

Document: C.R.S. 18-12-105.5

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Colorado Revised Statutes Annotated Title 18. Criminal Code (Arts. 1 – 26) Article 12. Offenses Relating to Firearms and Weapons (Pts. 1 – 5) Part 1. Firearms and Weapons - General (§§ 18-12-101 – 18-12-114)

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds.

(1) A person commits a class 6 felony 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, high, or vocational 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 that require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

(2) (Deleted by amendment, L. 2000, p. 709, § 45, effective July 1, 2000.)

(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 of 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 school resource officer, as defined in section 22-32-109.1 (1)(g.5), C.R.S., or a peace officer, as described in section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in section 16-2.5-101 (2), C.R.S.; or

(f) and **(g)**(Deleted by amendment, L. 2003, p. 1626, § 51, effective August 6, 2003.)

(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.

History

Source: **L. 93:**Entire section added, p. 965, § 2, effective July 1. **L. 94:**(1) and (2) amended, p. 1721, § 19, effective July 1. **L. 2000:**Entire section amended, p. 709, § 45, effective July 1. **L. 2003:**(3)(d) amended and (3)(d.5) added, p. 649, § 4, effective May 17; (3)(e), (3)(f), and (3)(g) amended, p. 1626, § 51, effective August 6. **L. 2013:**(3)(e) amended,(SB 13-138), ch. 253, p. 1341, § 2, effective May 23.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 18

C.R.S. Title 18, Art. 12

State Notes

ANNOTATION

Unless the prosecution can also establish that the person used or intended to use the knife as a weapon, a person cannot be prosecuted under subsection (1) for carrying a knife with a blade less than three and one-half inches in length on school grounds.

Even though subsection (1) references the deadly weapons statute, that statute does not specifically define "knife". The term "knife" is, however, specifically limited to a weapon with a blade longer than three and one-half inches in length by § 18-12-101 (1), as applicable to this article. Thus, reading and harmonizing these provisions together, the plain language of both provisions establishes that, for purposes of this section, where the deadly weapon is a knife, it must qualify as a knife under § 18-12-101 (1)(f). *People ex rel. J.W.T.*, 93 P.3d 580 (Colo. App. 2004).

Evidence of defendant's sanity as to one of eleven counts against him, unlawful possession of a weapon on school grounds, was substantial and sufficient to permit a reasonable juror to find that defendant was sane.

The issue is whether defendant was capable, at the time he committed the acts, of distinguishing right from wrong with respect to the criminal acts. *People v. Eastwood*, 2015 COA 150, 363 P.3d 799.

Defendant was not acting unlawfully, as required by this section, when

defendant pulled over into a school parking lot in response to a police officer's directive. *People v. Procasky*, 2019 COA 181, 467 P.3d 1252.

Research References & Practice Aids

Cross references:

For the legislative declaration in the 2013 act amending subsection (3)(e), see section 1 of chapter 253, Session Laws of Colorado 2013.

Colorado Revised Statutes Annotated

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