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**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

DRAFT

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LLS NO. 24-0352.01 Conrad Imel x2313

SENATE BILL

SENATE SPONSORSHIP

Jaquez Lewis and Kolker,

HOUSE SPONSORSHIP

Brown and Lindsay,

BILL TOPIC: Prohibiting Carrying Firearms in Sensitive Spaces
DEADLINES: Finalize by: 1/2/2024 File by: 1/5/2024

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING CARRYING A FIREARM IN SENSITIVE**
102 **SPACES.**

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://leg.colorado.gov>.)

The bill prohibits a person from carrying a firearm, both openly and concealed, in public locations specified in the bill and on private property for which the owner, manager, lessee, or occupant has prohibited firearms and given notice of the prohibition. A violation is an unclassified misdemeanor, punishable by a maximum \$250 fine; except that a second or subsequent offense is punishable by a maximum \$1,000 fine.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

The bill repeals a concealed carry permit holder's (permittee's) authority to:

- Have a handgun in the permittee's vehicle on school property; and
- Carry a concealed handgun on school property while on duty as a school security officer.

Existing law prohibits openly carrying a firearm within any polling location or central count facility, or within 100 feet of a ballot drop box or any building in which a polling location or central count facility is located, while an election or any related ongoing election administration activity is in progress. The bill prohibits carrying a firearm in any manner at those locations.

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

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

4 (a) The second amendment to the United States constitution
5 protects the right of persons to keep and bear arms, and the supreme court
6 of the United States has held that states may, consistent with the second
7 amendment, regulate carrying firearms in sensitive places;

8 (b) Colorado currently regulates carrying firearms in specified
9 sensitive places, including certain government buildings, schools, and
10 public transportation facilities; and

11 (c) The sensitive spaces described in this act are sensitive places
12 at which the state can regulate carrying firearms consistent with the
13 second amendment.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 18-12-105.2 as
15 follows:

16 **18-12-105.2. Unlawful carrying of a firearm - prohibited in**
17 **certain locations - penalty - definition.** (1) A PERSON SHALL NOT
18 KNOWINGLY CARRY OR POSSESS ANY FIREARM, WHETHER OPENLY OR
19 CONCEALED AND WHETHER LOADED OR NOT LOADED, IN ANY OF THE

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- 1 FOLLOWING LOCATIONS, INCLUDING THEIR ADJACENT PARKING AREAS:
- 2 (a) A PUBLIC PARK OR PLAYGROUND; EXCEPT THAT A PERSON MAY
- 3 CARRY A FIREARM IN A PUBLICLY OWNED PARK IF THE PERSON IS ENGAGED
- 4 IN LAWFUL HUNTING;
- 5 (b) A RECREATION FACILITY OR A COMMUNITY CENTER THAT
- 6 PROVIDES SERVICES TO THE COMMUNITY AND IS OPEN TO THE GENERAL
- 7 PUBLIC, THAT IS OWNED, OPERATED, OR MANAGED BY A LOCAL
- 8 GOVERNMENT;
- 9 (c) ON PROPERTY OPEN TO THE PUBLIC WHILE A PUBLIC
- 10 GATHERING, PUBLIC ASSEMBLY, OR SPECIAL EVENT IS CONDUCTED,
- 11 INCLUDING A DEMONSTRATION, MARCH, RALLY, VIGIL, PROTEST, PICKET
- 12 LINE, OR OTHER PUBLIC ASSEMBLY FOR WHICH A PERMIT IS OBTAINED
- 13 FROM THE FEDERAL GOVERNMENT, THE STATE GOVERNMENT, OR A LOCAL
- 14 GOVERNMENT, AND THE SIDEWALK OR STREET IMMEDIATELY ADJACENT TO
- 15 THE PUBLIC GATHERING, PUBLIC ASSEMBLY, OR SPECIAL EVENT. THE
- 16 PERSON WHO OBTAINS A PERMIT FOR THE PUBLIC GATHERING, PUBLIC
- 17 ASSEMBLY, OR SPECIAL EVENT SHALL CLEARLY AND CONSPICUOUSLY POST
- 18 SIGNS AT VISIBLE PLACES ALONG THE PERIMETER OF THE PUBLIC
- 19 GATHERING, PUBLIC ASSEMBLY, OR SPECIAL EVENT INFORMING PERSONS
- 20 THAT CARRYING FIREARMS IS PROHIBITED ON THE PROPERTY DURING THE
- 21 GATHERING, ASSEMBLY, OR EVENT.
- 22 (d) A PUBLIC OR PRIVATE HOSPITAL, NURSING HOME, CLINIC,
- 23 MEDICAL OFFICE, URGENT CARE FACILITY, OR OTHER PLACE AT WHICH
- 24 MEDICAL OR HEALTH-CARE SERVICES ARE CUSTOMARILY PROVIDED;
- 25 (e) A FACILITY OR OFFICE THAT HAS MEDICAL, MENTAL HEALTH,
- 26 OR SUBSTANCE ABUSE PROFESSIONALS WHO PROVIDE SCREENING,
- 27 EVALUATION, OR TREATMENT FOR BEHAVIORAL, MENTAL HEALTH, OR

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- 1 SUBSTANCE USE DISORDERS;
- 2 (f) A DEPOSITORY INSTITUTION, AS DEFINED IN SECTION 11-51-201,
- 3 OR A SUBSIDIARY OR AFFILIATE OF A DEPOSITORY INSTITUTION;
- 4 (g) A PROPERTY OR FACILITY OWNED OR OPERATED BY A CHURCH,
- 5 SYNAGOGUE, MOSQUE, TEMPLE, OR OTHER PLACE OF WORSHIP WITHOUT
- 6 EXPRESS PERMISSION FROM THE OPERATING AUTHORITY;
- 7 (h) A STADIUM OR ANY PLACE AT WHICH A PROFESSIONAL,
- 8 COLLEGIATE, HIGH SCHOOL, AMATEUR, OR STUDENT SPORTING EVENT IS
- 9 BEING HELD;
- 10 (i) AN AMUSEMENT PARK, AQUARIUM, CARNIVAL, CIRCUS, FAIR,
- 11 MUSEUM, WATER PARK, OR ZOO;
- 12 (j) A COURTHOUSE OR ANY OTHER BUILDING OR PORTION OF A
- 13 BUILDING USED FOR COURT PROCEEDINGS;
- 14 (k) IN A BUILDING OR ON REAL PROPERTY, OR IN A PORTION OF ANY
- 15 BUILDING, OWNED, LEASED, OR OPERATED BY THE STATE OR A LOCAL
- 16 GOVERNMENT OR ON THE ADJACENT GROUNDS;
- 17 (l) AT THE LOCATION WHERE A STATE GOVERNMENT OR A LOCAL
- 18 GOVERNMENT MEETING OCCURS; EXCEPT THAT IT IS NOT AN OFFENSE
- 19 PURSUANT TO THIS SUBSECTION (1)(l) IF THE FIREARM IS CARRIED ON THE
- 20 PROPERTY OF OR WITHIN A LEGISLATIVE BUILDING OR BUILDING IN WHICH
- 21 A LEGISLATIVE MEETING IS CONDUCTED, IN VIOLATION OF SECTION
- 22 18-12-105 (1)(c);
- 23 (m) A CORRECTIONAL FACILITY, JAIL, OR JUVENILE DETENTION
- 24 FACILITY;
- 25 (n) A PUBLIC LIBRARY, AS DEFINED IN SECTION 24-90-103,
- 26 INCLUDING ALL PROPERTY, BUILDINGS, FACILITIES, MEETING ROOMS,
- 27 SPACES USED FOR COMMUNITY PROGRAMMING, AND ADJACENT GROUNDS;

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- 1 (o) A SHELTER, RESIDENTIAL, OR PROGRAMMATIC FACILITY
2 OPERATED BY THE STATE, A LOCAL GOVERNMENT, OR CHARITABLE
3 ORGANIZATION SERVING UNHOUSED PERSONS, VICTIMS OF DOMESTIC
4 VIOLENCE, OR CHILDREN, INCLUDING CHILDREN INVOLVED IN THE
5 JUVENILE JUSTICE SYSTEM;
- 6 (p) A DAY CARE CENTER OR PRESCHOOL; AND
- 7 (q) THE CAMPUS OR PREMISES OF ANY PUBLIC OR PRIVATE
8 COMMUNITY COLLEGE, COLLEGE, OR UNIVERSITY, INCLUDING BUILDINGS,
9 CLASSROOMS, LABORATORIES, RESEARCH FACILITIES, ARTISTIC VENUES,
10 OR ATHLETIC FIELDS OR VENUES.
- 11 (2) A PERSON SHALL NOT KNOWINGLY CARRY OR POSSESS ANY
12 FIREARM, WHETHER OPENLY OR CONCEALED AND WHETHER LOADED OR
13 NOT LOADED, ON PRIVATE PROPERTY FOR WHICH THE OWNER, MANAGER,
14 LESSEE, OR OCCUPANT HAS PROHIBITED FIREARMS AND GIVEN WRITTEN OR
15 VERBAL NOTICE OF THE PROHIBITION. WRITTEN NOTICE MUST BE GIVEN BY
16 POSTING CLEAR AND CONSPICUOUS SIGNAGE AT THE ENTRANCE OF THE
17 BUILDING OR PREMISES.
- 18 (3) THIS SECTION DOES NOT APPLY TO:
- 19 (a) A FEDERAL LAW ENFORCEMENT OFFICER OR A PEACE OFFICER
20 WHEN THE OFFICER IS ENGAGED IN THE OFFICER'S OFFICIAL DUTIES;
- 21 (b) A MEMBER OF THE UNITED STATES ARMED FORCES OR
22 COLORADO NATIONAL GUARD WHEN ENGAGED IN THE LAWFUL DISCHARGE
23 OF THE MEMBER'S OFFICIAL DUTIES; AND
- 24 (c) SECURITY PERSONNEL EMPLOYED OR RETAINED BY AN ENTITY
25 THAT CONTROLS OR OPERATES A PLACE DESCRIBED IN THIS SECTION WHILE
26 ENGAGED IN THE SECURITY PERSONNEL'S OFFICIAL DUTIES.
- 27 (4) ANY PERSON WHO VIOLATES THIS SECTION IS GUILTY OF AN

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1 UNCLASSIFIED MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE
2 PUNISHED BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS;
3 EXCEPT THAT A SECOND OR SUBSEQUENT OFFENSE IS PUNISHABLE BY A
4 FINE OF NOT MORE THAN ONE THOUSAND DOLLARS.

5 (5) (a) THIS SECTION DOES NOT PROHIBIT A LOCAL GOVERNMENT
6 FROM ENACTING AN ORDINANCE, REGULATION, OR OTHER LAW PURSUANT
7 TO SECTION 18-12-214 OR 29-11.7-103 THAT PROHIBITS A PERSON FROM
8 CARRYING A FIREARM IN A SPECIFIED PLACE.

9 (b) THIS SECTION DOES NOT PROHIBIT THE OWNER, MANAGER,
10 LESSEE, OR OCCUPANT OF PRIVATE PROPERTY FROM PROHIBITING
11 CARRYING A FIREARM ON PRIVATE PROPERTY UNDER THE PERSON'S
12 CONTROL.

13 (6) AS USED IN THIS SECTION, "LOCAL GOVERNMENT" MEANS ANY
14 CITY, COUNTY, CITY AND COUNTY, SPECIAL DISTRICT, OR OTHER POLITICAL
15 SUBDIVISION OF THIS STATE, OR ANY DEPARTMENT, AGENCY, OR
16 INSTRUMENTALITY THEREOF.

17 **SECTION 3.** In Colorado Revised Statutes, 18-12-214, **amend**
18 (1)(a); and **repeal** (3)(a), (3)(b), and (3.5) as follows:

19 **18-12-214. Authority granted by permit - carrying restrictions**
20 **- local authority.** (1) (a) A permit to carry a concealed handgun
21 authorizes the permittee to carry a concealed handgun in all areas of the
22 state, except as specifically limited in this section AND IN SECTION
23 18-12-105.2. A permit does not authorize the permittee to use a handgun
24 in a manner that would violate a provision of state law.

25 (3) A permit issued pursuant to this part 2 does not authorize a
26 person to carry a concealed handgun onto the real property, or into any
27 improvements erected thereon, of a public elementary, middle, junior

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high, or high school; except that:

(a) ~~A permittee may have a handgun on the real property of the public school so long as the handgun remains in his or her vehicle and, if the permittee is not in the vehicle, the handgun is in a compartment within the vehicle and the vehicle is locked;~~

(b) ~~A permittee who is employed or retained by contract by a school district or charter school as a school security officer may carry a concealed handgun onto the real property, or into any improvement erected thereon, of a public elementary, middle, junior high, or high school while the permittee is on duty;~~

(3.5) ~~A permit issued pursuant to this part 2 does not authorize a person to carry a concealed handgun onto the real property, or into any improvements erected thereon, of a public college or university if the carrying of concealed handguns is prohibited by the governing board of the college or university.~~

SECTION 4. In Colorado Revised Statutes, 1-13-724, **amend** (1)(a)(III), (1)(b)(I), (3)(a), (3)(b), (3)(c) introductory portion, and (3)(c)(I) as follows:

1-13-724. Unlawfully carrying a firearm at a polling location or drop box - exception - legislative declaration. (1) (a) The general assembly finds and declares that:

(III) ~~Openly carried~~ Firearms in or near a polling location or drop box may intimidate, threaten, or coerce voters, affecting Coloradans' exercise of their voting rights; and

(b) The general assembly further declares that:

(I) Regulating ~~openly carried~~ firearms at polling locations and drop boxes is substantially related to the general assembly's interest in

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1 ensuring all Colorado voters have the right to vote in an environment that
2 is safe FROM GUN VIOLENCE and free from intimidation;

3 (3) (a) It is unlawful for any person to openly carry a firearm, as
4 defined in section 18-1-901 (3)(h), within any polling location, or within
5 one hundred feet of a drop box or any building in which a polling location
6 is located, as publicly posted by the designated election official, on the
7 day of any election or during the time when voting is permitted for any
8 election. The designated election official responsible for any central count
9 facility, polling location, or drop box involved in that election cycle shall
10 visibly place a sign notifying persons of the one-hundred-foot no open
11 carry zone for firearms required pursuant to this section.

12 (b) It is unlawful for any person to openly carry a firearm, as
13 defined in section 18-1-901 (3)(h), within a central count facility, or
14 within one hundred feet of any building in which a central count facility
15 is located, during any ongoing election administration activity related to
16 an active election conducted by the designated election official, as
17 publicly posted by the designated election official.

18 (c) This ~~subsection (1)~~ SUBSECTION (3) does not apply to:

19 (I) A person who openly carries a firearm that the person owns on
20 the person's private property that is within the one-hundred-foot buffer
21 zone or while traveling directly between the person's private property and
22 a place outside the one-hundred-foot buffer zone; or

23 **SECTION 5. Effective date - applicability.** This act takes effect
24 July 1, 2024, and applies to offenses committed on or after said date.

25 **SECTION 6. Safety clause.** The general assembly finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, or safety or for appropriations for

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the support and maintenance of the departments of the state and state
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