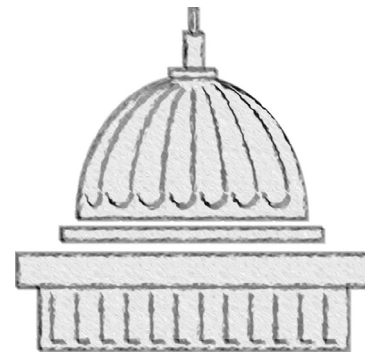


# F. NRA / ILA Firearms Laws for

## COLORADO

(As of May, 2009)



Compiled by:  
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### A SYNOPSIS OF STATE LAWS ON PURCHASE, POSSESSION AND CARRYING OF FIREARMS.

#### QUICK REFERENCE CHART

|                          | Rifles and<br>Shotguns | Handguns |
|--------------------------|------------------------|----------|
| Permit to Purchase       | No                     | No       |
| Registration of Firearms | No                     | No       |
| Licensing of Owners      | No                     | No       |
| Permit to Carry          | No                     | Yes*     |

\*Permit to Carry Concealed.

#### STATE CONSTITUTIONAL PROVISION

“The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.” Article II, Section 13.

#### PURCHASE

There is no state permit required for the purchase of any rifle, shotgun or handgun.

Dealers are required to keep a record on the retail sale, rental, or exchange of handguns. The record shall include the name of the person to whom the handgun is transferred, his or her age, occupation, and residence, and the make, caliber, finish and serial number of the handgun, and the date of the transfer and name of employee making the transfer. The record book shall be open at all times to the inspection of any duly authorized police officer.

Before a gun show vendor transfers or attempts to transfer a firearm at a gun show, he or she shall require that a background check, in accordance with the national instant criminal background check system, be conducted of the prospective transferee, and obtain approval of the transfer from the Colorado Bureau of Investigation through a licensed gun dealer. It is also unlawful to transfer a firearm if any part of the transaction takes place at a gun show, unless a licensed dealer first obtains a background check on the prospective transferee. This does not apply to firearms defined as antiques, curios or relics under federal law.

A Colorado resident who is otherwise qualified can purchase or receive delivery of a rifle or shotgun in a state contiguous to Colorado, so long as the sale fully complies with the legal conditions of sale in both states and the purchaser and seller have complied with federal law applicable to interstate transactions.

#### POSSESSION

It is unlawful for any person convicted of a felony or conspiracy or attempt to commit a felony, or misdemeanor domestic violence or adjudicated delinquent for a felony to possess a firearm.

It is unlawful for any person under 18 to possess a handgun, and it is unlawful to provide or permit a juvenile to possess a handgun, with exceptions for attendance at a hunter's safety course or firearms safety course, or engaging in lawful target shooting, or hunting or trapping with a valid license, or traveling with an unloaded handgun to or from any of these activities, or while on real property under the control of the juvenile's parent, legal guardian or grandparent and who has the permission of the parent or legal guardian to possess a handgun, or while at the juvenile's residence and with permission of parent or legal guardian possesses a handgun for self-defense.

#### CARRYING

It is unlawful to carry a firearm concealed on or about one's person without a permit, except for a person in his or her own dwelling, place of business, or on property owned or controlled by him or her. A permit is not required to carry a handgun where carrying firearms is legal, if the handgun is not concealed. A handgun is not considered concealed if it is in the possession of a person who is in a private automobile or other private means of conveyance who is carrying it for a legal use, or the handgun is in the possession of a person who is legally engaged in hunting activities within the state. Exempt from the requirement of a permit to carry a concealed handgun are peace officers of Colorado, U.S. probation officers, law enforcement officers employed by jurisdiction outside the state, so long as the employing jurisdiction exempts peace officers employed by jurisdictions within Colorado from any concealed weapons laws in effect in those jurisdictions; as well as a retired peace officer, meeting prescribed criteria.

A sheriff shall issue a permit to carry a concealed handgun to an applicant who is a legal resident of the state; is at least twenty-one; is not ineligible to possess a firearm, has not been convicted of perjury in relation to an application for a concealed weapon permit; does not chronically and habitually abuse alcohol; is not an unlawful user of or addicted to a controlled substance as provided in federal law and regulations; is not subject to a restraining order in effect at the time the application is submitted, or a permanent restraining order, or a temporary restraining order in effect at the time the application is submitted; and demonstrates competency with a firearm.

However, the Sheriff can deny the permit if he reasonably believes that documented previous behavior by the applicant makes it likely that the applicant will present a danger to self or others if the permit is issued. The sheriff shall suspend a permit following issuance if he has a reasonable belief that the permittee no longer meets the criteria

above, until the matter is resolved and the Sheriff determines that the permittee is eligible to possess the permit. There is an appeals process and judicial review of a denial or revocation.

The permit is valid for five years and may be renewed. It is effective in all areas of the state except where it is not lawful to possess any firearm. A peace officer may temporarily disarm a permittee incident to a lawful stop of the permittee. The permit does not authorize the permittee to carry a concealed handgun into a place where carrying firearms is prohibited by federal law; or into a public building at which security personnel regularly screen for weapons upon entry; or onto real property of a public school except that the permittee may have the handgun in his or her vehicle. If the permittee is not in the vehicle, the handgun must be in a compartment within the vehicle and the vehicle locked.

A permittee employed by a school district as a security officer may carry a concealed handgun onto the real property of a public school while on duty. 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.

A Sheriff 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. Temporary permittees must meet all the requirements of regular permittees except demonstrating competence with a handgun and must only be at least eighteen years of age. The permit is valid for 90 days and may be renewed once.

At all times during which the permittee is in possession of a concealed handgun, he or she must carry the permit and a valid photo ID. The Sheriff shall maintain a list of persons to whom permits are issued, and upon request by another criminal justice agency for law enforcement purposes, the Sheriff may share information from the list for the purpose of determining the validity of a permit. A Sheriff shall not share information from the list of permittees with a law enforcement agency for the purpose of creating a statewide database of permittees on or after July 1, 2007.

A permit to carry a concealed handgun or weapon issued to a person twenty-one or older by a state that recognizes the validity of permits issued under Colorado law shall be valid in Colorado in all the same respects as Colorado permits.

It is unlawful to have a firearm other than a handgun in or on any motor vehicle unless the chamber is unloaded. Firearms in a snowmobile must be unloaded and cased or inserted in a scabbard. It is unlawful to carry or possess a firearm without legal authority on the property of, or within any building in which the chambers, galleries, or offices of the general assembly 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. It is unlawful to possess, without legal authority, a firearm in or on the real estate of any school, college, university, or seminary, with some exceptions.

## MACHINE GUNS

A machine gun is defined as any firearm that shoots automatically more than one shot, without manual reloading, by a single function of the trigger. It is unlawful to possess a machine gun, but it is an affirmative defense to a charge of possession if the person accused was a peace officer or member of the armed forces acting in the lawful discharge of his or her duties, or that the person has a valid permit and license for possession of a machine gun.

## ANTIQUES AND REPLICAS

State law is silent on this matter. They are treated as ordinary firearms for possession and carrying purposes.

## MISCELLANEOUS

It is unlawful to possess a firearm while under the influence of alcohol or controlled substances. It is unlawful to discharge a firearm from any aircraft or motor vehicle. It is unlawful for a person to knowingly and unlawfully possess a firearm if the manufacturer's serial number or other distinguishing number or identification mark, has been removed. It is unlawful to possess a rifle with a barrel under 16 inches and an overall length under 26 inches or a shotgun with a barrel under 18 inches and an overall length under 26 inches, but it is an affirmative defense to a charge of possession if the person accused was a peace officer acting in the lawful discharge of his or her duties, or the person has a valid permit and license for its possession.

Local governments are prohibited from maintaining a list or other record or database of persons who purchase or exchange firearm or leave them for repair or sale on consignment, and persons who transfer firearms unless they are federally licensed firearms dealers; or of the descriptions, including serial numbers, of such firearms. Local governments may not enact any ordinance, regulation, or other law that prohibits the sale, purchase, or possession of a firearm that a person may lawfully sell, purchase, or possess under state or federal law. Local governments may prohibit the open carrying of a firearm in a building or specific area within the local government's jurisdiction if they post signs at the public entrances to the building or area informing persons that open carrying is prohibited.

A person or public entity may not bring an action, other than a product liability action, against a firearms manufacturer, importer, or dealer for any remedy arising from physical or emotional injury, physical damage, or death caused by the discharge of a firearm or ammunition. In no type of action shall a firearms or ammunition manufacturer, importer, or dealer be held liable as a third party for the action of another person.

In a product liability action, the actual discharge of a firearm or ammunition shall be the proximate cause of injury, damage or death resulting from the use of such product and not the inherent capability of the product to cause such injury, damage or death. The manufacturer's, importer's, or distributor's placement of a firearm or ammunition in the stream of commerce shall not be deemed sufficient to constitute the proximate cause of injury resulting from a third party's use of a product.

SOURCES: Col.Rev.Stat. 12-26-101 et seq., 12-26.1-101 et seq., 12-27-101; 18-1-704 et seq., 13-21-504 and 13-21-504.5, 18-9-106, 18-12-101 et seq., 18-12-201 et. seq., 24-20-201 et seq., 24-23.5-424, 30-10-523, 33-6-125, 33-14-117.

**CAUTION:** Firearm laws are subject to frequent change and court interpretation. This summary is not intended as legal advice or restatement of law. This summary does not include federal or local laws, ordinances or regulations. For any particular situation, a licensed local attorney must be consulted for an accurate interpretation. **YOU MUST ABIDE WITH ALL LAWS: STATE, FEDERAL AND LOCAL.**

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