

Single-Subject: Defense of the right to keep and bear arms.

Title of Proposal:

Colorado Second Amendment Restoration Act

Be it Enacted by the people of the State of Colorado:

Article II Section 13 of the Constitution of the State of Colorado

Shall be amended as follows:

Headnote; “add as follows:”

Right to KEEP AND bear arms

Section 1 “add Preamble as FOLLOWS:”

PREAMBLE.

THIS AMENDMENT TO THE CONSTITUTION OF THE STATE OF COLORADO IS TO CLARIFY THE MEANING OF AND TO REINFORCE THE SECOND AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA TO MORE CLOSELY REFLECT THE INTENT OF THE FOUNDING FATHERS.

ARTICLE II OF THE BILL OF RIGHTS STATES:

“A WELL REGULATED MILITIA, BEING NECESSARY TO THE SECURITY OF A FREE STATE, THE RIGHT OF THE PEOPLE TO KEEP AND BEAR ARMS SHALL NOT BE INFRINGED.”

AND IS FURTHER SUPPORTED BY THE TENTH AMENDMENT OF THE UNITED STATES CONSTITUTION WHICH STATES:

“THE POWERS NOT DELGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE”.

Section 2 “add Definition as follows:”

Definition

THE TERM “FIREARM”, AS USED IN THIS AMENDMENT, EXPANDS THE DEFINITION OF FIREARM TO INCLUDE ANY DEVICE INTENDED TO MOVE AN OBJECT OR PROJECTILE(S) IN A SPECIFIC DIRECTION, THROUGH ANY MEANS OF INTERNAL PRESSURE AVAILABLE, WHETHER GENERATED FROM INTERNAL OR EXTERNAL SOURCES REGARDLESS OF ITS SIZE, SHAPE, CONFIGURATION, BARREL LENGTH AND BORE DIAMETER, WHETHER SMOOTH OR RIFLED, HAND HELD OR PLATFORM MOUNTED. “FIREARM” SHALL INCLUDE “ACCESSORY” AND “AMUNITION”. ACCESSORY IS ANY OBJECT OR DEVICE THAT MAY BE ATTACHED TO, OR USED IN CONJUNCTION WITH ANY FIREARM BE IT INTERNAL OR EXTERNAL. “AMMUNITION” SHALL BE CONSIDERED ANY COMPONENT OR MATERIAL INCLUDING PROJECTILES NEEDED TO MAKE A FIREARM FUNCTION AND PROPELL AN OBJECT DOWN RANGE.

Section 3 “add Effective date as follows”

THIS AMENDMENT SHALL BECOME EFFECTIVE IMMEDIATELY UPON APPROVAL BY THE VOTERS OF THE STATE OF COLORADO.

SECTION 4 “add Supremacy Clause as follows:”

THIS AMENDMENT SHALL HAVE SUPREMACY OVER ALL CONFLICTING SECTIONS OF THE COLORADO CONSTITUTION AND COLORADO REVISED STATUTES EXCEPT WHERE OTHERWISE STATED.

Section 5 “amend as follows:”

The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question;

~~but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.~~ AND ALL PERSONS SHALL BE JUSTIFIED IN THE USE OF ANY FIREARM TO PROTECT HIS PERSON AND OR PROPERTY OR THAT OF A THIRD PARTY INCLUDING LETHAL FORCE.

Section 6 “add as follows:”

THE STATE OF COLORADO SHALL RECOGNIZE NO LAW AND DECLARE NULL AND VOID ANY LAW BE IT PAST, PRESENT, OR FUTURE, PASSED WITHIN THE STATE OF COLORADO OR BY ANY OTHER JURISDICTION BE IT LOCAL, STATE, FEDERAL, FOREIGN COUNTRY OR GROUP OF COUNTRIES OR ANY OTHER NATIONAL OR INTERNATIONAL BODY OR GROUP, INCLUDING LAWS THAT REQUIRE BACKGROUND CHECKS FOR THE ACQUISITION OR USE OF ANY FIREARM, THAT IN ANY WAY, SHAPE, OR FORM, PROHIBITS OR ATTEMPTS TO PROHIBIT OR IN ANY OTHER MANOR RESTRICTS OR INFRINGES UPON OR DISCOURAGES THE ABILITY AND RIGHT OF THE PEOPLE OF THE STATE OF COLORADO TO PURCHASE OR ACQUIRE, LOAD, KEEP, BEAR, TRANSPORT, CARRY EITHER OPEN OR CONCEALED, TRANSFER, TRADE, MANUFACTURE OR MODIFY ANY FIRE ARM OF ANY KIND KNOWN TO THE HUMAN RACE.

SECTION 6 “Subparagraph(I) add as follows:”

MOREOVER THERE SHALL BE NO GEOGRAPHIC LOCATION WITHIN THE STATE OF COLORADO EITHER IN OR OUT OF DOORS, INCLUDING BUT NOT LIMITED TO, ALL GOVERNMENT BUILDINGS, STATE, LOCAL, FEDERAL, AND INCLUDING ALL AIRPORTS AND POSTAL FACILITIES, SPORTING EVENTS AND POLITICAL FUNCTIONS, WHERE THE CARRYING OF A FIREARM OF ANY KIND EITHER OPEN OR CONCEALED SHALL BE DISCOURAGED OR PROHIBITED. THERE SHALL BE NO EXCEPTIONS MADE FOR OUT OF STATE OR IN STATE POLITICAL FIGURES OR DIGNITARIES.

Section 7 “add as follows:”

IT SHALL BE A CLASS 3 FELONY FOR ANY PERSON, EXCEPT FOR A PERSON IN HIS OR HER OWN HOME IN WHICH HE OR SHE RESIDES, OR A LAW ENFORCEMENT OFFICER IN THE COURSE OF AN ARREST, OR ANY OTHER PERSON IN THE COURSE OF A CITIZENS ARREST, TO REQUEST THAT AN INDIVIDUAL REMOVE OR UNLOAD HIS OR HER FIREARM MORE THAN ONCE. IT SHALL BE A CLASS 3 FELONY FOR AN EMPLOYER OR EMPLOYEE TO REQUEST THE OTHER TO UNLOAD OR DISARM, OR FOR A CUSTOMER OR BUSINESS TO REQUEST THAT THE OTHER UNLOAD OR DISARM MORE THAN ONCE. THE PERSON BEING REQUESTED TO DISARM SHALL HAVE EVERY RITE TO REFUSE AND UPON THE SECOND REQUEST MAY PURSUE LEGAL ACTION ACORDING TO THIS AMENDMENT.

Section 7 “add Subparagraph (I) as follows:”

NO FELONY CONVICTION OF ANY KIND, NOR MILITARY DISCHARGE STATUS SHALL MAKE A CONVICTED PERSON INELIGIBLE TO CARRY OR PURCHASE A FIREARM.

Section 7 “add Subparagraph (II) as follows:”

ANY PERSON REQUESTING THE REMOVAL OR UNLOADING OF A FIREARM MORE THAN ONCE MAY BE IMMEDIATELY DETAINED EITHER BY LAW ENFORCEMENT, THE HOLDER OF THE FIREARM OR BY ANY PERSON WITNESSING THE EVENT, WHO SHALL ALSO TESTIFY AT TRIAL AFTER THE ACCUSED HAS BEEN REMANDED TO CUSTODY. ANY PERSON VIOLATING THIS SECTION, INCLUDING BODY GUARDS FOR ALL PRIVATE AND PUBLIC FIGURES AND POLITICAL FIGURES, SHALL BE HELD FOR TRIAL AND IF FOUND GUILTY, OR A NO CONTEST OR GUILTY PLEA ENTERS, SANCTIONED TO THE FULL EXTENT OF THIS LAW.

Section 7 “add Subparagraph (III) as follows:”

IN THE EVENT A PERSON IS DETAINED AND HELD FOR TRIAL THERE SHALL BE NO BOND OR BAIL WHAT SO EVER, AS THE PEOPLE INVOLVED MAY HAVE LITTLE OR NO TIES TO THE STATE OF COLORADO AND WOULD BE PRONE TO FLIGHT TO AVOID PROSECUTION. IF THERE IS PROBABLE CAUSE TO BELIEVE A PERSON VIOLATED THIS LAW, AND SUCH PERSON HAS NOT BEEN IMMEDIATELY DETAINED AN ARREST WARRANT SHALL BE ISSUED FOR HIS OR HER ARREST, AND THERE SHALL BE NO STATUTE OF LIMITATIONS ON ANY VIOLATION OF THIS LAW. IN REGARD TO THIS AMENDMENT TO THE COLORADO CONSTITUTION THE BAIL GUIDELINES AS SET FORTH IN THE COLORADO REVISED STATUTES SHALL NOT APPLY.

Section 8 “add as follows:”

THERE SHALL BE NO RECOGNITION WHAT SO EVER OF DIPLOMATIC IMMUNITY NO MATER WHERE SUCH CLAIM ORIGINATES.

Section 9 “add as follows:”

THERE SHALL BE NO RECORDS OF ANY KIND WHAT SO EVER MAINTAINED BY ANY GOVERNMENT AGENCY OR REQUIRED OF ANY BUSINESS OR PERSON OF ANY FIREARM OR ACCESSORY SALE, TRANSFER, TRANSACTION, MODIFICATION OR MANUFACTURE. ALL RECORDS OR RECEIPTS NOW OR HEREAFTER EXISTING CONCERNING ANY FIREARMS AND OR ACCESSORIES SALES, TRANSFERS, TRANSACTIONS AND MANUFACTURE HELD BY GOVERNMENT OR BUSINESS OR IN PERSONAL FILES SHALL BE DESTROYED WITH IN 30 DAYS OF THE PASSAGE OF THIS AMENDMENT, AND THE GOVERNMENT SHALL BE PROHIBITED BY LAW FROM REQUESTING OR DEMANDING ANY SUCH RECORDS FROM ANY PERSON OR BUSINESS FOR ANY REASON WHAT SO EVER.

Section 10 “add as follows:”

THE ONLY PROSECUTION OF LAW THAT MAY BE PERMITTED INVOLVING A FIREARM SHALL BE IN THE EVENT A PERSON IS INJURED PHYSICALLY OR FINANCIALLY BY A FIREARM OR KILLED BY A FIREARM, THROUGH NO FAULT OF HIS OR HER OWN. IN THIS EVENT ALL PENALTIES SET FORTH IN THE COLORADO REVISED STATUTES MAY APPLY.

Section 10 “add Subparagraph (I) as follows:”

NO STATE, OR OTHER GOVERNMENTAL AGENCY OR BODY OF ANY KIND, AT ANY LEVEL SHALL BE PERMITTED TO CLAIM INJURY FROM A FIREARM OR BE ALLOWED TO PROSECUTE FOR ANY REASON ANY ACT HAVING TO DO WITH A FIREARM AS THE STATE OR GOVERNMENTAL AGENCY CAN NOT BE INJURED IN ANY WAY FROM A FIREARM.

Section 10 “add Subparagraph (II) as follows:”

THERE SHALL BE NO TAXES OR FEES OF ANY KIND WHAT SO EVER, OTHER THAN TRADITIONAL SALES TAXES, LEVIED UPON THE SALE, TRANSFER, POSSESSION, CARRYING, TRANSPORT, MANUFACTURE OR MODIFICATION OF ANY FIREARM OR ACCESSORY FROM ANY AGENCY OR PERSON WITHIN THE STATE OF COLORADO AND ANY FEES OR TAXES LEVIED FROM OUTSIDE THE STATE OF COLORADO SHALL NOT BE RECOGNIZED OR ACTED UPON.

Section 11 “add as follows:”

ANY PERSON, GROUP OF PERSONS OR ORGANIZATION, WHETHER ELECTED, APPOINTED, HIRED, OR CONTRACTING WITH THE GOVERNMENT, ATTEMPTING TO INTRODUCE OR PASS ANY LAW OF ANY KIND WHAT SO EVER WITHIN THE STATE OF COLORADO AT ANY LEVEL BE IT STATE, COUNTY, CITY, TOWN OR VILLAGE WHETHER OR NOT THE SAME BE HOME RULED, THAT IN ANY WAY WOULD RESTRICT OR HINDER THE ABILITY OF ANY PERSON OR INDIVIDUAL TO PURCHASE, ACQUIRE, POSSESS, MANUFACTURE, LOAD OR MODIFY A FIREARM, ACCESSORY OR ANY AMMUNITION OR TO CARRY A FIREARM EITHER CONCEALED OR OPENLY ANYWHERE WITHIN THE STATE OF COLORADO SHALL BE PROMPTLY REMOVED FROM OFFICE AND SHALL BE TRIED PURSUANT TO THIS AMENDMENT FOR CRIMES AGAINST THE PEOPLE OF THE STATE OF COLORADO.

Section 11 “add Subparagraph (I) as follows:”

IN THE EVENT THAT A REPRESENTATIVE IS REMOVED FROM PUBLIC OFFICE UNDER THIS AMENDMENT, SUCH OFFICIAL CAN ONLY SEEK REINSTATEMENT OF HIS OR HER POSITION BY PUBLIC ELECTION AND SHALL NOT BE REPLACED BY APPOINTMENT UNDER ANY CIRCUMSTANCE. IF SUCH PERSON IS AN ELECTED REPRESENTATIVE AND IS NOT ACQUITTED, SUCH PERSON SHALL NOT THEREAFTER BE ENTITLED TO RUN AGAIN FOR ANY PUBLIC OFFICE.

Section 11 “add Subparagraph (II) Penalty Clause as follows:”

THE ONLY REQUIREMENT FOR CONVICTION SHALL BE THAT A PERSON’S NAME OR SIGNATURE APPEARS ON ANY DOCUMENT OF PROPOSED LEGISLATION AT ANY LEVEL OF GOVERNMENT. UPON CONVICTION OF THIS CRIME EACH PERSON WHOS NAME APPEARS UPON SAID DOCUMENT SHALL BE IMMEDIATELY SENTENCED TO A MANDATORY MINIMUM OF FIVE YEARS IN A MAXIMUM SECURITY PENAL INSTITUTION WITH IN THE STATE OF COLORADO IN THE GENERAL PRISON POPULATION, WITH NO POSSIBILITY OF PAROLE OR EARLY RELEASE WITH NO LIMIT FOR A MAXIMUM SENTENCE. THERE SHALL ALSO BE IMPOSED A MANDATORY MINIMUM FINE OF FIVE MILLION DOLLARS WITH NO LIMIT ON THE MAXIMUM, TO BE PAID IMMEDIATELY UPON CONVICTION. THIS SHALL BE COLLECTED BY ANY MEANS NECESSARY. THIS SHALL INCLUDE SEIZURE AND SALE AT PUBLIC ACTION OF ANY AND ALL BUSINESS AND PERSONAL ASSETS. ANY

UNPAID BALANCE OF FINES SHALL BE HELD OVER UNTIL RELEASE THEN COLLECTED THROUGH ALL LAWFUL MEANS, ALONG WITH THE FULL AND ENTIRE COST, PLUS INTEREST TO THE STATE OF COLORADO AND IT'S PEOPLE FOR THE FULL TIME OF INCARCERATION. UPON CONVICTION ANY PERSON CONVICTED OF THIS CRIME SHALL BE BANNED FOR LIFE FROM HOLDING ANY POSITION OF PUBLIC TRUST BE IT ELECTED, APPOINTED OR HIRED WITHIN THE STATE OF COLORADO. THEY SHALL FURTHER MORE BE STRIPPED OF ANY TITLE AND SHALL FORFEIT ANY AND ALL PENSION AND OR BENEFITS THAT MAY ACCOMPANY THE POSITION FORMERLY HELD. THE PENALTIES IMPOSED FOR A VIOLATION DESCRIBED HEREIN SHALL SUPERCEDE THE PENALTY SCHEDULE FOR CLASS 3 FELONIES SET FORTH IN CRS 18-1.3-401 (1)(A)(V) AND THOSE SET FORTH IN ANY OTHER LAW. .

Section 12 “add as follows:”

ANY PERSON IN THE JUDICIAL SYSTEM IN A PROSECUTING ROLE WHO EITHER REFUSES OR DELAYS IN PROSECUTING THIS CRIME SHALL BE CONSIDERED COMPLICIT AND A PARTY TO THIS ACT AND SHALL BE IMMEDIATELY REMOVED AND TRIED AS AN ACTIVE PART OF THE AFORE MENTIONED CRIME AND SENCENED ACCORDINGLY.

Section 12 “add Subparagraph (I) as follows:”

ANY PERSON IN A POSITION TO PRESIDE OVER A TRIAL OR HEARING ON THIS MATTER WHO SHALL IN ANY WAY ATTEMPT TO LESSEN THE MINIMUM PENALTY OR DELAY OR DISMISS THE PROCEEDINGS BEFORE A COMPLETE TRIAL IS HELD SHALL BE ALSO CONSIDERED PART OF THIS ACTION AND SHALL BE TRIED AND SENTENCED ACCORDING TO THE GUIDELINES ABOVE ALONG WITH ANY PERSON OR GROUP OF PERSONS BE THEY LAW ENFORCEMENT OR OTHERWISE WHO MAY ATTEMPT TO AID A SUSPECT IN EVADING PROSECUTION SHALL ALSO BE HELD ACCOUNTABLE TO THIS LAW.

Section 13 “add as follows:”

IN THE EVENT THE LEGAL SYSTEM BREAKS DOWN AND THIS AMENDMENT IS NOT UPHELD AND ENFORCED BY THOSE IN THE JUDICIAL SYSTEM AND LAW ENFORCEMENT THEN THE RESPONSIBILITY TO ENFORCE THE SAME SHALL FALL TO THE PEOPLE OF THE STATE OF COLORADO. WHO'S RIGHT AND DUTY IT IS TO UPHOLD AND PROTECT THE LAWS AND CONSTITUTION OF THE STATE OF COLORADO ALONG WITH THEIR RIGHTS.

Section 13 “add Subparagraph (I) as follows:”

IF THIS SHOULD HAPPEN THEN THE PEOPLE SHALL BE JUSTIFIED AND REQUIRED IN TAKING ANY AND ALL ACTION WHAT SO EVER DEEMED NECESSARY BY THOSE INVOLVED, TO REMOVE AND SANCTION APPROPRIATELY THOSE WHO ARE IN VIOLATION OF THIS AMENDMENT. THOSE INVOLVED IN REMOVING AND SANCTIONING THE PEOPLE IN VIOLATION OF THE LAW AND CONSTITUTION SHALL BE HELD HARMLESS FOR EVER MORE FROM ANY AND ALL PROSECUTION OR PERSECUTION BY ANYONE OR ANY THING, CRIMINALLY OR CIVILLY.

Section 14 “add as follows:”

ANY PERSON, GROUP OF PERSONS OR ORGANIZATIONS ALONG WITH THE ENTIRE GOVERNING BODY AND BOARD OF DIRECTORS OF SUCH ORGANIZATION WHO RESIDE OUTSIDE OF THE STATE OF COLORADO WHO ATTEMPT TO INFLUENCE THE LAWS TO MAKE THE USE OF FIREARMS MORE RESTRICTIVE OR TO FURTHER RESTRICT THE MANUFACTURE, MODIFICATION, SALES, TRANSFER, TRANSPORT OR CARRY OF FIREARMS OR AMMUNITION WITHIN THE STATE OF COLORADO SHALL BE DEEMED IN VIOLATION OF STATE LAW AND IT'S CONSTITUTION AND SHALL BE PROSECUTED AND SENTENCED AT A RATE OF FIVE TIMES THE MINIMUM, OR MORE OF THOSE WHO RESIDE WITHIN THE STATE OF COLORADO.

Section 14 “add Subparagraph (I) as follows:”

IT SHALL BE INCUMBENT UPON ANY AND ALL LAW ENFORCEMENT OFFICERS AND AGENCIES TO APPREHEND AND DETAIN AT ALL COST, FOR TRIAL ANY SUCH PERSON OR GROUP OF PERSONS. IT SHALL ALSO BE THE DUTY OF EVERY PERSON LIVING WITHIN THE STATE OF COLORADO TO BE VIGILANT AND IF ENCOUNTERING ANY SUCH PERSON OR PERSONS TO APPREHEND AND DELIVER THEM TO THE NEAREST LAW ENFORCEMENT AGENCY BY ANY MEANS OF CITIZENS' ARREST OR BY WHAT EVER MEANS IS DEEMED NECESSARY.

Section 14 “add Subparagraph (II) as follows:”

IT IS ALSO THE DUTY OF ALL PERSONS WITHIN THE STATE OF COLORADO, LAW ENFORCEMENT

AND OTHERWISE TO RESIST AND DETER BY ANY MEANS NECESSARY, ANY ATTEMPT BY ANYONE FROM OUTSIDE THE STATE OF COLORADO WHOM SO EVER MAY ATTEMPT TO RESTRICT, REMOVE OR CONFISCATE ANY FIREARM FROM ANY PERSON WITHIN THE STATE OF COLORADO, THIS SHALL INCLUDE ALL FEDERAL, STATE AND ALL OTHER PARTIES NO MATTER WHAT THEIR ORIGIN. ANY PERSON OR PERSONS LIVING IN THE STATE OF COLORADO DETAINING OR DETERRING SUCH VIOLATORS AND DELIVERING THEM TO LAW ENFORCEMENT SHALL BE HELD HARMLESS FROM ANY CIVIL OR CRIMINAL PROSECUTION. THE STATE OF COLORADO AND ITS PEOPLE SHALL EXERCISE THE SAME VIGILANCE AND ZEAL TO KEEP PEOPLE OF THIS STATE FROM BEING EXTRADITED TO ANY OTHER JURISDICTION FOR ANY CHARGES HAVING TO DO WITH FIREARM ACTIVITIES WHILE WITHIN THE STATE OF COLORADO. THOSE INVOLVED IN BLOCKING EXTRADITION SHALL ENJOY THE SAME PROTECTION AS STATED ELSEWHERE IN THIS AMENDMENT.

Section 15 “add as follows:”

A PRIVATE RESIDENTIAL HOMEOWNER WHO RESIDES IN THE SUBJECT DWELLING "HOMEOWNER", MAY REQUEST THAT A LICENSEE INCLUDING LAW ENFORCEMENT REMOVE HIS OR HER FIREARM OR UNLOAD THE SAME MORE THAN ONCE, ONLY IF A SIGN IS CLEARLY POSTED AT EACH ENTRANCE AND ON ALL FOUR SIDES OF THE SUBJECT DWELLING AND AT SUCH LOCATION WHERE SUCH SIGNAGE IS CLEARLY LEGIBLE FROM A DISTANCE OF NOT LESS THAN 100 FEET, STATING, "THIS IS A FIREARMS FREE HOME".

Section 15“add Subparagraph (I) as follows:”

IN THE EVENT THAT THERE SHOULD BE AN OBSTRUCTION TO THE VIEW OF THE DWELLING SUCH AS A FENCE, OUT BUILDING OR OTHERWISE THE SIGNAGE SHALL BE POSTED ON THE PUBLIC SIDE OF THE OBSTRUCTION AS WELL AS TO THE OUTSIDE OF THE DWELLING.

Section 15 “add Subparagraph (II) as follows:”

". SUCH HOMEOWNER SHALL NOT RESTRICT HIS TENANT, NOR SHALL A TENANT RESTRICT SUCH HOMEOWNER FROM LOADING A FIREARM OR HAVING OR POSSESSING FIREARMS, ON THE PREMISES

