First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0726.01 Richard Sweetman x4333 **SENATE BILL 13-140**

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A BILL FOR AN ACT

CONCERNING THE INAPPLICABILITY OF CERTAIN FEDERAL FIREARMS LAWS WITHIN COLORADO.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

An employee, agent, or agency of the state, including but not limited to a peace officer, shall not enforce or attempt to enforce any statute, rule, regulation, order, action, or act of the United States government that relates to a firearm, ammunition, ammunition magazine, or firearm accessory that:

! Is manufactured commercially or privately within Colorado; and

! Remains exclusively within the borders of Colorado.

A statute, rule, or regulation of the United States government that becomes effective on or after January 1, 2013, shall be unenforceable within the borders of Colorado if the statute, rule, or regulation purports to:

! Ban or restrict ownership of a semi-automatic firearm or ammunition magazine;

! Require any firearm, ammunition magazine, or firearm accessory to be registered in any manner;

! Restrict a Colorado resident from purchasing any firearm from a licensed firearms dealer or a private seller in another state; or

! Restrict a resident from another state who visits Colorado from purchasing or possessing any firearm.

The attorney general may defend a resident of Colorado who is prosecuted by the United States government for a violation of federal law relating to the manufacture, transfer, or possession of a firearm, an ammunition magazine, ammunition, or a firearm accessory if the firearm, ammunition magazine, ammunition, or firearm accessory at issue:

! Was manufactured commercially or privately within Colorado or purchased from any licensed firearms dealer or private party in Colorado or in another state; and

! Remained exclusively within the borders of Colorado.

An employee or agent of the United States government who enforces or attempts to enforce a statute, rule, regulation, order, action, or act of the United States government commits a class 1 misdemeanor if the statute, rule, or regulation relates to a firearm, ammunition, ammunition magazine, or firearm accessory that:

! Is manufactured commercially or privately within Colorado; and

! Remains exclusively within the borders of Colorado.

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

SECTION 1. In Colorado Revised Statutes, **add** 18-12-112 as follows:

18-12-112. Firearms manufactured and possessed in Colorado - inapplicability of federal law - penalty. (1) AN EMPLOYEE, AGENT, OR AGENCY OF THE STATE, INCLUDING BUT NOT LIMITED TO A PEACE OFFICER

DESCRIBED IN ARTICLE 2.5 OF TITLE 16, C.R.S., SHALL NOT ENFORCE OR ATTEMPT TO ENFORCE ANY STATUTE, RULE, REGULATION, ORDER, ACTION, OR ACT OF THE UNITED STATES GOVERNMENT THAT RELATES TO A FIREARM, AMMUNITION, AMMUNITION MAGAZINE, OR FIREARM ACCESSORY THAT:

(a) IS MANUFACTURED COMMERCIALLY OR PRIVATELY WITHIN THE UNITED STATES; AND

(b) REMAINS EXCLUSIVELY WITHIN THE BORDERS OF COLORADO.

(2) A STATUTE, RULE, REGULATION, ORDER, ACTION, OR ACT OF THE UNITED STATES GOVERNMENT THAT BECOMES EFFECTIVE ON OR AFTER JANUARY 1, 2013, SHALL BE UNENFORCEABLE WITHIN THE BORDERS OF COLORADO IF THE STATUTE, RULE, OR REGULATION PURPORTS TO:

(a) BAN OR RESTRICT OWNERSHIP OF A SEMI-AUTOMATIC FIREARM OR AMMUNITION MAGAZINE;

(b) REQUIRE ANY FIREARM, AMMUNITION MAGAZINE, OR FIREARM ACCESSORY TO BE REGISTERED IN ANY MANNER;

(c) RESTRICT A COLORADO RESIDENT FROM PURCHASING ANY FIREARM FROM A LICENSED FIREARMS DEALER OR A PRIVATE SELLER IN ANOTHER STATE; OR

(d) RESTRICT A RESIDENT FROM ANOTHER STATE WHO VISITS COLORADO FROM PURCHASING OR POSSESSING ANY FIREARM.

(3) THE ATTORNEY GENERAL MAY DEFEND A RESIDENT OF COLORADO WHO IS PROSECUTED BY THE UNITED STATES GOVERNMENT FOR A VIOLATION OF FEDERAL LAW RELATING TO THE MANUFACTURE, TRANSFER, OR POSSESSION OF A FIREARM, AN AMMUNITION MAGAZINE, AMMUNITION, OR A FIREARM ACCESSORY IF THE FIREARM, AMMUNITION MAGAZINE, AMMUNITION, OR FIREARM ACCESSORY AT ISSUE:

(a) WAS MANUFACTURED COMMERCIALLY OR PRIVATELY WITHIN COLORADO OR PURCHASED FROM ANY LICENSED FIREARMS DEALER OR PRIVATE PARTY IN COLORADO OR IN ANOTHER STATE; AND

(b) REMAINED EXCLUSIVELY WITHIN THE BORDERS OF COLORADO.

(4) AN EMPLOYEE OR AGENT OF THE UNITED STATES GOVERNMENT WHO ENFORCES OR ATTEMPTS TO ENFORCE A STATUTE, RULE, REGULATION, ORDER, ACTION, OR ACT OF THE UNITED STATES GOVERNMENT COMMITS A CLASS 1 MISDEMEANOR AND SHALL BE PUNISHED IN ACCORDANCE WITH SECTION 18-1.3-501 (1) IF THE STATUTE, RULE, OR REGULATION RELATES TO A FIREARM, AMMUNITION, AMMUNITION MAGAZINE, OR FIREARM ACCESSORY THAT:

(a) IS MANUFACTURED COMMERCIALLY OR PRIVATELY WITHIN COLORADO; AND

(b) REMAINS EXCLUSIVELY WITHIN THE BORDERS OF COLORADO.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.