PERFORMANCE; OR

(IV) HUNTING OR TRAPPING PURSUANT TO A VALID LICENSE ISSUED TO SUCH PERSON PURSUANT TO ARTICLE 4 OF TITLE 33, C.R.S.; OR

(V) TRAVELING WITH ANY HANDGUN IN SUCH PERSON'S POSSESSION BEING UNLOADED TO OR FROM ANY ACTIVITY DESCRIBED IN SUBPARAGRAPH (I), (II), (III), OR (IV) OF THIS PARAGRAPH (a).

(b) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO IS ON REAL PROPERTY UNDER THE CONTROL OF SUCH PERSON'S PARENT, LEGAL GUARDIAN, OR GRANDPARENT AND WHO HAS THE PERMISSION OF SUCH PERSON'S PARENT OR LEGAL GUARDIAN TO POSSESS A HANDGUN;

(c) ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS WHO IS AT SUCH PERSON'S RESIDENCE AND WHO, WITH THE PERMISSION OF SUCH PERSON'S PARENT OR LEGAL GUARDIAN, POSSESSES A HANDGUN FOR THE PURPOSE OF EXERCISING THE RIGHTS CONTAINED IN SECTION 18-1-704 OR SECTION 18-1-704.5.

(3) FOR THE PURPOSES OF SUBSECTION (2) OF THIS SECTION, A HANDGUN IS "LOADED" IF:

(a) THERE IS A CARTRIDGE IN THE CHAMBER OF THE HANDGUN; OR

(b) THERE IS A CARTRIDGE IN THE CYLINDER OF THE HANDGUN, IF THE HANDGUN IS A REVOLVER; OR

(c) THE HANDGUN, AND THE AMMUNITION FOR SUCH HANDGUN, ARE CARRIED ON THE PERSON OF A PERSON UNDER THE AGE OF EIGHTEEN YEARS OR ARE IN SUCH CLOSE PROXIMITY TO SUCH PERSON THAT SUCH PERSON COULD READILY GAIN ACCESS TO THE HANDGUN AND THE AMMUNITION AND LOAD THE HANDGUN.

(4) FOR THE PURPOSES OF DETERMINING THE NECESSITY OF CONSTRUCTING ADDITIONAL FACILITIES, AND THE NECESSARY CAPACITY OF SUCH FACILITIES, THE JUDICIAL DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY ON OR BEFORE JANUARY 15, 1994, REGARDING THE NUMBER OF PERSONS CHARGED IN JUVENILE COURT WITH THE COMMISSION OF THE OFFENSE CREATED IN THIS SECTION, THE NUMBER OF PERSONS ADJUDICATED A JUVENILE DELINQUENT FOR THE COMMISSION OF THE OFFENSE CREATED IN THIS SECTION, THE DISPOSITION OF SUCH CASES, AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE JUDICIAL DEPARTMENT REGARDING THE ENFORCEMENT OF THIS SECTION. THE JUDICIAL DEPARTMENT SHALL REPORT THE SAME INFORMATION TO THE GENERAL ASSEMBLY ON OR BEFORE FEBRUARY 15, 1994, MARCH 15, 1994, AND ON THE FIFTEENTH DAY OF THE MONTH EVERY THREE MONTHS THEREAFTER.

**18-12-108.7. Unlawfully providing or permitting a juvenile to possess a handgun - penalty.** (1) (a) ANY PERSON WHO INTENTIONALLY, KNOWINGLY, OR RECKLESSLY PROVIDES A HANDGUN WITH OR WITHOUT REMUNERATION TO ANY PERSON UNDER THE AGE OF EIGHTEEN YEARS IN VIOLATION OF SECTION 18-12-108.5, OR ANY PARENT OR LEGAL GUARDIAN OF A PERSON UNDER EIGHTEEN YEARS OF AGE WHO KNOWS OF SUCH JUVENILE'S CONDUCT WHICH VIOLATES SECTION 18-12-108.5 AND FAILS TO MAKE REASONABLE EFFORTS TO PREVENT SUCH VIOLATION, COMMITS THE CRIME OF UNLAWFULLY PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN.

(b) UNLAWFULLY PROVIDING OR PERMITTING A JUVENILE TO POSSESS A HANDGUN IN VIOLATION OF THIS SUBSECTION (1) IS A CLASS 4 FELONY.







