

COLORADO STATUTES REGARDING DEADLY PHYSICAL FORCE
AND CARRYING CONCEALED FIREARMS

18-1-704 Use of Physical Force in Defense of 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 grounds 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 184-04; 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 184-301 or 184-302, sexual assault as set forth in section 18-3-402 or 18-3-403, or assault as defined in sections 18-3-202 or 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.

18-1-704.5 Use of Deadly Physical Force against an Intruder ("Make My Day law")

(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

(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.

(8) A guard or peace officer employed in a detention facility is justified:

(a) In using deadly physical force when he reasonably believes it necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony or confined under the maximum-security rules of any detention facility as such facility is defined in subsection (9) of this section;

(b) In using reasonable and appropriate physical force, but not deadly physical force, in all other circumstances when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

(9) "Detention facility" as used in subsection (8) of this section means any place maintained for the confinement, pursuant to law, of persons charged with or convicted of an offense, held pursuant to the "Colorado Children's Code", held for extradition, or otherwise confined pursuant to an order of a court.

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 offices of any member, officer, or employee of the general assembly are located.

d) Deleted by Laws 1993, S.B.93-38, section 1, off. July 1, 1993.

2. It shall be an affirmative defense that 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, level I or level Ia, as defined in section 18-1-901(3)(1)(I) or (3)(1)(II)(A); or

e) A peace officer, level II, as defined in section 18-1-901(3)(1)(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 Concealed Weapon - Unlawful Possession of Weapons - School, College, or University Grounds

1. A person commits a class 2 misdemeanor 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 high 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 which require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

2. Notwithstanding the provisions of section 18-1-106, upon a conviction for a violation of this section either within or upon the grounds of any public or private elementary, middle, junior high, or high school or vocational school, the defendant shall be a special offender and the court, if it determines that incarceration is appropriate, shall be required to sentence the defendant to a term that is greater than the twelve-month maximum sentence specified for the class 2 misdemeanor but not more than twice the twelve-month maximum term specified for the class 2 misdemeanor. In addition to such term of imprisonment, the court shall fine the defendant without suspension at least the maximum fine of one thousand dollars specified for the class 2 misdemeanor but not more than ten times the one thousand dollar maximum fine specified for the class 2 misdemeanor.

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

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

- g) The person is a peace officer, level IIIa, as defined in section 18-1-901(3)(1)(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.

18-12-106 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) 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 12-22-303 (7), C.R.S. 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, non-accessible 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.

18-12-110 Forfeiture of Firearms

Upon the motion of the prosecuting attorney after the conviction of a defendant, the court may order the forfeiture of any firearms which were used by the defendant during the course of the criminal episode which gave rise to said conviction as an element of sentencing or as a condition of probation or of a deferred sentence. Firearms forfeited under this section shall be disposed of pursuant to section 16-13-311, C.R.S.

18-12-213 Reciprocity

A permit to carry a concealed handgun or a concealed weapon that is issued to a person twenty-one years of age or older by a state that recognizes the validity of permits issued pursuant to this part shall be valid in this state in all respects as a permit issued pursuant to this part.

18-12-214 Authority Granted by Permit - Carry 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.

(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 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 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 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 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 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 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.

24-20-202 Permit to Bear Arms

If the governor at any time issues his proclamation as provided in section 24-20-201 declaring the state or any county, city, town, or district within the state to be in a state of riot, or insurrection, or invasion, it is unlawful while said proclamation is in force for any person, firm, or corporation within the territory covered by said proclamation to purchase, manufacture for sale or use, receive, transport, carry, or use any firearm or ammunition or to sell, give away, or otherwise dispose of or permit others to obtain possession of any firearm or ammunition without a written permit from the governor or his regularly authorized representative. No permit shall be issued by the governor or his representative unless and until the person so desiring such permit satisfies the governor or his representative that the same is to be used in defense of his home, person, or property. This section shall not apply to legally authorized peace officers, or sheriffs, designated by the governor or his representative, or members of the National Guard of Colorado. No permit shall be issued to allow the purchase, manufacture for sale or use, receipt, use, transportation, or disposing of firearms or ammunition by anyone not a citizen of the United States or to anyone who has not been a resident of the state of Colorado for more than one year prior to the issuance of the proclamation mentioned in section 24-20-201.

30-10-523 Sheriff Permits for Concealed Weapons

The sheriff of each county and the official who has the duties of a sheriff in each city and county shall issue written permits to carry concealed handguns as provided in Part 2 of Article 12 of Title 18, C.R.S.

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