

**First Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 09-0356.02 Richard Sweetman

SENATE BILL 09-074

SENATE SPONSORSHIP

Brophy, Renfroe, Schultheis, Harvey, White, Kester, Penry, Mitchell

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROTECTION OF RIGHTS GUARANTEED BY THE**
102 **SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Prohibits a local government from enacting an ordinance, regulation, or other law that imposes a requirement that a person store a firearm in a manner that renders the firearm inoperable. Declares void and unenforceable any such ordinance, regulation, or other law previously enacted by a local government.

Permits intrastate sales of firearms by Colorado firearms manufacturers to Colorado residents, regardless of federal laws to the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

contrary.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) In the recent case of *District of Columbia et al. v. Heller*, 128
5 S. Ct. 2783 (U.S. 2008), the United States Supreme Court considered the
6 constitutionality of a municipal ordinance that, among other things,
7 required all firearms in homes to be rendered and kept inoperable at all
8 times; and

9 (b) The Supreme Court determined that the ordinance violated the
10 Second Amendment of the United States Constitution by making it
11 impossible for citizens to use their lawfully owned firearms for the core
12 lawful purpose of self-defense.

13 (2) The general assembly further finds that:

14 (a) The right of an individual to keep and bear arms is clearly
15 established in both the United States and Colorado constitutions; and

16 (b) A qualified citizen should not be denied his or her right to
17 keep and bear arms nor be subjected to unnecessary and unreasonable
18 administrative restrictions or delays in obtaining a firearm.

19 (3) Now, therefore, the general assembly hereby declares that
20 Colorado state law shall reflect the holding of the United States Supreme
21 Court and shall prohibit municipal ordinances that would require firearms
22 in homes to be rendered and kept inoperable.

23 **SECTION 2.** Article 11.7 of title 29, Colorado Revised Statutes,
24 is amended BY THE ADDITION OF A NEW SECTION to read:

25 **29-11.7-105. Regulation - storage of firearms - prohibited.** A

1 LOCAL GOVERNMENT SHALL NOT ENACT AN ORDINANCE, REGULATION, OR
2 OTHER LAW THAT REQUIRES A PERSON TO STORE A FIREARM IN A MANNER
3 THAT RENDERS THE FIREARM INOPERABLE, INCLUDING, BUT NOT LIMITED
4 TO, REQUIRING THAT A FIREARM BE DISASSEMBLED OR SECURED WITH A
5 TRIGGER-LOCK DEVICE. ANY SUCH ORDINANCE, REGULATION, OR OTHER
6 LAW ENACTED BY A LOCAL GOVERNMENT PRIOR TO THE EFFECTIVE DATE
7 OF THIS SECTION IS VOID AND UNENFORCEABLE AS OF THE EFFECTIVE DATE
8 OF THIS SECTION.

9 **SECTION 3.** Article 26 of title 12, Colorado Revised Statutes, is
10 amended BY THE ADDITION OF A NEW SECTION to read:

11 **12-26-105. Sales by Colorado manufacturers permitted.**

12 (1) NOTWITHSTANDING ANY FEDERAL LAW TO THE CONTRARY, A
13 COLORADO FIREARMS MANUFACTURER MAY SELL A FIREARM OR FIREARM
14 ACCESSORIES WITHIN COLORADO TO A COLORADO RESIDENT IF THE
15 FIREARM OR FIREARM ACCESSORIES WERE MANUFACTURED IN COLORADO
16 BY THE FIREARMS MANUFACTURER.

17 (2) NOTWITHSTANDING ANY FEDERAL LAW TO THE CONTRARY, A
18 COLORADO RESIDENT MAY PURCHASE A FIREARM OR FIREARM
19 ACCESSORIES FROM A COLORADO FIREARMS MANUFACTURER IF THE
20 FIREARM OR FIREARM ACCESSORIES WERE MANUFACTURED IN COLORADO
21 BY THE FIREARMS MANUFACTURER.

22 **SECTION 4. Severability.** If any provision of this act or the
23 application thereof to any person or circumstance is held invalid, the
24 invalidity shall not affect other provisions or applications of this act that
25 can be given effect without the invalid provision or application, and to
26 this end the provisions of this act are declared to be severable.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.