

Document: C.R.S. 18-12-105.6

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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)

18-12-105.6. Limitation on local ordinances regarding firearms in private vehicles.

(1) The general assembly hereby finds that:

(a) A person carrying a weapon in a private automobile or other private means of conveyance for hunting or for lawful protection of such person's or another's person or property, as permitted in sections 18-12-105 (2)(b) and 18-12-105.5 (3)(c), may tend to travel within a county, city and county, or municipal jurisdiction or in or through different county, city and county, and municipal jurisdictions, en route to the person's destination;

(b) Inconsistent laws exist in local jurisdictions with regard to the circumstances under which weapons may be carried in automobiles and other private means of conveyance;

(c) This inconsistency creates a confusing patchwork of laws that unfairly subjects a person who lawfully travels with a weapon to criminal penalties because he or she travels within a jurisdiction or into or through another jurisdiction;

(d) This inconsistency places citizens in the position of not knowing when they may be violating local laws while traveling within a jurisdiction or in, through, or between different jurisdictions, and therefore being unable to avoid committing a crime.

(2)

(a) Based on the findings specified in subsection (1) of this section, the general assembly concludes that the carrying of weapons in private automobiles or other private means of conveyance for hunting or for lawful protection of a person's or another's person or property while traveling into, through, or within, a

municipal, county, or city and county jurisdiction, regardless of the number of times the person stops in a jurisdiction, is a matter of statewide concern and is not an offense.

(b) Notwithstanding any other provision of law, no municipality, county, or city and county shall have the authority to enact or enforce any ordinance or resolution that would restrict a person's ability to travel with a weapon in a private automobile or other private means of conveyance for hunting or for lawful protection of a person's or another's person or property while traveling into, through, or within, a municipal, county, or city and county jurisdiction, regardless of the number of times the person stops in a jurisdiction.

History

Source: **L. 2000:**Entire section added, p. 1009, § 2, effective August 2. **L. 2003:**Entire section amended, p. 651, § 1, effective March 18.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 18

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

State Notes

ANNOTATION

Law reviews:

For article, "In the Crosshairs: Colorado's New Gun Laws", see 33 Colo. Law. 11 (Jan. 2004).

This section clarifies the scope of § 18-12-105 (2)(b) and indicates the general assembly's intent that local ordinances on carrying weapons in private vehicles be preempted only insofar as they conflict with the provisions of this section.

Trinen v. City & County of Denver, 53 P.3d 754 (Colo. App. 2002).

The use of the limiting language “into or through” in subsection (2) reflects the general assembly’s intent not to restrict local weapons ordinances insofar as they apply to travel wholly within local jurisdictions.

Trinen v. City & County of Denver, 53 P.3d 754 (Colo. App. 2002). (Decided under law as it existed prior to the 2003 amendments to subsection (2)).

Colorado Revised Statutes Annotated

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