SB131_L.008

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB24-131 be amended as follows:

1 Amend printed bill, page 2, strike lines 16 through 20.

2 Strike pages 3 through 8.

3 Page 9, strike line 1 and substitute:

4 "**SECTION 2.** In Colorado Revised Statutes, **add** 18-12-105.3 as
5 follows:
6 **18-12-105.3. Unlawful carrying of a firearm in government**
7 **buildings - penalty - definitions.** (1) A PERSON SHALL NOT KNOWINGLY
8 CARRY A FIREARM, WHETHER LOADED OR NOT LOADED, IN ANY OF THE
9 FOLLOWING LOCATIONS, INCLUDING THEIR ADJACENT PARKING AREAS:
10 (a) ON THE PROPERTY OF OR WITHIN ANY BUILDING IN WHICH:
11 (I) THE CHAMBERS, GALLERIES, OR OFFICES OF THE GENERAL
12 ASSEMBLY, OR EITHER HOUSE THEREOF, ARE LOCATED;
13 (II) A LEGISLATIVE HEARING OR MEETING OF THE GENERAL
14 ASSEMBLY IS BEING CONDUCTED; OR
15 (III) THE OFFICIAL OFFICE OF ANY MEMBER, OFFICER, OR
16 EMPLOYEE OF THE GENERAL ASSEMBLY IS LOCATED;
17 (b) UNLESS PERMITTED BY A LOCAL GOVERNMENT, AS DESCRIBED
18 IN SUBSECTION (4)(b) OF THIS SECTION, ON THE PROPERTY OR WITHIN ANY
19 BUILDING IN WHICH:
20 (I) THE CHAMBERS OR GALLERIES OF A LOCAL GOVERNMENT'S
21 GOVERNING BODY ARE LOCATED;
22 (II) A MEETING OF A LOCAL GOVERNMENT'S GOVERNING BODY IS
23 BEING CONDUCTED; OR
24 (III) THE OFFICIAL OFFICE OF ANY ELECTED MEMBER OF A LOCAL
25 GOVERNMENT'S GOVERNING BODY OR OF THE CHIEF EXECUTIVE OFFICER
26 OF A LOCAL GOVERNMENT IS LOCATED; OR
27 (c) A COURTHOUSE OR ANY OTHER BUILDING OR PORTION OF A
28 BUILDING USED FOR COURT PROCEEDINGS.
29 (2) THIS SECTION DOES NOT APPLY TO:
30 (a) A PEACE OFFICER CARRYING A FIREARM PURSUANT TO THE
31 AUTHORITY GRANTED IN SECTION 16-2.5-101 (2);
32 (b) A MEMBER OF THE UNITED STATES ARMED FORCES OR
33 COLORADO NATIONAL GUARD WHEN ENGAGED IN THE LAWFUL
34 DISCHARGE OF THE MEMBER'S OFFICIAL DUTIES;
35 (c) SECURITY PERSONNEL EMPLOYED OR RETAINED BY AN ENTITY
36 THAT CONTROLS OR OPERATES A PLACE DESCRIBED IN THIS SECTION WHILE
37 ENGAGED IN THE SECURITY PERSONNEL'S OFFICIAL DUTIES; AND
38 (d) A PERSON WHO HOLDS A VALID PERMIT TO CARRY A

CONCEALED HANDGUN OR A TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO PART 2 OF THIS ARTICLE 12 WHO IS CARRYING A CONCEALED HANDGUN IN THE ADJACENT PARKING AREA OF A LOCATION LISTED IN SUBSECTION (1) OF THIS SECTION.

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

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

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

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

(a) "GOVERNING BODY" HAS THE SAME MEANING SET FORTH IN SECTION 29-1-102.

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

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

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds. (1) (a) A person shall not knowingly and unlawfully and without legal authority carry, bring, or have in the person's possession a deadly weapon as defined in section 18-1-901 (3)(e) THAT IS NOT A FIREARM in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior high, high, or vocational school or any public or private college, university, or seminary; except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution that require the use of a deadly weapon THAT IS NOT A FIREARM, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

(a.5) A PERSON SHALL NOT KNOWINGLY CARRY A FIREARM, EITHER OPENLY OR CONCEALED, IN OR ON THE REAL ESTATE AND ALL IMPROVEMENTS ERECTED THEREON OF ANY PUBLIC OR PRIVATE PRESCHOOL; PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH,

HIGH, OR VOCATIONAL SCHOOL; OR ANY PUBLIC OR PRIVATE COLLEGE, UNIVERSITY, OR SEMINARY; EXCEPT FOR THE PURPOSE OF PRESENTING AN AUTHORIZED PUBLIC DEMONSTRATION OR EXHIBITION PURSUANT TO INSTRUCTION IN CONJUNCTION WITH AN ORGANIZED SCHOOL OR CLASS, FOR THE PURPOSE OF CARRYING OUT THE NECESSARY DUTIES AND FUNCTIONS OF AN EMPLOYEE OF AN EDUCATIONAL INSTITUTION THAT REQUIRE THE USE OF A FIREARM, OR FOR THE PURPOSE OF PARTICIPATION IN AN AUTHORIZED EXTRACURRICULAR ACTIVITY OR ON AN ATHLETIC TEAM.

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

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

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

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

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

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

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

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

(j) A PRESCHOOL IS ON THE SAME REAL ESTATE AS ANOTHER BUILDING OR IMPROVEMENT THAT IS NOT A SCHOOL AND THAT IS OPEN TO THE PUBLIC AND THE PERSON IS CARRYING A FIREARM ON AN AREA OF

REAL ESTATE OR ANY IMPROVEMENT THEREON THAT IS NOT DESIGNATED AS A PRESCHOOL.

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

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

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

(b) The general assembly further declares that:

(I) Regulating ~~openly carried~~ firearms at polling locations and drop boxes is substantially related to the general assembly's interest in ensuring all Colorado voters have the right to vote in an environment that is safe FROM GUN VIOLENCE and free from intimidation;

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

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

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

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

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

18-12-105. Unlawfully carrying a concealed weapon - unlawful possession of weapons. (1) A person commits a class 1 misdemeanor if ~~such~~ THE person knowingly and unlawfully:

(c) Without legal authority, carries, brings, or has in ~~such~~ THE

person's possession ~~a firearm or~~ any explosive, incendiary, or other dangerous device on the property of or within any building in which the chambers, galleries, or offices of the general assembly, or either house thereof, are located, or in which a legislative hearing or meeting is being or is to be conducted, or in which the official office of any member, officer, or employee of the general assembly is located.

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

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

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

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

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

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

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

Renumber succeeding sections accordingly.

Page 1, strike line 102 and substitute "**SPACES RECOGNIZED BY THE UNITED STATES SUPREME COURT AS PLACES AT WHICH LONGSTANDING LAWS PROHIBITED CARRYING FIREARMS.**".

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