

CHAPTER 228

CRIMINAL LAW AND PROCEDURE

SENATE BILL 00-154

BY SENATORS Tebedo, Hillman, Owen, Wattenberg, Arnold, Dennis, Epps, Nichol, Powers, Sullivant, Teck, Weddig, and Wham;
also REPRESENTATIVES McPherson, Alexander, Clapp, Dean, Hefley, King, Lawrence, Lee, May, McElhany, Miller, Nuñez, Pfiffner, Spence, Spradley, Stengel, Swenson, Tochtrop, and Young.

AN ACT

CONCERNING EXISTING DEFENSES TO WEAPONS LAWS.

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

SECTION 1. The introductory portion to 18-12-105 (2), Colorado Revised Statutes, is amended to read:

18-12-105. Unlawfully carrying a concealed weapon - unlawful possession of weapons. (2) It shall ~~be an affirmative defense that~~ NOT BE AN OFFENSE IF the defendant was:

SECTION 2. Article 12 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-12-105.6. Limitation on local ordinances regarding firearms in private vehicles. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) A PERSON CARRYING A WEAPON IN A PRIVATE AUTOMOBILE OR OTHER PRIVATE MEANS OF CONVEYANCE FOR LAWFUL PROTECTION OF SUCH PERSON'S OR ANOTHER'S PERSON OR PROPERTY, AS PERMITTED IN SECTIONS 18-12-105 (2) (b) AND 18-12-105.5 (3) (c), MAY TEND TO TRAVEL IN OR THROUGH DIFFERENT COUNTY, CITY AND COUNTY, AND MUNICIPAL JURISDICTIONS EN ROUTE TO THE PERSON'S DESTINATION;

(b) INCONSISTENT LAWS EXIST IN LOCAL JURISDICTIONS WITH REGARD TO THE CIRCUMSTANCES UNDER WHICH WEAPONS MAY BE CARRIED IN AUTOMOBILES AND OTHER PRIVATE MEANS OF CONVEYANCE;

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

(c) THIS INCONSISTENCY CREATES A CONFUSING PATCHWORK OF LAWS THAT UNFAIRLY SUBJECTS A PERSON WHO LAWFULLY TRAVELS WITH A WEAPON IN OR THROUGH ONE JURISDICTION TO CRIMINAL PENALTIES BECAUSE HE OR SHE TRAVELS INTO OR THROUGH ANOTHER JURISDICTION;

(d) THIS INCONSISTENCY PLACES CITIZENS IN THE POSITION OF NOT KNOWING WHEN THEY MAY BE VIOLATING LOCAL LAWS WHILE TRAVELING IN, THROUGH, OR BETWEEN DIFFERENT JURISDICTIONS, AND THEREFORE BEING UNABLE TO AVOID COMMITTING A CRIME.

(2)(a) BASED ON THE FINDINGS SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE GENERAL ASSEMBLY CONCLUDES THAT THE CARRYING OF WEAPONS IN PRIVATE AUTOMOBILES OR OTHER PRIVATE MEANS OF CONVEYANCE FOR LAWFUL PROTECTION OF A PERSON'S OR ANOTHER'S PERSON OR PROPERTY WHILE TRAVELING INTO OR THROUGH A MUNICIPAL, COUNTY, OR CITY AND COUNTY JURISDICTION, REGARDLESS OF THE NUMBER OF TIMES THE PERSON STOPS IN A JURISDICTION, IS A MATTER OF STATEWIDE CONCERN AND IS NOT AN OFFENSE.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO MUNICIPALITY, COUNTY, OR CITY AND COUNTY SHALL HAVE THE AUTHORITY TO ENACT OR ENFORCE ANY ORDINANCE OR RESOLUTION THAT WOULD RESTRICT A PERSON'S ABILITY TO TRAVEL WITH A WEAPON IN A PRIVATE AUTOMOBILE OR OTHER PRIVATE MEANS OF CONVEYANCE FOR LAWFUL PROTECTION OF A PERSON'S OR ANOTHER'S PERSON OR PROPERTY WHILE TRAVELING INTO OR THROUGH A MUNICIPAL, COUNTY, OR CITY AND COUNTY JURISDICTION, REGARDLESS OF THE NUMBER OF TIMES THE PERSON STOPS IN A JURISDICTION.

SECTION 3. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 26, 2000