EVERYTHING YOU NEED TO KNOW ABOUT COLORADO FIREARMS LAWS

Both federal and state laws regulate the sale and possession of firearms. Federal law, among other things, regulates the licensing and oversight of firearms manufacturers and dealers, prohibits certain individuals from purchasing and possessing firearms, and requires gun dealers to conduct background checks before completing gun sales. Many states have enacted additional laws intended to supplement federal regulation of firearms, including prohibiting additional categories of individuals from possessing firearms, regulating where and how individuals may carry firearms in public places, restricting or banning certain types of firearms and accessories, and requiring background checks for additional types of gun sales, including sales by private sellers at gun shows or on the Internet. Many states also enact laws that mirror the federal law to enable local law enforcement and prosecutors to enforce these laws in state courts.

PROHIBITED PURCHASERS

Laws prohibiting certain persons from purchasing firearms help keep guns out of the hands of individuals who may be dangerous.

Federal law prohibits the sale of firearms to several categories of people including convicted felons, minors, individuals with a history of drug use or mental illness, and certain domestic violence perpetrators.

Colorado law exceeds federal law in this area by expanding prohibited purchasers to include those charged with a domestic violence misdemeanor (but not yet convicted) and extends categories of prohibited juvenile offenders.

Other states have enacted similar laws. For example, twenty-six other states prohibit persons with certain juvenile convictions from purchasing or possessing firearms.

DOMESTIC VIOLENCE & FIREARMS

Firearms pose a particular threat to victims of domestic violence. Laws that prohibit domestic abusers from purchasing a firearm are associated with a reduction in the number of intimate partner homicides.

Federal law prohibits any person who has been convicted of a domestic violence misdemeanor or who is subject to a domestic violence protective order from possessing firearms or ammunition.

Colorado law exceeds federal law by providing a mechanism to disarm perpetrators of domestic violence. Senate Bill 197, adopted in 2013, requires a person subject to a civil protection order to relinquish his or her firearms, and refrain from possessing or purchasing any firearms or ammunition, for the duration of the order.

Colorado law prohibits persons convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition or subject to domestic violence protective orders from purchasing or possessing firearms or ammunition.

Colorado does not require the surrender of firearms at the scene of a domestic violence incident.

Other states exceed federal law in this area. Thirty other states and the District of Columbia have laws that are stronger than federal law prohibiting domestic violence perpetrators from purchasing or possessing firearms. In 2013, Connecticut and Utah also strengthened state law providing mechanisms to disarm domestic violence perpetrators.

PRIVATE SALE BACKGROUND CHECKS

Background checks identify and prevent persons who are ineligible to purchase firearms from obtaining them.

Federal Law requires federally licensed firearms dealers to perform background checks on prospective firearms purchasers. Federal law does not require a background check when a firearm is sold by someone who is not a licensed dealer.

Colorado Law requires a background check on the purchaser of a firearm when the seller is not a licensed dealer.

Other states exceed federal law in this area. Seven other states and the District of Columbia require private sale background checks on some or all firearms purchases. In addition to Colorado, three of these states—Connecticut, Delaware, and New York—enacted or strengthened existing laws requiring private sale background checks in 2013. In addition, in 2013, Illinois enacted a law that requires private sellers to verify with the state police that a potential purchaser has a firearms license prior to transferring a firearm (a firearms license is valid for 10 years in Illinois).
WAITING PERIODS

Waiting periods give law enforcement officials sufficient time to perform background checks and provide a “cooling off” period to help guard against impulsive acts of violence.

Federal law does not require a waiting period. If the FBI is unable to complete a background check within three business days, the dealer may complete the transfer by default. vii

Colorado law does not require a waiting period.

Other states require waiting periods. Eleven states and the District of Columbia currently have waiting periods that apply to the purchase of some or all firearms. viii

LICENSING OF GUN OWNERS

Licensing laws are meant to ensure that gun owners know how to safely use and store firearms and to decrease illegal gun sales and possession by ensuring that all licensees are eligible to possess firearms under federal and state law.

Federal law does not require licensing of gun owners or purchasers.

Colorado law does not require licensing of gun owners or purchasers.

Other states require licensing of gun owners and/or purchasers. Thirteen states require licenses to possess and/or permits to purchase some or all firearms. viii In 2013, Connecticut and Maryland added new licensing requirements.

REPORTING LOST OR STOLEN FIREARMS

Laws that require firearm owners to report lost or stolen firearms help deter gun trafficking and assist lawful gun owners by facilitating the recovery of their lost or stolen property.

Federal law requires licensed firearms dealers, but not individual gun owners, to report lost or stolen firearms to law enforcement. ix

Colorado law does not require firearm owners to report lost or stolen firearms.

Other states require reporting of lost or stolen firearms. Ten states and the District of Columbia require some or all firearms owners to report the loss or theft of their firearms to law enforcement. x Three of these states—Delaware, Illinois and Maryland—enacted these laws in 2013.

ASSAULT WEAPONS

Assault weapons are designed with military features to allow rapid and accurate spray firing to kill people quickly and efficiently.

Federal law prohibited manufacture, transfer, and possession of assault weapons between 1994 and 2004. When the law expired in 2004, Congress did not renew the ban.

Colorado law does not ban assault weapons.

Other states have enacted assault weapons bans. Seven states and the District of Columbia ban assault weapons. xii Three of these states—Connecticut, Maryland and New York—strengthened their bans in 2013.

LARGE CAPACITY AMMUNITION MAGAZINES

Due to their ability to hold so many rounds of ammunition, large capacity magazines significantly increase the lethality of the automatic and semi-automatic firearms and are often used in mass shootings.

Federal law prohibited the possession and sale of large capacity magazines between 1994 and 2004. When the ban expired in 2004, Congress did not renew the law.

Colorado law prohibits the sale, transfer, and possession of fixed and detachable large capacity ammunition magazines. In 2013, Colorado banned the sale or transfer of fixed and detachable large capacity ammunition magazines designed to accept more than 15 rounds of ammunition. The law allows the possession, but not the transfer or sale, of high capacity magazine purchased prior to July 1, 2013.

Other states have enacted laws banning large capacity ammunition magazines. Seven other states and D.C. ban ammunition magazines that have the capacity to hold a specified number of rounds of ammunition. xiii In addition to Colorado, three of these states—Connecticut, Maryland and New York—enacted new large capacity ammunition magazine bans or strengthened existing bans in 2013.

ENDNOTES


xiii California, District of Columbia, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, Nebraska, New Jersey, New York, North Carolina and Rhode Island.


xv 18 U.S.C. § 923(g)(6).


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EVERYTHING YOU NEED TO KNOW ABOUT GUNS IN PUBLIC PLACES IN COLORADO

WHY IT MATTERS

Historically, most states either prohibited or severely limited the carrying of firearms in public. Over the past three decades, however, state laws have changed dramatically. In that time, many states have weakened their laws to permit more people to carry guns in public places with fewer restrictions and have reduced or eliminated the authority of local law enforcement to deny permits to potentially dangerous individuals.

OPEN CARRY

Most states, including Colorado, allow firearms to be carried openly in public without a permit. While some states have enacted laws prohibiting the carrying of firearms in numerous areas, Colorado allows firearms to be carried openly almost anywhere. Narrow exceptions include carrying in public buildings, chambers, galleries, or offices of the state legislature and possessing loaded firearms in public transportation facilities. Other areas such as places of worship, hospitals, sports arenas, gambling facilities, and polling places allow people to carry firearms.

CONCEALED CARRY

All but four states require that individuals receive a license or permit before carrying a firearm in public. States generally take two approaches to issuing licenses to carry concealed firearms in public places. In “shall issue” states, authorities are required to issue a license to carry firearms to any individual who meets minimum requirements, regardless of whether there is anything in that person’s history that would suggest that they may pose a danger to the community. In “may issue” states, authorities are given discretion to grant permits to individuals who meet requirements based on other factors, such as history of violence. Nine states—California, Connecticut, Delaware, Hawaii, Maryland, Massachusetts, New Jersey, New York, and Rhode Island—plus the District of Columbia are “may issue” states. The four states that allow a person to carry a firearm in public without a permit are Alaska, Arizona, Vermont, and Wyoming. The remaining states are shall issue states.

Colorado is generally a “shall issue” state but, unlike some shall issue states, law enforcement is given some discretion in issuing or denying concealed handgun permits. Even if an applicant meets the criteria to obtain a permit, the sheriff may deny the permit if the sheriff has a reasonable belief that the applicant presents a danger to himself or others.

A person qualifies for a permit if he or she:

- Is a legal resident of Colorado who is 21 or older;
- Is eligible according to state and federal law;
- Has not been convicted of perjury on a concealed handgun permit application;
- Is not a habitual user of alcohol;
- Is not an unlawful user of or addicted to a controlled substance;
- Is not subject to a protection order issued under state law;
- Demonstrates competence with a handgun.
SAFETY TRAINING

Applicants for a Colorado concealed weapon permit must demonstrate competence with a handgun by submitting evidence of experience with a firearm through participation in organized shooting competitions or current military service, evidence that at the time the application is submitted the applicant is a certified instructor, proof of honorable discharge from the U.S. armed forces within the three years of submitting a permit application, proof of honorable discharge from the U.S. armed forces that reflects pistol qualifications obtained within 10 years prior to submitting a permit application, a certificate showing retirement from a Colorado law enforcement agency with pistol qualifications obtained within 10 years prior to submitting a permit application, or a training certificate from a handgun training class obtained within 10 years of submitting a permit application.

In 2013, Colorado adopted SB 195, legislation that prohibits online training for concealed handgun permit applicants.

GUNS IN VEHICLES

In Colorado, a person may carry a concealed firearm, whether or not he or she possesses a concealed handgun permit, while in a private vehicle, as long as that person may legally possess a firearm. Colorado prohibits any person from possessing any firearm other than a handgun in or on any motor vehicle unless the chamber of the firearm is unloaded.

GUNS IN SCHOOLS

Elementary & Secondary (K-12) Schools: Colorado prohibits any person from carrying, bringing, or having a firearm, whether loaded or unloaded, on school property. A person with a permit to carry a concealed handgun is not exempt from this prohibition except under a few narrow circumstances.

Legislation was defeated in 2013 that would have allowed a school district board of education to allow an employee of the school district to carry a concealed handgun on school grounds if the person holds a valid a concealed weapon permit.

Colleges & Universities: Colorado prohibits any person from carrying, bringing, or having a firearm, whether loaded or unloaded, on the property of a college or university.

A person with a valid permit to carry a concealed handgun is exempt from this prohibition if carrying a handgun.

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WHY AMERICA NEEDS BACKGROUND CHECKS ON ALL GUN SALES

WHY IT MATTERS

Performing a background check with every gun sale is the easiest and most effective way to prevent dangerous weapons from falling into the hands of criminals, violent abusers, and the dangerously mentally ill. Right now, federal law doesn’t require a background check on private gun sales, which account for approximately 40% of all gun sales in America.

For example, Radcliffe Haughton walked into a salon in Wisconsin in October 2012, killing his estranged wife and two others, and injuring 4 other innocent women. Haughton was known for his abusive behavior. His wife, Zina, had filed a restraining order against him after he had vowed to burn her and her two daughters with gas, because he believed Zina was cheating on him.

Because of the restraining order, Haughton was prohibited from owning a gun and would not have passed a background check. Nevertheless, he purchased a semi-automatic weapon from a private seller, who was not required to perform a background check. Two days later, Haughton was able to walk into the salon with a dangerous, semiautomatic handgun and kill his wife and injure so many others. If a background check were required for every gun sale, it would have been much more difficult for Haughton to obtain a gun -- and may have saved the lives of his wife and her coworkers.

THE FACTS

- **40% of all guns in the US are sold through private sellers**—at gun shows and increasingly over the internet—and require no criminal background check. That would be like 4 out of every 10 people being allowed to bypass security at the airport.
- **30% of guns involved in trafficking are connected to gun shows**, where background checks aren’t required.
- Most of America agrees that background checks are important to keep guns out of the wrong hands. **Even 74% of NRA members and 87% of non-NRA gun owners support requiring criminal background checks** of anyone purchasing a gun.

Fact:
The federal background check requirement doesn’t apply to private sellers at gun shows, at flea markets, or if they sell firearms in-state over the Internet.
STATE BACKGROUND CHECK LAWS

States Requiring Universal Background Checks at the Point of Sale for All Transfers of All Classes of Firearms - Including Purchases from Unlicensed Sellers

States Requiring Universal Background Checks at the Point of Sale for All Transfers of Handguns - Including Purchases from Unlicensed Sellers

States Requiring Any Firearm Purchaser, Including a Purchaser From an Unlicensed Seller, To Obtain a Permit Issued After a Background Check

States Requiring Any Handgun Purchaser, Including a Purchaser From an Unlicensed Seller, To Obtain a Permit Issued After a Background Check

States Requiring Background Check Whenever a Firearm Is Sold At a Gun Show

* All states in grey also do not require private sellers to conduct a background check prior to the sale of a firearm.

STATE LAWS

Seventeen states and the District of Columbia have extended the background check requirement beyond federal law to at least some private sales. Six states—California, Colorado, Connecticut, Delaware, New York and Rhode Island—and the District of Columbia require universal background checks at the point of sale for all transfers of all classes of firearms, including purchases from unlicensed sellers; Maryland and Pennsylvania laws do the same, but are limited to handguns.

Two states (Illinois and Oregon) require a background check whenever a firearm is sold at a gun show. Four states (Hawaii, Illinois, Massachusetts and New Jersey) require any firearm purchaser, including a purchaser buying from an unlicensed seller, to obtain a permit issued after a background check, and four more states (Iowa, Michigan, Nebraska and North Carolina) do the same only for handguns. Illinois enacted a law in 2013 requiring that unlicensed sellers verify a potential purchaser’s license before the transfer is complete (the license is valid for up to 10 years).

Nevada and Oregon have laws allowing voluntary background checks by unlicensed sellers.

2013 COLORADO STATE LEGISLATION

In 2013, Colorado was one of five states that strengthened or added laws that extended the background check requirement to include some or all private sales. The other states were Connecticut, Delaware, Maryland and New York. In Nevada, a bill that would have required background checks for all private sales was vetoed.

In March 2013, Colorado enacted HB 1229, which now requires that an unlicensed gun seller and an unlicensed prospective purchaser have their transaction processed by a licensed firearms dealer, subjecting the prospective purchaser to a background check. The licensed dealer must receive approval of the transfer from the Colorado Bureau of Investigation before the firearm is physically transferred to the purchaser.

PERFORMING BACKGROUND CHECKS ON ALL GUN SALES IS THE EASIEST WAY TO KEEP GUNS OUT OF THE HANDS OF DANGEROUS PEOPLE, WITHOUT PREVENTING A LAW ABIDING CITIZEN FROM OWNING A GUN FOR SELF DEFENSE OR SPORT.

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