

COLORADO
COLO. REV. STAT.

Title 12. Professions and Occupations

Article 26. Firearms - Dealers

12-26-101. Definitions. As used in this article, unless the context otherwise requires:

(1)(a) "Firearms" means a pistol, revolver, or other weapon 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.

(b) "Firearms" does not include firearms, as defined in paragraph (a) of this subsection (1), for which ammunition is not sold or which there is reasonable ground for believing are not capable of being effectually used.

12-26-102. Retail dealers - record - inspection. Every individual, firm, or corporation engaged, within this state, in the retail sale, rental, or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record shall be made at the time of the transaction in a book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented or with whom exchanged; his age, occupation, residence, and, if residing in a city, the street and number therein where he resides; the make, caliber, and finish of said pistol or revolver, together with its number and serial letter, if any; the date of the sale, rental, or exchange of said pistol or revolver; and the name of the employee or other person making such sale, rental, or exchange. The record book shall be open at all times to the inspection of any duly authorized police officer.

12-26-103. Record - failure to make - penalty. Every individual, firm, or corporation who fails to keep the record provided for in section 12-26-102 or who refuses to exhibit such record when requested by a police officer and any purchaser, lessee, or exchanger of a pistol or revolver who, in connection with the making of such record, gives false information is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Article 26.1. Background Checks - Gun Shows

12-26.1-101. Background checks at gun shows - penalty.

(1) Before a gun show vendor transfers or attempts to transfer a firearm at a gun show, he or she shall:

(a) require that a background check, in accordance with section 24-33.5-424, C.R.S., be conducted of the prospective transferee; and

(b) obtain approval of a transfer from the Colorado Bureau of Investigation after a background check has been requested by a licensed gun dealer, in accordance with section 24-33.5-424, C.R.S.

(2) A gun show promoter shall arrange for the services of one or more licensed gun dealers on

the premises of the gun show to obtain the background checks required by this article.

(3) If any part of a firearm transaction takes place at a gun show, no firearm shall be transferred unless a background check has been obtained by a licensed gun dealer.

(4) Any person violating the provisions of this section commits a Class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

12-26.1-102. Records - penalty.

(1) A licensed gun dealer who obtains a background check on a prospective transferee shall record the transfer, as provided in section 12-26-102, C.R.S., and retain the records, as provided in section 12-26-103, C.R.S., in the same manner as when conducting a sale, rental, or exchange at retail.

(2) Any individual who gives false information in connection with the making of such records commits a Class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

12-26.1-103. Fees imposed by licensed gun dealers. For each background check conducted at a gun show, a licensed gun dealer may charge a fee not to exceed ten dollars.

12-26.1-104. Posted notice - penalty.

(1) A gun show promoter shall post prominently a notice, in a form to be prescribed by the executive director of the department of public safety or his or her designee, setting forth the requirement for a background check as provided in this article.

(2) Any person violating the provisions of this section commits a Class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

12-26.1-105. Exemption. The provisions of this article shall not apply to the transfer of an antique firearm, as defined in 18 U.S.C. sec. 921(a)(16), as amended, or a curio or relic, as defined in 27 C.F.R. sec. 178.11, as amended.

12-26.1-106. Definitions. As used in this article, unless the context otherwise requires:

(1) "Collection" means a trade, barter, or in-kind exchange for one or more firearms.

(2) "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

(3) "Gun show" means the entire premises provided for an event or function, including but not limited to parking areas for the event or function, that is sponsored to facilitate, in whole or in part, the purchase, sale, offer for sale, or collection of firearms at which:

(a) twenty-five or more firearms are offered or exhibited for sale, transfer, or exchange; or

(b) not less than three gun show vendors exhibit, sell, offer for sale, transfer, or exchange firearms.

(4) "Gun show promoter" means a person who organizes or operates a gun show.

(5) "Gun show vendor" means any person who exhibits, sells, offers for sale, transfers, or exchanges, any firearm at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

(6) "Licensed gun dealer" means any person who is a licensed importer, licensed manufacturer, or dealer licensed pursuant to 18 U.S.C. sec. 923, as amended, as a federally licensed firearms dealer.

Article 27. Firearms - Purchase in Contiguous State

12-27-101. Legislative declaration - nonresident.

(1) It is declared by the general assembly that it is lawful for a licensed importer, licensed manufacturer, licensed dealer, or a licensed collector (licensed under the federal "Gun Control Act of 1968") whose place of business is in this state to sell or deliver a rifle or shotgun to a resident of a state contiguous to this state, subject to the following restrictions and requirements:

(a) The purchaser's state of residence must permit such sale or delivery by law.

(b) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922 (c) of the federal "Gun Control Act of 1968" applicable to interstate transactions other than those at the licensee's business premises.

12-27-102. Legislative declaration - residents.

(1) It is declared by the general assembly that it is lawful for a resident of this state, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states;

(b) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922 (c) of the federal "Gun Control Act of 1968", applicable to interstate transactions other than at the licensee's business premises.

12-27-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "A state contiguous to this state" means any state having a common border with this state.

(2) All other terms shall be construed as such terms are defined in the federal "Gun Control Act of 1968".

12-27-104. Article does not apply - when.

(1) The provisions of this article do not apply to:

(a) Transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors;

(b) The loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(c) A person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a state other than his state of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed

dealer if such person presents to such dealer a sworn statement:

(I) That his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other state; and

(II) Identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

Title 18. Criminal Code

Article 12. Offenses Relating to Firearms and Weapons

18-12-101. Definitions.

(1) As used in this article, unless the context otherwise requires:

(a) "Adult" means any person eighteen years of age or older. ...

(b) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 9-7-103, C.R.S., or any chemical device which causes or can cause an explosion, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device. ...

(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.

(e.7) "Juvenile" means any person under the age of eighteen years. ...

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

(i.5) "Stun gun" means a device capable of temporarily immobilizing a person by the infliction of an electrical charge. ...

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

18-12-102. Possessing a dangerous or illegal weapon - affirmative defense.

(1) As used in this section, the term "dangerous weapon" means a firearm silencer, machine gun, short shotgun, short rifle, or ballistic knife.

(2) As used in this section, the term "illegal weapon" means a blackjack, gas gun, metallic knuckles, gravity knife, or switchblade knife.

(3) A person who knowingly possesses a dangerous weapon commits a class 5 felony. Each subsequent violation of this subsection (3) by the same person shall be a class 4 felony.

(4) A person who knowingly possesses an illegal weapon commits a class 1 misdemeanor.

(5) It shall be an affirmative defense to the charge of possessing a dangerous weapon, or to the charge of possessing an illegal weapon, that the person so accused was a peace officer or member of the armed forces of the United States or Colorado national guard acting in the lawful discharge of his duties, or that said person has a valid permit and license for possession of such weapon.

18-12-103. Possession of a defaced firearm. A person commits a class 1 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed, except by normal wear and tear.

18-12-103.5. Defaced firearms - contraband - destruction.

(1) After a judgment of conviction under section 18-12-103 or 18-12-104 has become final, any defaced firearm upon which the judgment was based shall be deemed to be contraband, the possession of which is contrary to the public peace, health, and safety.

(2) Defaced firearms which are deemed to be contraband shall be placed in the possession of the Colorado bureau of investigation or of a local law enforcement agency designated by the Colorado bureau of investigation and shall be destroyed or rendered permanently inoperable.

18-12-104. Defacing a firearm. A person commits a class 1 misdemeanor if such person knowingly removes, defaces, covers, alters, or destroys the manufacturer's serial number or any other distinguishing number or identification mark of a firearm.

18-12-105. Unlawfully carrying a concealed weapon - unlawful possession of weapons.

(1) A person commits a class 2 misdemeanor if such person knowingly and unlawfully:

(a) Carries a knife concealed on or about his or her person; or

(b) Carries a firearm concealed on or about his or her person; or

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

(d) [Deleted]

(2) It shall not be an offense if the defendant was:

(a) A person in his or her own dwelling or place of business or on property owned or under his or her control at the time of the act of carrying; or

(b) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of such person's or another's person or property while traveling; or

(c) A person who, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to section 18-12-105.1 to carry the weapon by the chief of police of a city or county, or the sheriff of a county; or

(d) A peace officer, level I or level Ia, as defined in section 18-1-901 (3) (I) (I) or (3) (I) (II); or

(e) A peace officer, level II, as defined in section 18-1-901 (3) (I) (III), while on duty; or

(f) A United States probation officer or a United States pretrial services officer while on duty and serving in the state of Colorado under the

authority of rules and regulations promulgated by the judicial conference of the United States.

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

(1) A person commits a class 6 felony if such person knowingly and unlawfully and without legal authority carries, brings, or has in such person's possession a deadly weapon as defined in section 18-1-901 (3) (e) in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior 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, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

(2) [Deleted]

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

(a) The weapon is unloaded and remains inside a motor vehicle while upon the real estate of any public or private college, university, or seminary; or

(b) The person is in that person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying; or

(c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling; or

(d) The person, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to section 18-12-105.1 to carry the weapon by the chief of police of a city or county and the sheriff of a county; or

(e) The person is a peace officer, level I or level Ia, as defined in section 18-1-901 (3) (I) (I) or (3) (I) (II); or

(f) The person is a peace officer, level II, as defined in section 18-1-901 (3) (I) (III), while on duty; or

(g) The person is a peace officer, level IIIa, as defined in section 18-1-901 (3) (I) (IV.5), while on duty and under supervision; 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 limited to, any course designed for the repair or maintenance of weapons.

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;

(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.

18-12-106. Prohibited use of weapons.

(1) A person commits a class 2 misdemeanor if:

(a) He knowingly and unlawfully aims a firearm at another person; or

(b) Recklessly or with criminal negligence he discharges a firearm or shoots a bow and arrow; or

(c) He knowingly sets a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or

(d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a controlled substance, as defined in section 12-22-303 (7), C.R.S. Possession of a permit issued under section 18-12-105.1 is no defense to a violation of this subsection (1).

18-12-107. Penalty for second offense. Any person who has within five years previously been convicted of a violation under section 18-12-103, 18-12-105, or 18-12-106 shall, upon conviction for a second or subsequent offense under the same section, be guilty of a class 5 felony.

18-12-108. Possession of weapons by previous offenders.

(1) A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as described in section 18-1-901 (3) (h) or any other weapon that is subject to the provisions of this article subsequent to the person's conviction for a felony, or subsequent to the person's conviction for attempt or conspiracy to commit a felony, under Colorado or any other state's law or under federal law.

(2)(a) Except as otherwise provided by paragraphs (b) and (c) of this subsection (2), a person commits a class 6 felony if the person violates subsection (1) of this section.

(b) A person commits a class 5 felony, as provided by section 18-12-102, if the person violates subsection (1) of this section and the weapon is a dangerous weapon, as defined in section 18-12-102 (1).

(c) A person commits a class 5 felony if the person violates subsection (1) of this section and the person's previous conviction was for burglary, arson, or any felony involving the use of force or the use of a deadly weapon and the

violation of subsection (1) of this section occurs as follows:

(I) From the date of conviction to ten years after the date of conviction, if the person was not incarcerated; or

(II) From the date of conviction to ten years after the date of release from confinement, if such person was incarcerated or, if subject to supervision imposed as a result of conviction, ten years after the date of release from supervision.

(d) Any sentence imposed pursuant to this subsection (2) shall run consecutively with any prior sentences being served by the offender.

(3) A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as described in section 18-1-901 (3) (h) or any other weapon that is subject to the provisions of this article subsequent to the person's adjudication for an act which, if committed by an adult, would constitute a felony, or subsequent to the person's adjudication for attempt or conspiracy to commit a felony, under Colorado or any other state's law or under federal law.

(4)(a) Except as otherwise provided by paragraphs (b) and (c) of this subsection (4), a person commits a class 6 felony if the person violates subsection (3) of this section.

(b) A person commits a class 5 felony, as provided by section 18-12-102, if the person violates subsection (1) of this section and the weapon is a dangerous weapon, as defined in section 18-12-102 (1).

(c) A person commits a class 5 felony if the person commits the conduct described in subsection (3) of this section and the person's previous adjudication was based on an act that, if committed by an adult, would constitute burglary, arson, or any felony involving the use of force or the use of a deadly weapon and the violation of subsection (3) of this section occurs as follows:

(I) From the date of adjudication to ten years after the date of adjudication, if the person was not committed to the department of institutions, or on or after July 1, 1994, to the department of human services; or

(II) From the date of adjudication to ten years after the date of release from commitment, if such person was committed to the department of institutions, or on or after July 1, 1994, to the department of human services or, if subject to supervision imposed as a result of an adjudication, ten years after the date of release from supervision.

(d) Any sentence imposed pursuant to this subsection (4) shall run consecutively with any prior sentences being served by the offender.

(5) A second or subsequent offense under paragraphs (b) and (c) of subsection (2) and paragraphs (b) and (c) of subsection (4) of this section is a class 4 felony.

(6)(a) Upon the discharge of any inmate from the custody of the Department of Corrections, the department shall provide a written advisement to such inmate of the prohibited acts and penalties specified in this section. The written advisement, at a minimum, shall include the written statement specified in paragraph (c) of this subsection (6).

(b) Any written stipulation for deferred judgment and sentence entered into by a defendant pursuant to section 18-1.3-102, shall contain a written advisement of the prohibited acts and penalties specified in this section. The written advisement, at a minimum, shall include the writ-

ten statement specified in paragraph (c) of this subsection (6).

(c) The written statement shall provide that:

(I)(A) A person commits the crime of possession of a weapon by a previous offender in violation of this section if the person knowingly possesses, uses, or carries upon his or her person a firearm as described in section 18-1-901 (3) (h), or any other weapon that is subject to the provisions of this title subsequent to the person's conviction for a felony, or subsequent to the person's conviction for a misdemeanor crime of domestic violence as defined in 18 U.S.C. sec. 921 (a) (33) (a), or subsequent to the person's conviction for attempt or conspiracy to commit such misdemeanor crime of domestic violence; and

(B) For the purposes of this paragraph (c), "felony" means any felony under Colorado law, Federal law, or the laws of any other state; and

(II) A violation of this section may result in a sentence of imprisonment or fine, or both.

(d) The act of providing the written advisement described in this subsection (6) or the failure to provide such advisement may not be used as a defense to any crime charged and may not provide any basis for collateral attack on, or for appellate relief concerning, any conviction.

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 section 19-2-508, 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, is carried on the person of a person under the age of eighteen years or is 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) Repealed.

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 person 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 a handgun to a juvenile or permitting a juvenile to possess a handgun.

(b) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun in violation of this subsection (1) is a class 4 felony.

(2)(a) Any person who intentionally, knowingly, or recklessly provides a handgun to a juvenile or permits a juvenile to possess a handgun, even though such person is aware of a substantial risk that such juvenile will use a handgun to commit a felony offense, or who, being aware of such substantial risk, fails to make reasonable efforts to prevent the commission of the offense, commits the crime of unlawfully providing or permitting a juvenile to possess a handgun. A person shall be deemed to have violated this paragraph (a) if such person provides a handgun to or permits the possession of a handgun by any juvenile who has been convicted of a crime of violence, as defined in section 18-1.3-406 or any juvenile who has been adjudicated a juvenile delinquent for an offense which would constitute a crime of violence, as defined in section 18-1.3-406 if such juvenile were an adult.

(b) Unlawfully providing a handgun to a juvenile or permitting a juvenile to possess a handgun in violation of this subsection (2) is a class 4 felony.

(3) With regard to firearms other than handguns, no person shall sell, rent, or transfer ownership or allow unsupervised possession of a firearm with or without remuneration to any juvenile without the consent of the juvenile's parent or legal guardian. Unlawfully providing a firearm other than a handgun to a juvenile in violation of this subsection (3) is a class 1 misdemeanor.

(4) It shall not be an offense under this section if a person believes that a juvenile will physically harm the person if the person attempts to disarm the juvenile or prevent the juvenile from committing a violation of section 18-12-108.5.

18-12-109. Possession, use, or removal of explosives or incendiary devices - possession of components thereof - chemical, biological, and nuclear weapons - persons exempt - hoaxes.

(1) As used in this section:

(a)(I) "Explosive or incendiary device" means:

(A) Dynamite and all other forms of high explosives, including, but not limited to, water gel, slurry, military G4 (plastic explosives), blasting agents to include nitro-carbon-nitrate, and ammonium nitrate and fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N., electric and nonelectric blasting caps, exploding cords commonly called detonating cord or det-cord or primacord, picric acid explosives, T.N.T. and T.N.T. mixtures, and nitroglycerin and nitroglycerin mixtures;

(B) Any explosive bomb, grenade, missile, or similar device; and

(C) Any incendiary bomb or grenade, fire bomb, or similar device, including any device, except kerosene lamps, which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and can be carried or thrown by one individual acting alone.

(II) "Explosive or incendiary device" shall not include rifle, pistol, or shotgun ammunition, or the components for handloading rifle, pistol, or shotgun ammunition.

(b)(I) "Explosive or incendiary parts" means any substances or materials or combinations thereof which have been prepared or altered for use in the creation of an explosive or incendiary device. Such substances or materials may include, but shall not be limited to, any:

(A) Timing device, clock, or watch which has been altered in such a manner as to be used as the arming device in an explosive;

(B) Pipe, end caps, or metal tubing which has been prepared for a pipe bomb;

(C) Mechanical timers, mechanical triggers, chemical time delays, electronic time delays, or commercially made or improvised items which, when used singly or in combination, may be used in the construction of a timing delay mechanism, booby trap, or activating mechanism for any explosive or incendiary device.

(II) "Explosive or incendiary parts" shall not include rifle, pistol, or shotgun ammunition, or the components for handloading rifle, pistol, or shotgun ammunition, or any signaling device customarily used in operation of railroad equipment.

(2) Any person who knowingly possesses, controls, manufactures, gives, mails, sends, or causes to be sent an explosive or incendiary device commits a class 4 felony.

(2.5) Any person who knowingly possesses, controls, manufacturers, gives, mails, sends, or causes to be sent a chemical, biological, or radiological weapon commits a class 3 felony.

(3) Subsection (2) of this section shall not apply to the following persons:

(a) A peace officer while acting in his official capacity transporting or otherwise handling explosives or incendiary devices;

(b) A member of the armed forces of the United States or Colorado national guard while acting in his official capacity;

(c) An authorized employee of the office of active and inactive mines in the division of minerals and geology while acting within the scope of his employment;

(d) A person possessing a valid permit issued under the provisions of article 7 of title 9, C.R.S., or an employee of such permittee acting within the scope of his employment;

(e) A person who is exempt from the necessity of possessing a permit under the provisions of section 9-7-106 (5), C.R.S., or an

employee of such exempt person acting within the scope of his employment.

(f) A person or entity authorized to use chemical, biological, or radiological materials in their lawful business operations while using the chemical, biological, or radiological materials in the course of legitimate business activities. Authorized users shall include clinical, environmental, veterinary, agricultural, public health, or radiological laboratories and entities otherwise licensed to possess radiological materials.

(4) Any person who knowingly uses or causes to be used or gives, mails, sends, or causes to be sent an explosive or incendiary device or a chemical, biological, or radiological weapon or materials in the commission of or in an attempt to commit a felony commits a class 2 felony.

(5) Any person who removes or causes to be removed or carries away any explosive or incendiary device from the premises where said explosive or incendiary device is kept by the lawful user, vendor, transporter, or manufacturer thereof, without the consent or direction of the lawful possessor, commits a class 4 felony. A person convicted of this offense shall be subjected to a mandatory minimum sentence of two years.

(5.5) Any person who removes or causes to be removed or carries away any chemical, biological, or radiological weapon from the premises where said chemical, biological, or radiological weapon is kept by the lawful user, vendor, transporter, or manufacturer thereof, without the consent or direction of the lawful possessor, commits a class 3 felony. A person convicted of this offense shall be subject to a mandatory minimum sentence of two years.

(6) Any person who possesses any explosive or incendiary parts commits a class 4 felony.

(6.5) Any person who possesses any chemical weapon, biological weapon, or radiological weapon parts commits a class 3 felony.

(7) Any person who manufactures or possesses or who gives, mails, sends, or causes to be sent any false, facsimile, or hoax explosive or incendiary device or chemical, biological, or radiological weapon to another person or places any such purported explosive or incendiary device or chemical, biological, or radiological weapon in or upon any real or personal property commits a class 5 felony.

(8) Any person possessing a valid permit issued under the provisions of article 7 of title 9, C.R.S., or an employee of such permittee acting within the scope of his employment, who knowingly dispenses, distributes, or sells explosive or incendiary devices to a person who is not authorized to possess or control such explosive or incendiary device commits a class 4 felony.

18-12-111. Unlawful purchase of firearms.

(1) Any person who knowingly purchases or otherwise obtains a firearm on behalf of or for transfer to a person whom the transferor knows or reasonably should know is ineligible to possess a firearm pursuant to federal or state law commits a class 4 felony.

(2)(a) Any person who is a licensed dealer, as defined in 18 U.S.C. sec. 921 (a)(11), shall post a sign displaying the provisions of subsection (1) of this section in a manner that is easily readable. The person shall post such sign in an area that is visible to the public at each location from which the person sells firearms to the general public.

(b) Any person who violates any provision of this subsection (2) commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of two hundred fifty dollars.

Article 33.5 Public Safety

Part 4. Colorado Bureau of Investigation

24-33.5-424. National instant criminal background check system - state point of contact - grounds for denial of firearm transfer - appeal - rule-making - unlawful acts - repeal.

(1) For purposes of this section:

(a) "18 U.S.C. sec. 922 (t)" means 18 U.S.C. sec. 922 (t) as it exists as of March 7, 2000, or as it may be amended.

(b) "Firearm" has the same meaning as set forth in 18 U.S.C. sec. 921 (a) (3), as amended.

(c) "NICS system" means the national instant criminal background check system created by Public Law 103-159, known as the federal "Brady Handgun Violence Prevention Act", the relevant portion of which is codified at 18 U.S.C. sec. 922 (t).

(d) "Transfer" means the sale or delivery of any firearm in this state by a transferor to a transferee. "Transfer" shall include redemption of a pawned firearm by any person who is not licensed as a federal firearms licensee by the federal bureau of alcohol, tobacco, and firearms. "Transfer" shall not include the return or replacement of a firearm that had been delivered to a federal firearms licensee for the sole purpose of repair or customizing.

(e) "Transferee" means any person who is not licensed as a federal firearms licensee by the federal bureau of alcohol, tobacco, and firearms, in accordance with the federal "Gun Control Act of 1968", chapter 44 of title 18 U.S.C., as amended, and to whom a transferor wishes to sell or deliver a firearm.

(f) "Transferor" means any licensed importer, licensed manufacturer, or licensed dealer as defined in 18 U.S.C. sec. 921 (a) (9), (a) (10), and (a) (11), as amended, respectively.

(2) The bureau is hereby authorized to serve as a state point of contact for implementation of 18 U.S.C. sec. 922 (t), all federal regulations and applicable guidelines adopted pursuant thereto, and the NICS system.

(3)(a) The bureau, acting as the state point of contact for implementation of 18 U.S.C. sec. 922 (t), shall transmit a request for a background check in connection with the prospective transfer of a firearm to the NICS system and may also search other databases. The bureau shall deny a transfer of a firearm to a prospective transferee if the transfer would violate 18 U.S.C. sec. 922 (g) or (n) or result in the violation of any provision of state law, including but not limited to section 18-12-108 (4) (c), C.R.S., involving acts which, if committed by an adult, would constitute a burglary, arson, or any felony involving the use of force or the use of a deadly weapon.

(b)(i) In addition to the grounds for denial specified in paragraph (a) of this subsection (3), the bureau shall deny a transfer of a firearm if, at any time the bureau transmits the request or searches other databases, information indicates that the prospective transferee:

(A) Has been arrested for or charged with a crime for which the prospective transferee, if convicted, would be prohibited under state or federal law from purchasing, receiving, or possessing a firearm and either there has been no final disposition of the case or the final disposition is not noted in the other databases; or

(B) Is the subject of an indictment, an information, or a felony complaint alleging that the prospective transferee has committed a crime punishable by imprisonment for a term exceeding one year as defined in 18 U.S.C. sec. 921 (a)

(20), as amended, and either there has been no final disposition of the case or the final disposition is not noted in the other databases.

(ii) This paragraph (b) shall be repealed, effective July 1, 2010.

(c) The bureau is authorized to cooperate with federal, state, and local law enforcement agencies to perform or assist any other law enforcement agency in performing any firearm retrievals, and to assist in the prosecution of any rescinded transfers.

(4) Pursuant to section 16-21-103 (4) (c), C.R.S., and section 19-1-304 (1) (b.8), C.R.S., the bureau shall receive and process information concerning final case disposition data of any cases prosecuted in a court in this state within seventy-two hours after the final disposition of the case for purposes of carrying out its duties under this section.

(5)(a) Upon denial of a firearm transfer, the bureau shall notify the transferor and send notice of the denial to the NICS system, pursuant to 18 U.S.C. sec. 922 (t). In addition, the bureau shall immediately send notification of such denial and the basis for the denial to the federal, state, and local law enforcement agencies having jurisdiction over the area in which the transferee resides and in which the transferor conducts any business.

(b) Upon denial of a firearm transfer, the transferor shall provide the transferee with written information prepared by the bureau concerning the procedure by which the transferee may request a review of the denial and of the instant criminal background check records that prompted the denial. The bureau shall render a final administrative decision regarding denial within thirty days after receiving information from the transferee that demonstrates the transfer was improperly denied.

(c) In the case of any transfer denied pursuant to paragraph (b) of subsection (3) of this section, the inability of the transferee to obtain the final disposition of a case that is no longer pending shall not constitute the basis for the continued denial of the transfer so long as the transferee provides a letter signed and verified by the clerk of the court or his or her designee that indicates that no final case disposition information is available. Upon presentation of such letter to the bureau, the bureau shall reverse the denial.

(d) If the bureau reverses a denial, the bureau shall immediately request that the agency that provided the records prompting the denial make a permanent change to such records if necessary to reflect accurate information. In addition, the bureau shall provide immediate notification of such reversal to all agencies and entities that had been previously notified of a denial pursuant to paragraph (a) of this subsection (5).

(6) If in the course of conducting any background check pursuant to this section, whether the firearms transaction is approved or denied, the bureau obtains information that indicates the prospective transferee is the subject of an outstanding warrant, the bureau shall immediately provide notification of such warrant to the federal, state, and local law enforcement agencies having jurisdiction over the area in which the transferee resides and in which the transferor conducts any business.

(7)(a) The executive director or his or her designee shall adopt such rules as are necessary to:

(i) Carry out the duties of the bureau as the state point of contact, as those duties are set forth in federal law, and assist in implementing 18 U.S.C. sec. 922 (t), all federal regulations

and applicable guidelines adopted pursuant thereto, and the NICS system; and

(ii) Ensure the proper maintenance, confidentiality, and security of all records and data provided pursuant to this section.

(b) The rules adopted pursuant to paragraph (a) of this subsection (7) shall include, but need not be limited to:

(i) Procedures whereby a prospective transferee whose transfer is denied may request a review of the denial and of the instant criminal background check records that prompted the denial;

(ii) Procedures regarding retention of records obtained or created for purposes of this section or for implementation of 18 U.S.C. sec. 922 (t); except that the bureau shall not retain a record for more than forty-eight hours after the day on which the bureau approves the transfer;

(iii) Procedures and forms adopted by the bureau that request information from and establish proper identification of a prospective transferee and that may correspond with any firearms transaction record required by 18 U.S.C. sec. 922 (t). Such procedures and forms shall not preclude any person from making a lawful firearm transfer under this section.

(iv) Procedures for carrying out the duties under this section, including at a minimum:

(A) That the bureau shall be open for business at least twelve hours per day every calendar day, except Christmas day and Thanksgiving day, in order to transmit the requests for a background check to the NICS system and search other databases;

(B) That the bureau shall provide a toll-free telephone number for any person calling from within the state that is operational every day that the office is open for business for the purpose of responding to requests from transferors in accordance with this section; and

(C) That the bureau shall employ and train personnel at levels that ensure prompt processing of the reasonably anticipated volume of inquiries received under this section.

(8) Nothing in this section shall be construed to create any civil cause of action for damages in addition to that which is available under the "Colorado Governmental Immunity Act", article 10 of this title.

(9) No act performed by the bureau or its agents in carrying out their lawful duties under this section shall be construed to be a violation of any provision of title 18, C.R.S.

(10)(a) It is unlawful for:

(i) Any person, in connection with the acquisition or attempted acquisition of a firearm from any transferor, to willfully make any false or fictitious oral or written statement or to furnish or exhibit any false, fictitious, or misrepresented identification that is intended or likely to deceive such transferor with respect to any fact material to the lawfulness of the sale or other disposition of such firearm under federal or state law;

(ii) Any transferor knowingly to request criminal history record information or a background check under false pretenses or knowingly to disseminate criminal history record information to any person other than the subject of such information;

(iii) Any agent or employee or former agent or employee of the bureau knowingly to violate the provisions of this section.

(b) Any person who violates the provisions of paragraph (a) of this subsection (10) commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.

(11) Any transferor who complies with the provisions of this section shall not be subject to any

civil or criminal liability or regulatory sanction that may arise from the lawful transfer or lawful denial of the transfer of a firearm.

[Current through 2002 3rd Extraordinary Session, including 2002 Colo. Sess. Laws 298 (HB 02-1283) & 318 (HB 02-1046)]

Code of the City of Aurora

Chapter 94. Offenses and Miscellaneous Provisions

Article IV. Offenses Against Public Peace And Safety

Division 2. Weapons

94-141. Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: ...

Dangerous weapon means any of the following which in the manner it is used or intended to be used is capable of producing bodily injury:

(1) A firearm, whether loaded or unloaded. ...

(4) Any other weapon, device, instrument, material, or substance, whether animate or inanimate.

Firearm means any handgun, semiautomatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging shot, bullets, cartridges, or other explosive charges.

Gas gun means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device. ...

Illegal weapon means:

(1) A blackjack, gas gun, metallic knuckles, gravity knife, switchblade knife.

(2) Any instrument or device which an individual of reasonable caution and mentality would not ascertain upon viewing is, in fact, designed to be used or capable of being used as a weapon.

(3) In recognition of the limited jurisdiction of the municipal court, an illegal weapon shall not include a firearm silencer, machine gun, short shotgun, short rifle, ballistic knife, or such other weapon, the possession of which is declared to be a felony under state or federal law.

Juvenile means any person who has not attained 18 years of age. ...

Restricted ammunition means any caliber projectile which is coated or treated with Teflon or similar type synthetic chemical compound. This definition includes projectiles commonly known as the KTW bullets. ...

94-142. Unlawful sales, loans or furnishing of firearms. It shall be unlawful for any person to sell, loan or furnish any firearm in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any minor. Such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

94-143. Unlawful display by dealers. It shall be unlawful for any dealer or pawnbroker or any other person engaged in the sale, rental or exchange of any weapon to display or place on exhibition in any show window or other window facing upon any street of the city any pistol, revolver or other firearm with a barrel less than 12 inches in length or any illegal weapon.

94-145. Possessing an illegal weapon.

(a) It shall be unlawful to knowingly possess an illegal weapon as defined in this division.

(b) It shall be an affirmative defense to the charge of possessing an illegal weapon under this section that the person so accused was an otherwise lawful dealer possessing the alleged illegal weapon only for sale to peace officers, members of the armed forces of the United States, or state national guard for authorized use in the lawful discharge of his or her duties.

94-147. Possession of defaced weapon. It shall be unlawful for any person to knowingly possess a firearm, the manufacturer's serial number of which or other distinguishing number or identification mark has been removed, defaced, altered, or destroyed, except by normal wear and tear.

94-148. Affirmative defense for peace officers. It shall be an affirmative defense to any provision of this division that the act was committed by a peace officer, as defined by state statute, Colorado Municipal Court Rules, or city ordinance; a member of the armed forces of the United States or a member of the state national guard, acting in the lawful discharge of his or her duties; or by a person who has a valid permit, license, or authority pursuant to the federal code.

94-149. Unlawful sale and possession of restricted ammunition. It shall be unlawful to sell or possess any restricted ammunition.

94-150. Possession under the influence of intoxicants. It shall be unlawful for any person to have in his or her possession any firearm while he or she is under the influence of a controlled substance, as defined in C.R.S. § 12-22-303(7), or of intoxicating liquor. Possession of a valid concealed weapon permit issued pursuant to C.R.S. § 18-12-105.1 shall not constitute a defense to a violation of this section.

94-152. Possession of firearm by juvenile.

(a) It shall be unlawful for any juvenile to have in such juvenile's possession any firearm.

(b) The prohibition contained in subsection (a) of this section shall not apply when a juvenile is in the actual company of the juvenile's parent or legal guardian.

(c) It shall be an affirmative defense to the offense described in subsection (a) of this section that the juvenile was, at the time of such possession:

(1) Traveling to, from, or engaging in:

a. A hunter's safety course; or

b. A firearm safety course; or

c. Practicing the use of firearms at an authorized shooting range; or

d. An organized competition involving the use of firearms at an authorized shooting range; or

e. Holding a valid hunting license issued pursuant to C.R.S. tit. 33, art. 4(C.R.S. § 33-4-101 et seq.), and was actively engaged in traveling to or returning from a lawful activity relating to hunting, pursuant to any such license; and

f. Such juvenile was at all times traveling or engaging in such activity with the permission of the juvenile's parent or legal guardian and, if the juvenile was traveling while in possession of a firearm, such firearm was not loaded.

For purposes of this subsection an authorized shooting range shall include any shooting range within the city whose safety rules have been approved by the chief of police pursuant to section 94-146 and any established shooting range operating outside of the city limits.

(2) In the juvenile's residence.

(d) For the purposes of this section, a firearm shall be considered loaded if:

(1) There is a cartridge in the chamber of the firearm;

(2) There is a cartridge in the cylinder, if the firearm is a revolver;

(3) There is a cartridge in the magazine, if the firearm utilizes a magazine, whether such magazine is detachable or fixed; or

(4) The firearm and the ammunition therefor are carried on the person of the juvenile or are within such close proximity the juvenile could readily gain access to the firearm and the ammunition and load the firearm.

(e) If a juvenile enters a plea of guilty or no contest to this section or is found guilty at trial, the court shall order the forfeiture of the firearm which the juvenile possessed in violation of this section. The court may order the return of the firearm to its lawful owner only if the owner shows to the court, by a preponderance of the evidence, that such firearm was unlawfully obtained by the juvenile.

(f) It shall be unlawful for any adult to intentionally, knowingly, or by criminal negligence provide a firearm to any juvenile in violation of this section or for any parent or legal guardian of any juvenile, who knows of such juvenile's violation of this section, to fail to make reasonable efforts to prevent such violation.

[Code of the City of Aurora current through Ord. 2002-30, enacted June 3, 2002]

City of Boulder Revised Code

Title 5. General Offenses Chapter 8. Weapons

5-8-1. Legislative Intent. The purpose of this chapter is to protect the public health, safety, and welfare by regulating the possession and use of weapons and by providing a procedure for the issuance of permits that authorize the carrying of concealed firearms.

5-8-2. Definitions. The following terms used in this chapter have the following meanings unless the context clearly requires otherwise:

"**About the person**" means sufficiently close to the person to be readily accessible for immediate use.

"**Assault weapon**" means all firearms with any of the following characteristics:

(a) All semiautomatic action rifles with a detachable magazine with a capacity of twenty-one or more rounds.

(b) All semiautomatic shotguns with a folding stock or a magazine capacity of more than six rounds or both.

(c) All semiautomatic pistols that are modifications of rifles having the same make, caliber and action design but a short barrel or modifications of automatic weapons originally designed to accept magazines with a capacity of twenty-one or more rounds.

(d) Any firearm which has been modified to be operable as an assault weapon as defined herein.

(e) Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including a detachable magazine with a capacity of twenty-one or more rounds, or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

"**Constructive knowledge**" means knowledge of facts or circumstances sufficient to cause a reasonable person to be aware of the fact in question.

"Locked container" means a secure container which is enclosed on all sides and locked by a padlock, key lock, combination lock, or similar device.

"Minor" means a person under eighteen years of age.

"Provide" means to give, lend, sell or otherwise place in an unsecured location where a minor or other unauthorized or incompetent person could foreseeably gain access to a firearm.

5-8-6. Aiming Weapon at Another. No person shall knowingly aim a loaded or unloaded firearm or gas or mechanically operated gun at another person.

5-8-8. Possession of Loaded Firearms.

(a) Except as set forth in this chapter, no person shall possess a loaded firearm or a loaded gas or mechanically operated gun.

(b) For the purposes of this section, a firearm is loaded if there is a projectile, with charge, in the chamber, in the cylinder, or in the clip in the firearm.

(c) A peace officer shall not undertake an arrest under this section without first giving due consideration to the city's burden of proof with regard to the affirmative defenses set forth in Section 5-8-22, "Defenses," B.R.C. 1981.

5-8-11. Possessing Firearm While Intoxicated. No person shall possess a firearm while such person's ability is impaired by intoxicating liquor, as defined by state law, or a controlled substance, as defined by state law.

5-8-12. Providing Firearm to Intoxicated Persons or Minors. No person shall provide any firearm to any person whose ability is impaired by intoxicating liquor, as defined by state law, or any controlled substance, as defined by state law; or to any person in a condition of agitation and excitability; or to any minor unless the person providing the firearm has obtained the consent of the minor's parent or legal guardian. Knowledge of the minor's age shall not be an element of this offense.

5-8-13. False Information on Weapons Application. No person applying for any permit under this chapter or giving any information pursuant to the requirements of this chapter shall give false information or offer false evidence as to such person's identity.

5-8-16. Possession of Firearm by Minor Prohibited.

(a) No minor shall knowingly possess a firearm.

(b) This section does not apply to a second or subsequent offense by the minor if the firearm in both instances was a handgun, or if the possession is otherwise a felony under state law.

(c) It is a specific defense to a charge of violating this section that the minor was, with the consent of his or her parent or legal guardian:

(1) In attendance at a hunter's safety course or a firearms safety course;

(2) Engaging in practice in the use of a firearm or target shooting in an area designated as a target range by the city manager under Section 5-8-26, "City Manager May Designate Target Ranges," B.R.C. 1981, for the type of weapon involved;

(3) Engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group exempt from payment of income tax under 26 U.S.C. 501(c)(3) as determined by the federal internal revenue service which uses firearms as a part of such performance;

(4) Hunting or trapping pursuant to a valid license issued to such person pursuant to Article 4 of Title 33, C.R.S.;

(5) Traveling with an unloaded firearm in such minor's possession to or from any activity described in paragraph (1), (2), (3), or (4) of this subsection or to or from an established range authorized by the governing body of the jurisdiction in which such range is located or any other area outside the city where target practice is legal and the minor has permission from the landowner for such practice;

(6) Possessing a firearm at such minor's residence for the purpose of exercising the rights contained in Section 181704 or 181704.5, C.R.S.; and

(7) For the purposes of paragraph (5) of this subsection, a firearm is "loaded" if:

(A) There is a cartridge in the chamber or cylinder of the firearm or in a clip in the firearm; or

(B) The firearm, and the ammunition for such firearm, is carried on the person of the minor or is in such close proximity to the minor that the minor could readily gain access to the firearm and the ammunition and load the firearm.

5-8-17. Providing Rifle or Shotgun to Minor Prohibited.

(a) No person shall provide a rifle or shotgun with or without remuneration to any minor under circumstances which cause the minor to be in violation of Section 5-8-16, "Possession of Firearm by Minor Prohibited," B.R.C. 1981. Knowledge of the minor's age shall not be an element of this offense.

(b) No parent or legal guardian of a minor shall provide a rifle or shotgun to the minor for any purpose or shall permit the minor to possess a rifle or shotgun for any purpose if the parent or guardian has actual or constructive knowledge of a substantial risk that the minor will use the rifle or shotgun to violate a federal, state, or local law.

(c) No parent or legal guardian of a minor shall provide a rifle or shotgun to, or permit the minor to possess a rifle or shotgun, for any purpose, if the minor has been convicted of a crime of violence, as defined in Section 16-11-309, C.R.S., or if the minor has been adjudicated a juvenile delinquent for an act which would have constituted a crime of violence, as so defined, if committed by an adult.

(d) It is a specific defense to a charge of violating this section by providing a firearm that had been stolen from the defendant either by the minor or by another person who subsequently provided the firearm to the minor.

5-8-18. Unlawful Storage of Assault Weapons.

(a) No person shall store, control, or possess any assault weapon within any premises of which that person has an ownership interest, custody, or control, in such a manner that the person knows, or has constructive knowledge, that a minor is likely to gain possession of the assault weapon and in fact does obtain possession of the assault weapon.

(b) It is a specific defense to a charge or violation of this section that:

(1) The assault weapon was located within a room or closet from which all minors were excluded by locks; or

(2) The assault weapon was stored in a locked container.

(c) It is an affirmative defense to civil negligence liability that the assault weapon was stored in a locked container.

5-8-19. Unlawful Storage of Firearms Where There is Personal Injury.

(a) No person shall store, control, or possess any firearm within any premises of which that person has an ownership interest, custody, or control, in such manner that the person knows,

or has constructive knowledge, that a minor is likely to gain possession of the firearm and in fact does obtain control of the firearm and either injures or kills himself or herself or another person with the firearm or uses the firearm in violation of federal, state or local law.

(b) It is a specific defense to a charge of violation of this section that:

(1) The firearm was located within a room or closet from which all minors were excluded by locks; or

(2) The firearm was stored in a locked container.

(c) It is an affirmative defense to civil negligence liability that the firearm was stored in a locked container.

(d) It is an affirmative defense that the firearm was used by a minor at such minor's residence with the permission of the minor's parent or legal guardian, for the purpose of exercising the rights contained in Section 18-1-704 or 18-1-704.5, C.R.S.

5-8-20. Parent or Legal Guardian Liability for Illegal Possession of Firearms by a Minor.

(a) No parent or legal guardian, having actual or constructive knowledge of illegal possession of a firearm by a minor shall fail to either:

(1) Immediately take possession of the firearm; or

(2) Immediately notify law enforcement authorities of the details of the illegal possession so that law enforcement authorities can act to take possession of the firearm.

(b) This section does not create a duty on a parent or legal guardian to search the bedroom of a minor for firearms.

(c) As used in this section, illegal possession of a firearm by a minor means possession in violation of Section 5-8-16, "Possession of Firearm by Minor Prohibited," B.R.C. 1981 or any provision of state or federal law concerning possession of a firearm by a minor.

5-8-21. Open Carriage of Firearms in Carrying Cases Required. Any person carrying a firearm off of the person's property or outside of the person's business or vehicle shall carry the firearm in a carrying case. The carrying case must be recognizable as a gun carrying case by a reasonable person. A plain-shaped case must be clearly marked to be deemed recognizable under this standard. The carrying case must be openly carried and must not be concealed on or about the person. This section shall not apply to individuals who have a permit to carry a concealed weapon issued pursuant to state law.

5-8-22. Defenses.

(a) It is an affirmative defense to a charge of violating Section 5-8-3, "Discharge of Firearms," 5-8-4, "Possessing and Discharging Firearm or Bow in Park or Open Space," 5-8-5, "Negligently Shooting Bow or Slingshot," 5-8-6, "Aiming Weapon at Another," 5-8-7, "Flourishing Deadly Weapon in Alarming Manner," and 5-8-8, "Possession of Loaded Firearms," B.R.C. 1981, that the defendant was:

(1) Reasonably engaged in lawful self-defense under the statutes of the State of Colorado; or

(2) Reasonably exercising the right to keep and bear arms in defense of the defendant's or another's home, person, and property, or in aid of the civil power when legally thereto summoned.

(b) It is a specific defense to a charge of violating Sections 5-8-3, "Discharge of Firearms," 5-8-4, "Possessing and Discharging Firearm or Bow in Park or Open Space," and 5-8-8, "Possession of Loaded Firearms," B.R.C. 1981, that the events occurred in an area designated as a

target range by the city manager under Section 5-8-26, "City Manager May Designate Target Ranges," B.R.C. 1981, for the type of weapon involved. It is a specific defense to a charge of - Firearm or Bow in Park or Open Space," B.R.C. 1981, by possession that the defendant was going directly to or returning directly from such a target range.

(c) It is an affirmative defense to a charge of violating Sections 5-8-8, "Possession of Loaded Firearms," 5-8-9, "Carrying a Concealed Weapon," and 5-8-11, "Possessing Firearm While Intoxicated," B.R.C. 1981, that the defendant was:

(1) In the defendant's own dwelling or place of business or on property owned or under the defendant's control at the time; or

(2) In a private automobile or other private means of conveyance at the time and was carrying the weapon for lawful protection of the defendant's or another's person or property while traveling; or

(3) Charged with carrying a knife that was a hunting or fishing knife carried by the defendant for sport use.

(d) It is a specific defense to a charge of violating Sections 5-8-8, "Possession of Loaded Firearms," and 5-8-9, "Carrying a Concealed Weapon," B.R.C. 1981, that the defendant was carrying the weapon pursuant to a concealed weapons permit valid under the statutes of the State of Colorado.

(e) It is a specific defense to a charge of violating Sections 5-8-3, "Discharge of Firearms," and 5-8-8, "Possession of Loaded Firearms," B.R.C. 1981, that the loaded gas or mechanically operated gun was possessed or discharged in a building with the permission of the property owner and the projectile did not leave the building.

(f) It is a specific defense to a charge of violating Section 5-8-10, "Possession of Illegal Weapons," B.R.C. 1981, that the person had a valid permit for such weapon pursuant to federal law at the time of the offense.

(g) It is a specific defense to a charge of violating Section 5-8-4, "Possessing and Discharging Firearm or Bow in Park or Open Space," B.R.C. 1981, that the firearm, gas or mechanically operated gun, bow, slingshot, or crossbow possessed by the person was being transported in a motor vehicle. This defense does not apply to a charge of violation involving discharge of a missile.

5-8-23. Seizure of Weapons. Any peace officer who has probable cause to believe that a violation of this chapter has occurred may, in addition to taking any other action, seize the weapons or items used in said violation. Any weapon or items so seized shall be secured by the peace officer in accordance with the rules of the chief of police.

5-8-24. Forfeiture and Disposition of Deadly Weapons. After final conviction, every person convicted of any violation of any provision of this code, another ordinance of the city, or a state statute involving a deadly weapon shall forfeit to the city the weapon involved. After conviction, it shall be the duty of the chief of police to dispose of the weapon or item, as the chief deems appropriate.

5-8-25. Exemptions from Chapter. Nothing in this chapter shall be construed to forbid United States marshals, sheriffs, constables and their deputies; any regular or ex-officio police officer; any other peace officers; or members of the United States Armed Forces, Colorado National Guard, or Reserve Officer Training Corps from having in their possession, displaying, concealing, or discharging such weapons as are

necessary in the authorized and proper performance of their official duties.

5-8-27. Firearms Dealers; Display of Weapons, Records, Inspections.

(a) No secondhand dealer, pawnbroker, or any other person engaged in the wholesale or retail sale, rental, or exchange of any firearms shall display or place on exhibition any firearm in any show window or other window facing upon any street of the city.

(b) Every secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any firearms shall keep a record of each such firearm purchased, sold, rented, or exchanged at retail, which shall be open at all times for inspection by any peace officer.

(c) The record prescribed by subsection (b) of this section shall be made at the time of the transaction in a book kept for that purpose, and shall include the name of the person to whom or from whom such weapon is purchased, sold, or rented, or with whom exchanged; the person's age, physical description, driver's license number, signature, occupation, residence, and residence street address or location; the make, caliber, and finish of the firearm, together with the number or serial letter thereof, if any; the date of the purchase, sale, rental, or exchange of such weapon; and the name of the employee or other person making such purchase, sale, rental or exchange.

5-8-38 State Preemption. It is an affirmative defense to any charge of a violation of this chapter relating to carrying firearms that the defendant was carrying the firearm in a private automobile or other private means of conveyance for lawful protection of such person's or another's person or property while traveling into or through the city, as permitted by Section 18-12-105.6, C.R.S.

[Boulder Revised Code 1981 provisions last amended by Ord. 7134 (2001)]

Colorado Springs City Code

Chapter 9. Public Offenses

Article 7. Dangerous Weapons and Substances

Part 1. Dangerous and Deadly Weapons

9.7.101: Definitions:

Dangerous or deadly weapons: Includes:

A. Any firearm, whether loaded or unloaded, including, but not limited to, any pistol, revolver, rifle, shotgun, air gun, gas-operated gun, spring gun, or BB gun; or ...

H. Any other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner used or intended to be used is calculated to produce serious bodily injury.

Firearm: Any handgun, automatic, revolver, pistol, rifle, shotgun or other instrument or device capable or intended to be capable of discharging bullets, cartridges or other explosive charges.

9.7.105: Selling Weapons to Intoxicated Persons or Minors: It shall be unlawful for any person to purchase, sell, loan or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen (18) years.

9.7.106: Exceptions to the Prohibitions:

A. It shall be an exception to an allegation of a violation of any section of this Part 1 that the act was committed by an enforcement officer of the various law enforcement agencies of the United States government or the State of Colorado, by any sheriff or his deputies, or by any regular, special or ex officio peace officer. ...

C. It shall be an exception to an allegation of a violation of section 9.7.102 of this part, prohibiting the carrying of concealed dangerous or deadly weapons, that:

1. The defendant was in the defendant's own dwelling or place of business or on property owned or under the defendant's control at the time of the act of carrying; or

2. The defendant was in a private automobile or other private means of conveyance, and was carrying for lawful protection of the defendant's or another's person or property while traveling.

a. Traveling shall include driving to a specific destination or going about one's lawful business or activity.

b. Traveling shall not include loitering or aimlessly driving or riding about on any street, avenue, highway, road, parking lot, alley, vacant lot, park, playground, yard, whether public or private.

3. The defendant, prior to the time of carrying a concealed weapon, had been issued a written permit to carry the weapon by the Chief of Police of a City, the mayor of a town or the sheriff of a county and the permit was valid at the time the defendant carried the concealed weapon; or

4. A person who was a "Peace Officer", as that term is defined in Colorado Revised Statutes section 18-1-901(3)(l); or ...

Part 2. Other Dangerous Weapons and Substances

9.7.205: Firearms Transactions: Every person required under United States Public Law 90-618, sometimes known as the omnibus crime control and safe streets act of 1968, to prepare and keep firearms transaction records, shall prepare a copy of each record so required and supply such copy daily to the Police Department of the City.

[Colorado Springs City Code current through Ord. 02-50 passed March 26, 2002]

Revised Municipal Code of the City and County of Denver

Chapter 34. Minors

Article III. Offenses Affecting Minors

34-46. Other wrongs to minors. ...

(c) It shall be unlawful for any person to intentionally or knowingly provide a weapon to any minor.

(d) It shall be unlawful for any parent or legal guardian of any minor, who knows such minor possesses or has been provided a weapon, to fail to remove the weapon from the minor's possession or control, unless removing this weapon cannot be accomplished without jeopardizing the safety of the parent or legal guardian.

(e) In the event that the weapon in the possession of a minor cannot be removed from the possession of the minor by the parent or legal guardian without jeopardizing the safety of the parent or legal guardian, it shall be unlawful for the parent or legal guardian to fail to notify the Denver Police Department that the minor possesses the weapon.

(f) A weapon, for purposes of this section, shall include, but not be limited to, any pistol, revolver, rifle, shotgun, machine gun, air gun, gas operated gun, spring gun, sling shot, blackjack, nunchaku, brass knuckles, artificial knuckles of any substance whatsoever, or any switchblade knife, gravity knife, or any knife having a blade greater than three and one-half (31/2) inches in any length, or any explosive device, incendiary device or bomb.

(g) A firearm, for the purposes of this section, means a pistol, revolver, rifle, shotgun, air gun, gas operated gun, or spring gun.

(h) It shall be an affirmative defense to charges brought under subsections 34-46(c), (d), (e) or (f) that the parent or legal guardian of the minor provided a weapon to the minor or allowed the minor to remain in possession or control of a weapon in the following situations:

(1) The minor possesses a current and authentic written permit to carry a weapon, issued by the chief of police of a Colorado city, mayor of a Colorado town, or sheriff of a Colorado county; and the carrying of such weapon is within the terms of such permit; or

(2) The weapon is a household knife, and there are reasonable grounds for the minor having and carrying the knife; or

(3) The minor possesses or controls the weapon in the course of a lawful act of self-defense or defense of the minor's home or property; or

(4) The minor possesses or controls the weapon during the course of, or incidental to, being legally summoned to the aid of a Colorado peace officer or a member of the United States armed forces or the Colorado National Guard in the performance of their duties; or

(5) The minor possesses or controls the firearm, while accompanied by the minor's parent or legal guardian, in the course of a bona fide hunting trip; in the sporting use of such firearms at licensed shooting galleries or any other business licensed for the use of firearms; in cleaning or caring for such firearm; or for transportation to or from any of the aforementioned activities, provided that all firearms being transported shall be unloaded when transported to or from such place of use; or

(6) The minor possesses or controls the firearm, while accompanied by the minor's parent or legal guardian or an instructor certified by the Colorado Division of Wildlife, while receiving instruction in the safe use of such firearms.

Chapter 37. Nuisances

Article II. Public Nuisance Offenses

37-50. Definitions. ...

(b) Parcel: means any lot or other unit of real property or any combination of contiguous lots or units owned by the same person or entity.

(c) Public nuisance, Class one (1): Any parcel of real property, personal property, or vehicle on or in which any of the following illegal activity occurs, or which is used to commit, conduct, promote, facilitate, or aid the commission of or flight from any of the following activities. For purposes of this section, the illegal activity shall have the same definition as that contained in the section of the Colorado Revised Statute (C.R.S.) , as amended, or the section of the Denver Revised Municipal Code (D.R.M.C.), as amended, listed after the illegal activity: ...

9. Unlawful discharge, possession, carrying, flourishing, concealment, storage, use, or sale of firearms, knives and/or assault weapons, dangerous weapons, or defaced firearms, Denver Revised Municipal Code sections 38-117, 38-119, 38-121, 38-122, and 38-130, and C.R.S.

Sections 18-12-102, 18-12-103, 18-12-105, 18-12-106, 18-12-108, 18-12-108.5, or any offense relating to incendiary devices, section 38-126, Denver Revised Municipal Code and C.R.S. section 18-12-109; ...

37-51. Public nuisances prohibited. It shall be unlawful for any owner, manager, tenant, lessee, occupant, or other person having any legal or equitable interest or right of possession in any real property, vehicle, or personal property, to intentionally, knowingly, recklessly, or negligently commit, conduct, promote, facilitate, permit, fail to prevent, or otherwise let happen, any Class one or Class two public nuisance in, on, or using any property in which they hold any legal or equitable interest or right of possession. Every day on which a violation exists shall constitute a separate violation and offense.

Chapter 38. Offenses, Miscellaneous Provisions

Article IV. Offenses Against Public Order and Safety

Division 2. Weapons and Missiles

38-117.5. Permit to carry a weapon.

(a) The chief of police is authorized to issue a permit to a person who establishes a need to carry a weapon, authorizing the carrying of a weapon which is prohibited under section 38-117(a) or (b) where the chief of police is satisfied that the carrying of a weapon will not endanger public safety or welfare. Such permit may be conditioned upon reasonable terms for the protection of life, safety and property.

(b) The chief of police shall promulgate rules and regulations to implement the issuance of permits to carry a weapon, providing for, among other things, a background check of each applicant, a determination of the need of each applicant to be issued a permit to carry such a weapon, and a determination of the proficiency of each applicant in the care and use of any weapon applicant may carry. ...

38-118. Same - Affirmative defenses.

(a) It shall be an affirmative defense to charges brought under section 38-117(a) or 38-117(b) that the weapon is or was carried by a person:

(1) In a private automobile or other private means of conveyance for lawful protection of their or another's person or property, when there is a direct and immediate threat thereto, while traveling away from the area of their residence or business;

(2) In their own dwelling, or place of business, or on property owned or under their control at the time of the act of carrying such weapon; or

(3) After they were issued a written permit to carry a weapon by the chief of police of any city, mayor of a town or sheriff of a county; and the carrying of such weapon is within the terms of such permit.

(b) It shall be an affirmative defense to charges brought under section 38-117(b) that the weapon is or was carried by such person:

(1) In defense of home, person or property, when in such home when there is a direct and immediate threat thereto;

(2) In aid of the civil power when thereto legally summoned;

(3) For use in the course of a bona fide hunting trip for wild game, or for transportation in the legitimate sporting use of such weapons, including shooting matches or other target shooting, or trap or skeet shooting; all such weapons being so used shall be unloaded when carried or transported to or from such hunting trip or place of sporting use;

(4) When such person is a collector or licensed dealer displaying or transporting such weapon for display or sale, or a citizen transporting such weapon for purpose of sale or repair to or from a place of sale or repair; all firearms so displayed or transported shall be unloaded at all times;

(5) When such person is a member of the armed forces of a state or of the federal government when engaged in the lawful performance of duty; or

(6) While moving personal property, including such weapon, from an old residence to a new residence.

38-122. Regulations pertaining to the sale of certain weapons.

(a) It shall be unlawful for any person who is a secondhand dealer, pawnbroker or who is engaged in the wholesale or retail sale, rental or exchange of any of the following weapons to display or place on exhibition, in any show window, or other window facing upon any street: any pistol, revolver, machine gun, any firearm with barrel less than twelve (12) inches in length, or nunchaku, or any artificial knuckles of any substance whatsoever, or any blackjack, switchblade knife, gravity knife or firearm silencer.

(b) For the purposes of subsection (c), words and phrases used therein shall have the following meanings respectively ascribed to them:

(1) Antique firearm shall mean any firearm, including any handgun, with a matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or before 1898; and any replica of any such firearm if such replica:

a. Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

b. Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) Basic structural component shall mean any or all of the following single parts (including a permanent assembly forming such single part) of a handgun: Frame, barrel, cylinder, slide and breechblock.

(3) Handgun shall mean a firearm designed to be held and fired by the use of a single hand. The term "handgun" also includes a combination of parts in the possession or under the control of a person from which a handgun can be assembled. The term does not include antique firearms, or any firearm which comes within the definition set forth in Section 5485(a) of the United States Internal Revenue Code of 1954.

(c) It shall be unlawful for any secondhand dealer or pawnbroker or any other person engaged in the business of the wholesale or retail sale, rental or exchange of handguns, to sell, rent, exchange or deliver any handgun (except an antique firearm) knowing or having reasonable cause to believe the basic structural components thereof are made:

(1) Of any material having a melting point (liquidus) of less than one thousand (1,000) degrees Fahrenheit; or

(2) Of any material having an ultimate tensile strength of less than fifty-five thousand (55,000) pounds per square inch; or

(3) Of any powdered metal having a density of less than seven and five-tenths (7.5) grams per cubic centimeter.

38-123. Identification and records concerning sales, etc.

(a) Every person who sells, rents or exchanges at retail any weapon designated in sections 38-117 or 38-122 shall require the vendee,

lessee or person with whom such exchange is made to furnish more than one (1) type of identification before such sale, rental or exchange is consummated.

(b) Every person engaged in the sale, rental or exchange at retail of any weapon designated in sections 38-117 or 38-122 shall keep a record of each such weapon so sold, rented or exchanged at retail and of the vendee or lessee thereof, or person with whom such exchange is made; said record shall at all times be open to inspection by the manager of safety or a duly authorized agent, or by any police officer of the city and shall be made at the time of each such transaction in a book kept for that purpose, and shall include:

(1) The name of the person to whom such weapon is sold or rented, or with whom it is exchanged;

(2) The age of such person;

(3) The occupation of such person;

(4) The residence and, if residing in a city, the street and street number of the residence of such person;

(5) The make, caliber if any, and finish of the weapon so sold, rented or exchanged, and the number or serial number thereof, if any;

(6) The date of the sale, rental or exchange of such weapon;

(7) The name of the employee or other person making such sale, rental or exchange of such weapon; and

(8) A description of each of the types of identification furnished by the vendee, lessee or person with whom such exchange is made, together with any serial numbers or other distinctive features noted in or appearing on each such type of identification so furnished.

(c) It shall be unlawful for any person who purchases, rents or exchanges any weapon designated in sections 38-117 or 38-122 to give a false or fictitious name, or any other false, fraudulent or incorrect information to the person from whom such weapon is purchased, or rented, or with whom such weapon is exchanged at the time such purchase, rental or exchange is made.

38-124. Unlawful to sell weapons to intoxicated persons or minors.

(a) It shall be unlawful for any person to sell, loan or furnish any instrument or weapon designated in sections 38-117 or 38-122 to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability, or to any minor.

(b) Such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

38-125. Reports of sales to manager of safety.

(a) Every person who shall sell, loan or furnish any instrument or weapon designated in section 38-117 to any person whatsoever, shall deliver daily reports to the manager of safety of every such sale, loan or furnishing.

(b) Such report shall particularly set forth the name in full, the residence and the occupation of the person to whom such weapon has been sold, loaned or given.

(c) Any failure to observe the provisions of this section shall be grounds for revocation of any license issued by the city to such person.

38-129. Air, gas or spring operated guns.

(a) It shall be unlawful for any minor to buy, carry on their person or discharge any air gun, gas operated gun or spring gun discharging metal pellets or BB shot.

(b) It shall be unlawful for any person to sell any air gun, gas operated gun or spring gun discharging metal pellets or BB shot, to any minor.

(c) It shall be unlawful for the parent, guardian or other person having legal control or custody of any minor to allow the minor to carry on their person, or to discharge any air gun, gas operated gun or spring gun discharging metal pellets or BB shot.

(d) Nothing in this section shall prevent any person from carrying or discharging any air gun, gas operated gun or spring gun discharging metal pellets or BB shot, in any shooting gallery or on any private grounds or residence under circumstances which such instruments can be carried, discharged or operated in such a manner as not to endanger persons or property, and also in such a manner as to prevent a projectile discharged from any of such instruments from traversing any grounds or space outside the limits of such gallery, grounds or residence.

38-130. Assault weapons.

(a) **Legislative intent.** The city council hereby finds and declares that the use of assault weapons poses a threat to the health, safety and security of all citizens of the City and County of Denver. Further, the council finds that assault weapons are capable both of a rapid rate of fire as well as of a capacity to fire an inordinately large number of rounds without reloading and are designed primarily for military or antipersonnel use. The city council finds that law enforcement agencies report increased use of assault weapons for criminal activities. This has resulted in a record number of related homicides and injuries to citizens and law enforcement officers. It is, therefore, the intent of the city council to place reasonable and necessary restrictions on the sale and possession of assault weapons while placing no restrictions on the right of citizens to use weapons which are primarily designed and intended for hunting, target practice and other legitimate sports or recreational activities and the protection of home, person and property.

(b) **Definitions.** The following words and phrases, when used in this section, shall have these meanings respectively ascribed to them:

(1) **Assault weapon.** The general characteristics of an assault weapon may include the following features: A shorter length than recreational firearms; a folding stock, a modification of an automatic firearm originally designed for military use; a greater rate of fire or firing capacity than reasonably necessary for legitimate sports, recreational or protection activities and shall include all firearms with any of the following characteristics:

a. All semiautomatic action, centerfire rifles with a detachable magazine with a capacity of twenty-one (21) or more rounds.

b. All semiautomatic shotguns with a folding stock or a magazine capacity of more than six (6) rounds or both.

c. All semiautomatic pistols that are modifications of rifles having the same make, caliber and action design but a shorter barrel and no rear stock or modifications of automatic weapons originally designed to accept magazines with a capacity of twenty-one (21) or more rounds.

d. Any firearm which has been modified to be operable as an assault weapon as defined herein.

e. Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including a detachable magazine with a capacity of twenty-one (21) or more rounds, or any combination of parts from which an assault weapon may be readily assembled if those parts

are in the possession or under the control of the same person.

f. Any weapon listed in subsection (h).

(2) **Fixed cartridge** shall mean that self-contained unit consisting of the case, primer, propellant charge and projectile or projectiles.

(3) **Magazine** shall mean a box, drum or other container which holds and feeds ammunition into a semiautomatic rifle, shotgun or pistol.

(4) **Pistol** shall mean a weapon originally designed, made and intended to fire a projectile (bullet) from one (1) or more barrels when held in one (1) hand and having:

a. A chamber as an integral part of or permanently aligned with the bore or having a breech-loading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing; and

b. A short stock designed to be gripped by one (1) hand and at an angle to and extending below the line of the bore(s).

(5) **Rifle** shall mean a weapon designed or redesigned, made or remade and intended to be fired from the shoulder or hip and designed or redesigned or made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(6) **Semiautomatic** shall mean a weapon which fires a single projectile for each single pull of the trigger which automatically chambers the next round for firing and which employs a magazine.

(7) **Shotgun** shall mean a weapon designed or redesigned, made or remade and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(c) **Specific weapons not included.** As used in this section, assault weapon does not include any of the following:

(1) All weapons that do not use fixed cartridges, all weapons that were in production prior to 1898, all manually operated bolt-action weapons, all lever-action weapons, all slide-action weapons, all single-shot weapons, all multiple-barrel weapons, all revolving-cylinder weapons, all semiautomatic weapons for which there is no fixed magazine with capacity of twenty-one (21) or more rounds available, all semiautomatic weapons that use exclusively en bloc clips, all semiautomatic weapons in production prior to 1954 and all rimfire weapons that employ a tubular magazine.

(2) Any firearm that uses .22 caliber rimfire ammunition.

(3) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(d) **Supplemental provisions.** Except as specifically stated herein, the provisions of this section are independent of and supplemental to any other provisions of law, and nothing shall prevent a device defined as an assault weapon in this section from also being regulated under other provisions of law.

(e) **Possession of assault weapons unlawful.** It shall be unlawful to carry, store, keep, manufacture, sell or otherwise possess within the City and County of Denver a weapon or

weapons defined herein as assault weapons, except that this subdivision shall not apply to:

(1) Any federal, state or local government agency or to any sworn members of said agencies acting within their official capacities.

(2) Any assault weapon which is being used as a movie prop for any motion picture or television program which is being filmed in whole or in part within the City and County of Denver if, prior to such use, the police department is notified in advance in writing of the date, time, location, production schedule and days upon which such use shall take place and the type and serial numbers of the firearms.

(3) It shall be an affirmative defense to charges brought under this section that the transportation of an assault weapon:

(a) Is through the city by a nonresident who is in legal possession of an assault weapon; or

(b) Is by a person carrying a permit issued under subsection (f) and the transportation is for one (1) of the following purposes:

i. In aid of the civil power when thereto legally summoned;

ii. To a bona fide hunting trip for wild game, or to a legitimate sporting use of such weapon, including shooting matches or target trap or skeet shooting. All weapons carried for such purposes shall be unloaded;

iii. While transporting such weapon to or from a place for sale outside the city or for repair. All weapons carried for such purposes shall be unloaded at all times;

iv. As a member of the armed forces of a state or of the federal government while engaged in the lawful performance of duty;

v. In conjunction with moving personal property, including such weapon, from an old residence to a new residence. All weapons carried for such purposes shall be unloaded at all times.

(f) **Conditional exception.** Any person over the age of twenty-one (21) years who obtained an assault weapon legally prior to the effective date of this section may obtain a permit to keep, store and possess said assault weapon if:

(1) Said weapon is properly identifiable and contains its original serial number.

(2) An application for a permit for each assault weapon is filed with the police department within sixty (60) days of the effective date of this section pursuant to such procedures as the department may establish. The application shall contain a description of the firearm that identifies it uniquely, including all identification marks and numbers, the full name, address, date of birth and fingerprints of the owner and the address where such assault weapon will be stored and such other information as the department may deem appropriate. The place of storage and possession shall not be changed without notification to the department of the proposed change in location and when said weapon will be transported. The department may charge a fee for registration not to exceed the actual processing costs of the department.

(3) The department shall issue a permit which shall identify the weapon and where it is to be stored.

(4) The information required for the registration and permitting of assault weapons shall be treated as confidential and shall not be made

available to members of the general public. The council finds that the release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of persons at the premises where an assault weapon is located. The information on a permit application shall be used by the city only for law enforcement purposes.

(g) **Sale or transfer unlawful.** It is unlawful to sell or transfer possession of an assault weapon possessed pursuant to subsection (f) within the City and County of Denver.

(h) **Specific prohibited assault weapons.** It is unlawful to carry, store or otherwise possess within the City and County of Denver any of the following weapons which are hereby declared to be assault weapons except as provided in and subject to all the provisions of this section:

(1) All of the following specified rifles:

a. Norinco, Mitchell and Poly Technologies Avtomat Kalashnikovs (all models).

b. Action Arms Israeli Military Industries UZI and Galil.

c. Beretta AR-70 (SC-70).

d. CETME G3.

e. Colt AR-15 and CAR-15.

f. Daewoo K-1, K-2, Max 1 and Max 2.

g. Fabrique Nationale (FN/FAL, FN/LAR and FNC).

h. FAMAS MAS223.

i. Heckler & Koch HK-91, H-93, HK-94 and PSG-1.

j. MAC 10 and MAC 11.

k. SKS with detachable magazine.

l. SIG AMT, SIG 500 Series and SIG PE-57.

m. Springfield Armory BM59 and SAR-48.

n. Sterling MK-6 and SAR.

o. Steyr AUG.

p. Valmet M62, M71S and M78.

q. Armalite AR-180 Carbine.

r. Bushmaster Assault Rifle (armgun).

s. Calico M-900 Assault Carbine.

t. Mandall THE TAC-1 Carbine.

u. Plainfield Machine Company Carbine.

v. PJK M-68 Carbine.

w. Weaver Arm Nighthawk.

(2) All of the following specified pistols:

a. Action Arms UZI.

b. Encom MP-9 and MP-45.

c. MAC 10 and MAC 11.

d. INTRATEC TEC-9.

e. Mitchell Arms Spectre Auto.

f. Sterling MK-7.

g. Calico M-900.

(3) All of the following specified shotguns:

a. Franchi SPAS 12 and LAW 12.

b. Gilbert Equipment Company Striker 12.

c. Encom CM-55.

(4) Other models by the same manufacturer that are identical to firearms listed in subdivisions (1), (2) or (3) except for slight modifications or enhancements, including, but not limited to, a folding or retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel; wooden, plastic or metal stock; larger clip size; different caliber provided the caliber exceeds .22 rimfire; or bayonet mount.

(5) Firearms which have been redesigned from, renamed, renumbered or patterned after one (1) of the listed firearms in subdivisions (1), (2), (3) or those described in subdivision (4) re-

gardless of the company of production or distribution or the country of origin or any firearm which has been manufactured or sold by another company under a licensing agreement to manufacture or sell the identical or nearly identical firearms as those listed in subdivisions (1), (2), (3) or those described in subdivision (4) regardless of the company of production or distribution or the country of origin.

(i) **Specific magazine prohibited.** It shall be unlawful to carry, store or otherwise possess a magazine which will hold or may be modified to hold twenty-one (21) or more rounds.

(j) **Penalty.** Any person, firm or corporation who is convicted of violating any provision of this section shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than nine hundred ninety-nine dollars (\$999.00) and a term of incarceration of not less than ten (10) days nor more than one hundred eighty (180) days.

(k) **Violation; disposition.** Upon a conviction of violating any provision of this section, the weapon shall be confiscated and destroyed under section 38-120, disposition of confiscated weapons.

38-131. Unlawful storage of firearms.

(a) As used in this section, the following definitions shall apply:

(1) **Firearm** means a pistol, revolver, rifle, shotgun, machine gun, air gun, gas operated gun, or spring gun.

(2) **Locked container** means a secure container which is enclosed on all sides and locked by a padlock, key lock, combination lock or similar device.

(3) **Locking device** means a device which temporarily prevents the firearm from functioning.

(4) **Minor** means a person who has not reached his or her eighteenth birthday.

(b) It shall be unlawful for any person to store, control or possess any firearm within or upon any premises of which that person has an ownership interest, custody or control, in such a manner that that person knows, or should know, that a minor is likely to gain possession of the firearm and in the event that the minor does, in fact, obtain possession of the firearm.

(c) Subsection (b) shall not apply whenever any of the following occurs:

(1) The minor obtains the firearm as a result of an illegal entry to the premises.

(2) The firearm is kept in a locked container, access to which is not available to a minor.

(3) The firearm is equipped with, and has in place, a locking device, the means of removal of which is not available to a minor.

(4) The minor obtains the firearm in a lawful act of self-defense, or defense of the minor's home or property.

(5) The minor obtains the firearm during the course of, or incidental to, being legally summoned to the aid of a Colorado peace officer or a member of the United States armed forces or the Colorado National Guard in the performance of their duties.

[Revised Municipal Code of the City and County of Denver current through Ord. 827-02, adopted Oct. 7, 2002]