

# Colorado Revised Statutes for Concealed Handgun Class

## 18-12-202. Definitions

As used in this part 2, unless the context otherwise requires:

- (1) Repealed.
- (2) "Certified instructor" means an instructor for a firearms safety course who is certified as a firearms instructor by:
  - (a) A county, municipal, state, or federal law enforcement agency;
  - (b) The peace officers standards and training board created in section 24-31-302, C.R.S.;
  - (c) A federal military agency; or
  - (d) A national nonprofit organization that certifies firearms instructors, operates national firearms competitions, and provides training, including courses in personal protection, in small arms safety, use, and marksmanship.
- (3) "Chronically and habitually uses alcoholic beverages to the extent that the applicant's normal faculties are impaired" means:
  - (a) The applicant has at any time been committed as a person with an alcohol use disorder pursuant to section 27-81-111 or 27-81-112; or
  - (b) Within the ten-year period immediately preceding the date on which the permit application is submitted, the applicant:
    - (I) Has been committed as a person with an alcohol use disorder pursuant to section 27-81-109 or 27-81-110; or
    - (II) Has had two or more alcohol-related convictions under section 42-4-1301 (1) or (2), C.R.S., or a law of another state that has similar elements, or revocations related to misdemeanor, alcohol-related convictions under section 42-2-126, C.R.S., or a law of another state that has similar elements.
- (4) "Handgun" means a handgun as defined in section 18-12-101 (1)(e.5); except that the term does not include a machine gun as defined in section 18-12-101 (1)(g).
- (5)
  - (a) "Handgun training class" means:
    - (I) A law enforcement training firearms safety course;
    - (II) A firearms safety course offered by a law enforcement agency, an institution of higher education, or a public or private institution or

organization or firearms training school, that is open to the general public and is taught by a certified instructor; or

**(III)** A firearms safety course or class that is offered and taught by a certified instructor.

**(b)** Notwithstanding paragraph (a) of this subsection (5), "handgun training class" does not include any firearms safety course that allows a person to complete the entire course:

**(I)** Via the internet or an electronic device; or

**(II)** In any location other than the physical location where the certified instructor offers the course.

**(6)** "Permit" means a permit to carry a concealed handgun issued pursuant to the provisions of this part 2; except that "permit" does not include a temporary emergency permit issued pursuant to section 18-12-209.

**(7)** "Sheriff" means the sheriff of a county, or his or her designee, or the official who has the duties of a sheriff in a city and county, or his or her designee.

**(8)** "Training certificate" means a certificate, affidavit, or other document issued by the instructor, school, club, or organization that conducts a handgun training class that evidences an applicant's successful completion of the class requirements.

## 18-12-203. Criteria for obtaining a permit

**(1)** Beginning May 17, 2003, except as otherwise provided in this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who:

**(a)** Is a legal resident of the state of Colorado. For purposes of this part 2, a person who is a member of the armed forces and is stationed pursuant to permanent duty station orders at a military installation in this state, and a member of the person's immediate family living in Colorado, shall be deemed to be a legal resident of the state of Colorado.

**(b)** Is twenty-one years of age or older;

**(c)** Is not ineligible to possess a firearm pursuant to section 18-12-108 or federal law;

**(d)** Has not been convicted of perjury under section 18-8-503, in relation to information provided or deliberately omitted on a permit application submitted pursuant to this part 2;

**(e)**

**(I)** Does not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired.

**(II)** The prohibition specified in this paragraph (e) shall not apply to an applicant who provides an affidavit, signed by a professional counselor or

addiction counselor who is licensed pursuant to article 43 of title 12, C.R.S., and specializes in alcohol addiction, stating that the applicant has been evaluated by the counselor and has been determined to be a recovering alcoholic who has refrained from using alcohol for at least three years.

**(f)** Is not an unlawful user of or addicted to a controlled substance as defined in section 18-18-102 (5). Whether an applicant is an unlawful user of or addicted to a controlled substance shall be determined as provided in federal law and regulations.

**(g)** Is not subject to:

**(I)** A protection order issued pursuant to section 18-1-1001 or section 19-2-707, C.R.S., that is in effect at the time the application is submitted; or

**(II)** A permanent protection order issued pursuant to article 14 of title 13, C.R.S.; or

**(III)** A temporary protection order issued pursuant to article 14 of title 13, C.R.S., that is in effect at the time the application is submitted;

**(h)** Demonstrates competence with a handgun by submitting:

**(I)** Evidence of experience with a firearm through participation in organized shooting competitions or current military service;

**(II)** Evidence that, at the time the application is submitted, the applicant is a certified instructor;

**(III)** Proof of honorable discharge from a branch of the United States armed forces within the three years preceding submittal of the application;

**(IV)** Proof of honorable discharge from a branch of the United States armed forces that reflects pistol qualifications obtained within the ten years preceding submittal of the application;

**(V)** A certificate showing retirement from a Colorado law enforcement agency that reflects pistol qualifications obtained within the ten years preceding submittal of the application; or

**(VI)** A training certificate from a handgun training class obtained within the ten years preceding submittal of the application. The applicant shall submit the original training certificate or a photocopy thereof that includes the original signature of the class instructor. To the extent permitted by section 18-12-202 (5), in obtaining a training certificate from a handgun training class, the applicant shall have discretion in selecting which handgun training class to complete.

**(2)** Regardless of whether an applicant meets the criteria specified in subsection (1) of this section, if the sheriff has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to self or others if the applicant receives a permit to carry a concealed handgun, the sheriff may deny the permit.

**(3)** (a) The sheriff shall deny, revoke, or refuse to renew a permit if an applicant or a permittee fails to meet one of the criteria listed in subsection (1) of this section and may deny, revoke, or refuse to renew a permit on the grounds specified in subsection (2) of this section.

**(b)** Following issuance of a permit, if the issuing sheriff has a reasonable belief that a permittee no longer meets the criteria specified in subsection (1) of this section or that the permittee presents a danger as described in subsection (2) of this section, the sheriff shall suspend the permit until such time as the matter is resolved and the issuing sheriff determines that the permittee is eligible to possess a permit as provided in this section.

**(c)** If the sheriff suspends or revokes a permit, the sheriff shall notify the permittee in writing, stating the grounds for suspension or revocation and informing the permittee of the right to seek a second review by the sheriff, to submit additional information for the record, and to seek judicial review pursuant to section 18-12-207.

## **18-12-204. Permit contents - validity - carrying requirements**

**(1)** (a) Each permit shall bear a color photograph of the permittee and shall display the signature of the sheriff who issues the permit. In addition, the sheriffs of this state shall ensure that all permits issued pursuant to this part 2 contain the same items of information and are the same size and the same color.

**(b)** A permit is valid for a period of five years after the date of issuance and may be renewed as provided in section 18-12-211. A permit issued pursuant to this part 2, including a temporary emergency permit issued pursuant to section 18-12-209, is effective in all areas of the state, except as otherwise provided in section 18-12-214.

**(2)** (a) A permittee, in compliance with the terms of a permit, may carry a concealed handgun as allowed by state law. The permittee shall carry the permit, together with valid photo identification, at all times during which the permittee is in actual possession of a concealed handgun and shall produce both documents upon demand by a law enforcement officer. Failure to produce a

permit upon demand by a law enforcement officer raises a rebuttal presumption that the person does not have a permit. Failure to carry and produce a permit and valid photo identification upon demand as required in this subsection (2) is a class 1 petty offense. A charge of failure to carry and produce a permit and valid photo identification upon demand pursuant to this subsection (2) shall be dismissed by the court if, at or before the permittee's scheduled court appearance, the permittee exhibits to the court a valid permit and valid photo identification, both of which were issued to the permittee prior to the date on which the permittee was charged with failure to carry and produce a permit and valid photo identification upon demand.

**(b)** The provisions of paragraph (a) of this subsection (2) apply to temporary emergency permits issued pursuant to section 18-12-209.

**(3)** (a) A person who may lawfully possess a handgun may carry a handgun under the following circumstances without obtaining a permit and the handgun shall not be considered concealed:

**(I)** The handgun is in the possession of a person who is in a private automobile or in some other private means of conveyance and who carries the handgun for a legal use, including self-defense; or

**(II)** The handgun is in the possession of a person who is legally engaged in hunting activities within the state.

**(b)** The provisions of this subsection (3) shall not be construed to authorize the carrying of a handgun in violation of the provisions of section 18-12-105 or 18-12-105.5.

## 18-12-205. Sheriff - application - procedure - background check

**(1)** (a) To obtain a permit, a person shall submit a permit application on a statewide standardized form developed by the sheriffs and available from each sheriff. municipality or town in which the applicant resides, and the sheriff may consult with other local law enforcement agencies.

## 18-12-206. Sheriff - issuance or denial of permits - report

**(1)** Within ninety days after the date of receipt of the items specified in section 18-12-205, a sheriff shall:

**(a)** Approve the permit application and issue the permit; or

**(b)** Deny the permit application based solely on the ground that the applicant fails to qualify under the criteria listed in section 18-12-203 (1) or that the applicant would be a danger as described in section 18-12-203 (2). If the sheriff denies the permit application, he or she shall notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to seek a second review of the application by the sheriff, to submit additional information for the record, and to seek judicial review pursuant to section 18-12-207.

## **18-12-207. Judicial review - permit denial - permit suspension - permit revocation**

**(1)** If a sheriff denies a permit application, refuses to renew a permit, or suspends or revokes a permit, the applicant or permittee may seek judicial review of the sheriff's decision. The applicant or permittee may seek judicial review either in lieu of or subsequent to the sheriff's second review.

## **18-12-209. Issuance by sheriffs of temporary emergency permits**

**(1)** Notwithstanding any provisions of this part 2 to the contrary, a sheriff, as provided in this section, may issue a temporary emergency permit to carry a concealed handgun to a person whom the sheriff has reason to believe may be in immediate danger.

**(2)**

**(a)** To receive a temporary emergency permit, a person shall submit to the sheriff of the county or city and county in which the person resides or in which the circumstances giving rise to the emergency exist the items specified in section 18-12-205; except that an applicant for a temporary emergency permit need not submit documentary evidence demonstrating competence with a handgun as required under section 18-12-205 (3)(a), and the applicant shall submit a temporary permit fee not to exceed twenty-five dollars, as set by the sheriff. Upon receipt of the documents and fee, the sheriff shall request that the bureau conduct a criminal history record check of the bureau files and a search of the national instant criminal background check system. The sheriff may issue a temporary emergency permit to the applicant if the sheriff determines the person may be in immediate danger and the criminal history record check shows that the applicant meets the criteria specified in section 18-12-203; except that the applicant need not demonstrate competence with a handgun and the applicant may be eighteen years of age or older.

**(b)**

**(I)** A temporary emergency permit issued pursuant to this section is valid for a period of ninety days after the date of issuance. Prior to or within ten days after expiration of a temporary emergency permit, the permittee may apply to the sheriff of the county or city and county in which the person resides or in which the circumstances giving rise to the emergency exist for renewal of the permit. The sheriff may renew a temporary emergency permit once for an additional ninety-day period; except that, if the permittee is younger than twenty-one years of age, the sheriff may renew the temporary emergency permit for subsequent ninety-day periods until the permittee reaches twenty-one years of age.

**(II)** If the sheriff is not the same sheriff who issued the temporary emergency permit to the permittee:

**(A)** The permittee shall submit to the renewing sheriff, in addition to the materials described in section 18-12-205, a legible photocopy of the temporary emergency permit; and

**(B)** The renewing sheriff shall contact the office of the sheriff who issued the temporary emergency permit and confirm that the issuing sheriff has not revoked or suspended the temporary emergency permit.

## **18-12-210. Maintenance of permit - address change - invalidity of permit**

**(1)** Within thirty days after a permittee changes the address specified on his or her permit or within three business days after his or her permit is lost, stolen, or destroyed, the permittee shall notify the issuing sheriff of the change of address or permit loss, theft, or destruction. Failure to notify the sheriff pursuant to this subsection (1) is a class 1 petty offense.

**(2)** If a permit is lost, stolen, or destroyed, the permit is automatically invalid. The person to whom the permit was issued may obtain a duplicate or substitute therefor upon payment of fifteen dollars to the issuing sheriff and upon submission of a notarized statement to the issuing sheriff that the permit has been lost, stolen, or destroyed.

**(3)** The provisions of this section apply to temporary emergency permits issued pursuant to section 18-12-209.

## **18-12-211. Renewal of permits**

**(1) (a)** Within one hundred twenty days prior to expiration of a permit, the permittee may obtain a renewal form from the sheriff of the county or city and county in which the permittee resides or from the sheriff of the county or city and county in which the permittee maintains a secondary residence or owns or leases real property used by the permittee in a business and renew the permit by submitting to the sheriff a completed renewal form, a notarized affidavit stating that the permittee remains qualified pursuant to the criteria specified in section 18-12-203 (1)(a) to (1)(g), and the required renewal fee not to exceed fifty dollars, as set by the sheriff pursuant to section 18-12-205 (5). The renewal form must meet the requirements specified in section 18-12-205 (1) for an application.

## **18-1-704. Use of physical force in defense of a person**

**(1)** Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

**(2)** Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

**(a)** The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or

**(b)** The other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary as defined in sections 18-4-202 to 18-4-204; or

**(c)** The other person is committing or reasonably appears about to commit kidnapping as defined in section 18-3-301 or 18-3-302, robbery as defined in section 18-4-301 or 18-4-302, sexual assault as set forth in section 18-3-402, or in section 18-3-403 as it existed prior to July 1, 2000, or assault as defined in sections 18-3-202 and 18-3-203.

**(3)** Notwithstanding the provisions of subsection (1) of this section, a person is not justified in using physical force if:

**(a)** With intent to cause bodily injury or death to another person, he provokes the use of unlawful physical force by that other person; or

**(b)** He is the initial aggressor; except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from



the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or

(c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

## **18-12-704.5. Use of deadly physical force against an intruder**

(1) The general assembly hereby recognizes that the citizens of Colorado have a right to expect absolute safety within their own homes.

(2) Notwithstanding the provisions of section 18-1-704, any occupant of a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling, and when the occupant has a reasonable belief that such other person has committed a crime in the dwelling in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that such other person might use any physical force, no matter how slight, against any occupant.

(3) Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (2) of this section shall be immune from criminal prosecution for the use of such force.

(4) Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (2) of this section shall be immune from any civil liability for injuries or death resulting from the use of such force.

(5) As used in this section, unless the context otherwise requires, "dwelling" does not include any place of habitation in a detention facility, as defined in section 18-8-211

(4).

## **18-1-705. Use of physical force in defense of premises**

A person in possession or control of any building, realty, or other premises, or a person who is licensed or privileged to be thereon, is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission of an unlawful trespass by the other person in or upon the building, realty, or premises. However, he may use deadly force only in defense of himself or another as described in section 18-1-704, or when he reasonably

believes it necessary to prevent what he reasonably believes to be an attempt by the trespasser to commit first degree arson.

## 18-1-706. Use of physical force in defense of property

A person is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be an attempt by the other person to commit theft, criminal mischief, or criminal tampering involving property, but he may use deadly physical force under these circumstances only in defense of himself or another as described in section 18-1-704.

## 18-1-707. Use of physical force in making an arrest or in preventing an escape – definitions

**(1)** Except as provided in subsections (2) and (2.5) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

**(a)** To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

**(b)** To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

**(2)** A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

**(a)** To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

**(b)** To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

**(I)** Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

**(II)** Is attempting to escape by the use of a deadly weapon; or

**(III)** Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

**(2.5) (a)** A peace officer is justified in using a chokehold upon another person for the purposes specified in subsection (1) of this section only when he or she reasonably believes that it is necessary:

**(I)** To defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force or infliction of bodily injury; or

**(II)** To effect an arrest, or to prevent the escape from custody, of a person whom he or she reasonably believes:

**(A)** Has committed or attempted to commit a felony involving or threatening the use of a deadly weapon; or

**(B)** Is attempting to escape by the use of physical force; or

**(C)** Indicates, except through a motor vehicle, that he or she is likely to endanger human life or to inflict serious bodily injury to another unless he or she is apprehended without delay.

**(b)** For the purposes of this subsection (2.5), "chokehold" means a method by which a person holds another person by putting his or her arm around the other person's neck with sufficient pressure to make breathing difficult or impossible and includes, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

**(3)** Nothing in subsection (2) (b) or subsection (2.5) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

**(4)** For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances that if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1), (2), and (2.5) of this section unless the warrant is invalid and is known by the officer to be invalid.

**(5)** Except as provided in subsection (6) of this section, a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using reasonable and appropriate physical force when and to the extent that he reasonably believes that force to be necessary to carry out the

peace officer's direction, unless he knows that the arrest or prospective arrest is not authorized.

**(6)** A person who has been directed to assist a peace officer under circumstances specified in subsection (5) of this section may use deadly physical force to effect an arrest or to prevent an escape only when:

**(a)** He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

**(b)** He is directed or authorized by the peace officer to use deadly physical force and does not know, if that happens to be the case, that the peace officer himself is not authorized to use deadly physical force under the circumstances.

**(7)** A private person acting on his own account is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest, or to prevent the escape from custody of an arrested person who has committed an offense in his presence; but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

## 18-12-213. Reciprocity

**(1)** A permit to carry a concealed handgun or a concealed weapon that is issued by a state that recognizes the validity of permits issued pursuant to this part 2 shall be valid in this state in all respects as a permit issued pursuant to this part 2 if the permit is issued to a person who is:

**(a)** Twenty-one years of age or older; and

**(b)**

**(I)** A resident of the state that issued the permit, as demonstrated by the address stated on a valid picture identification that is issued by the state that issued the permit and is carried by the permit holder; or

**(II)** A resident of Colorado for no more than ninety days, as determined by the date of issuance on a valid picture identification issued by Colorado and carried by the permit holder.

**(2)** For purposes of this section, a "valid picture identification" means a driver's license or a state identification issued in lieu of a driver's license.

## 18-12-214. Authority granted by permit - carrying restrictions

**(1) (a)** A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state, except as specifically limited in this section. A permit does not authorize the permittee to use a handgun in a manner that would violate a provision of state law. A local government does not have authority to adopt or enforce an ordinance or resolution that would conflict with any provision of this part 2.

**(b)** A peace officer may temporarily disarm a permittee, incident to a lawful stop of the permittee. The peace officer shall return the handgun to the permittee prior to discharging the permittee from the scene.

**(2)** A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun into a place where the carrying of firearms is prohibited by federal law.

**(3)** A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun onto the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school; except that:

**(a)** A permittee may have a handgun on the real property of the public school so long as the handgun remains in his or her vehicle and, if the permittee is not in the vehicle, the handgun is in a compartment within the vehicle and the vehicle is locked;

**(b)** A permittee who is employed or retained by contract by a school district or charter school as a school security officer may carry a concealed handgun onto the real property, or into any improvement erected thereon, of a public elementary, middle, junior high, or high school while the permittee is on duty;

**(c)** A permittee may carry a concealed handgun on undeveloped real property owned by a school district that is used for hunting or other shooting sports.

**(4)** A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun into a public building at which:

**(a)** Security personnel and electronic weapons screening devices are permanently in place at each entrance to the building;

**(b)** Security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; and

**(c)** Security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building.

**(5)** Nothing in this part 2 shall be construed to limit, restrict, or prohibit in any manner the existing rights of a private property owner, private tenant, private employer, or private business entity.

**(6)** The provisions of this section apply to temporary emergency permits issued pursuant to section 18-12-209.

## **18-12-401. Definitions**

As used in this part 4, 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 subsection (1)(a) of this section, for which ammunition is not sold or which there is reasonable ground for believing are not capable of being effectually used.

## **29-11.7-104. Regulation - carrying - posting**

A local government may enact an ordinance, regulation, or other law that prohibits the open carrying of a firearm in a building or specific area within the local government's jurisdiction. If a local government enacts an ordinance, regulation, or other law that prohibits the open carrying of a firearm in a building or specific area, the local government shall post signs at the public entrances to the building or specific area informing persons that the open carrying of firearms is prohibited in the building or specific area.

## **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 by amendment, L. 93, p. 964, § 1, effective July 1, 1993.)

**(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, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1, as it existed prior to its repeal, or, if the weapon involved was a handgun, held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214; or

**(d)** A peace officer, as described in section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in section 16-2.5-101 (2), C.R.S.; or

**(e)** (Deleted by amendment, L. 2003, p. 1624, § 46, effective August 6, 2003.)

**(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, 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 by amendment, L. 2000, p. 709, § 45, effective July 1, 2000.)

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

**(d.5)** The weapon involved was a handgun and the person held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214 (3); or

**(e)** The person is a school resource officer, as defined in section 22-32-109.1 (1) (g.5), C.R.S., or a peace officer, as described in section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in section 16-2.5-101 (2), C.R.S.; or

**(f)** and **(g)** (Deleted by amendment, L. 2003, p. 1626, § 51, effective August 6, 2003.)

**(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.

## 18-12-106. Prohibited use of weapons

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

**(a)** He knowingly and unlawfully aims<sup>16</sup> 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)** The person has in his or her possession a firearm while the person is under the influence of intoxicating liquor or of a controlled substance, as defined in section 18-18-102 (5). Possession of a permit issued under section 18-12-105.1, as it existed prior to its repeal, or possession of a permit or a temporary emergency permit issued pursuant to part 2 of this article is no defense to a violation of this subsection (1).

**(e)** He knowingly aims, swings, or throws a throwing star or nunchaku as defined in this paragraph (e) at another person, or he knowingly possesses a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, nonaccessible container. For purposes of this paragraph (e), "nunchaku" means an instrument consisting of two sticks, clubs, bars, or rods to be used as handles, connected by a rope, cord, wire, or chain, which is in the design of a weapon used in connection with the practice of a system of self-defense, and "throwing star" means a disk having sharp radiating points or any disk-shaped bladed object which is hand-held and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense.

### 33-6-125. Possession of a loaded firearm in a motor vehicle

It is unlawful for any person, except a person authorized by law or by the division, to possess or have under his control any firearm, other than a pistol or revolver, in or on any motor vehicle unless the chamber of such firearm is unloaded. Any person in possession or in control of a rifle or shotgun in a motor vehicle shall allow any peace officer, as defined in section 33-1-102 (32), who is empowered and acting under the authority granted in section 33-6-101 to enforce articles 1 to 6 of this title to inspect the chamber of any rifle or shotgun in the motor vehicle. For the purposes of this section, a "muzzle-loader" shall be considered unloaded if it is not primed, and, for such purpose, "primed" means having a percussion cap on the nipple or flint in the striker and powder in the flash pan. Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars and an assessment of fifteen license suspension points.

## 18 U.S. Code § 926A - Interstate transportation of firearms

Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, That in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

### 18-12-114. Secure firearm storage required - penalty -

**exceptions.** (1) Firearms must be responsibly and securely stored when they are not in use to prevent access by unsupervised juveniles and other unauthorized users. A person responsibly and securely stores a firearm when: (a) The person carries the firearm on his or her person or within such close proximity thereto that the person can readily retrieve and use the firearm as if the person carried the firearm on his or her person; (b) The firearm is kept in a locked gun safe or other secure container or in a manner that a reasonable person would believe to be secure and a juvenile or resident of the premises who is ineligible to possess a firearm does not have access to the key, combination, or other unlocking mechanism necessary to open the safe or container; (c) The person properly installs a locking device on the firearm and a juvenile or resident of the premises who is ineligible to possess a firearm does not have access to the key, combination, or other unlocking mechanism necessary to remove the locking device; or (d) The firearm is a personalized firearm and the safety characteristics of the firearm are activated. (2) (a) A person commits unlawful storage of a firearm when the person fails to responsibly and securely store a firearm, as described in subsection (1) of this section, upon any premises that the person owns or controls and the person knows or reasonably should know that: (I) A juvenile can gain access to the firearm without the permission of the juvenile's parent or guardian; or (II) A resident of the premises is ineligible to possess a firearm pursuant to state or federal law. (b) Unlawful storage of a firearm is a class 2 misdemeanor. (c) It is an affirmative defense to the offense of unlawful storage of a firearm that a juvenile gained possession of, and used, the firearm for the purpose of exercising the rights contained in section 18-1-704 or 18-1-704.5 or in defense of livestock. (3) This section does not apply to storing 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 CFR 478.11, as amended.

## Protection Orders

C.R.S. 13-14-100.2 (Legislative declaration.)

C.R.S. 13-14-101 (Definitions.)

C.R.S. 13-14-102 (Civil protection orders)

C.R.S. 13-14-103 (Emergency protection orders.)

C.R.S. 13-14-104.5 (Procedure for temporary civil protection order.)

C.R.S. 13-14-105 (Provisions relating to civil protection orders.)

C.R.S. 13-14-105.5 (Civil protection orders - prohibition on possessing or purchasing a firearm.)

C.R.S. 13-14-106 (Procedure for permanent civil protection orders.)

C.R.S. 13-14-107 (Enforcement of protection order- duties of peace officer.)

C.R.S. 13-14-108 (Modification and termination of civil protection orders.)

C.R.S. 13-14-109 (Fee and costs)

C.R.S. 13-14-110 (Foreign protection orders.)

C.R.S. 13-14.5-101 (Short Title- Extreme Risk Protection Orders.)

C.R.S. 13-14.5-102 (Definitions.)

C.R.S. 13-14.5-103 (Temporary extreme risk protection orders.)

C.R.S. 13-14.5-104 (Petition for extreme risk protection order.)

C.R.S. 13-14.5-105 (Hearings on petition-ground for order issuance.)

C.R.S. 13-14.5-106 (Service of protection orders.)

C.R.S. 13-14.5-107 (Termination or renewal of protection orders.)

C.R.S. 13-14.5-108 (Surrender of a firearm)

C.R.S. 13-14.5-109 (Firearms-return-disposal.)

C.R.S. 13-14.5-110 (Reporting of extreme risk protection orders.)

C.R.S. 13-14.5-111 (Penalties.)

C.R.S. 13-14.5-112 (Other authority retained.)

C.R.S. 13-14.5-113 (Liability.)

C.R.S. 13-14.5-114 (Instructional and informational material-definition.)

C.R.S. 18-1-1001 (Restraining order - criminal - against defendant.)

C.R.S. 19-2-707 (Colorado juvenile justice system - Mandatory protection order.)

## 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 hunting or 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 within a county, city and county, or municipal jurisdiction or in or through different county, city and county, and municipal jurisdictions, enroute 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 to criminal penalties because he or she travels within a jurisdiction or 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 within a jurisdiction or 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 hunting or for lawful protection of a person's or another's person or property while traveling into, through, or within, 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 hunting or for lawful protection of a person's or another's person or property while traveling into, through, or within, a municipal, county, or city and county jurisdiction, regardless of the number of times the person stops in a jurisdiction.