

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

**DRAFT
12.30.22**

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LLS NO. 23-0043.02 Jane Ritter x4342

HOUSE BILL

HOUSE SPONSORSHIP

Boesenecker and Epps,

SENATE SPONSORSHIP

Fields,

BILL TOPIC: "Prohibition Of Assault Weapons In CO"
DEADLINES: Finalize by: DEC 29, 2022 File by: JAN 4, 2023

A BILL FOR AN ACT

101 **CONCERNING THE "MASS SHOOTING PREVENTION ACT OF 2023".**

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 defines the term "assault weapon" and prohibits a person from possessing, manufacturing, importing, purchasing, selling, offering to sell, or transferring ownership of an assault weapon. A violation is a class 2 misdemeanor or, if the assault weapon is used in the commission of a felony or crime of violence, a class 6 felony.

A person who lawfully possessed an assault weapon on or before the effective date of the bill may continue to lawfully possess the assault weapon if the person:

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

- Has maintained continuous possession of the assault weapon and retains documentation of legal ownership prior to the effective date of the bill;
- Securely stores the assault weapon to prevent unauthorized access by any other individual; and
- Possesses the assault weapon in limited property locations and, while traveling to or from these locations, stores the unloaded assault weapon in a locked container.

The prohibition does not apply to:

- The importation of an assault weapon by a person who lawfully possessed the assault weapon prior to the effective date of the bill and can provide proof of legal ownership of the assault weapon. If the person cannot provide proof of legal ownership upon request to a peace officer, the person shall surrender the assault weapon to the peace officer. The entity that employs the peace officer shall hold the assault weapon for no more than 3 business days. If the alleged owner cannot provide valid proof of ownership prior to the fourth business day, the assault weapon is deemed illegal, applicable criminal and civil penalties apply, and entities that employ peace officers shall destroy the assault weapon after it is no longer required for criminal or civil proceedings.
- A member of the United States armed forces, a peace officer, or other government officer or agent, to the extent that such person is otherwise authorized to acquire or possess an assault weapon and does so while acting within the scope of the person's duties;
- The manufacture, sale, or transfer of an assault weapon by a licensed firearms manufacturer to any branch of the United States armed forces or to an entity that employs peace officers for use by that agency or its employees;
- The sale or transfer of an assault weapon to a licensed firearms dealer or gunsmith for the purposes of maintenance, repair, or modification, and the subsequent return of the assault weapon to the lawful owner;
- A licensed firearms dealer who possesses an assault weapon for temporary use by customers exclusively at a firing range owned and operated by such dealer, or the temporary possession of an assault weapon by customers exclusively on the premises of the firing range, provided that such conduct is not prohibited by local ordinance or other applicable law;
- Any federal, state, or local historical society, museum, or institutional collection that is open to the public, provided

- that the assault weapon is securely housed and unloaded;
- Possession or importation of an assault weapon for use exclusively in an established sport competition;
- A forensic laboratory, or any authorized agent or employee of the laboratory, for use exclusively in the course and scope of authorized activities;
- An entity that operates an armored vehicle business and an authorized employee of such entity while in the course and scope of employment;
- A licensed gun dealer who has remaining inventory of assault weapons as of July 1, 2023, and sells or transfers the remaining inventory only to a non-Colorado resident and the sale or transfer takes place out-of-state; or
- A peace officer.

The bill creates the crime of possessing, manufacturing, importing, purchasing, selling, offering to sell, or transferring ownership of rapid-fire trigger activators. A violation is a class 2 misdemeanor. If the violation occurs in the commission of a felony or crime of violence, the violation is a class 6 felony. The bill provides civil penalties for individuals and for gun show vendors and licensed firearms dealers who violate the law.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 6 to article
3 12 of title 18 as follows:

4 **PART 6**

5 **ASSAULT WEAPONS**

6 **18-12-601. Short title.** THE SHORT TITLE OF THIS PART 6 IS THE
7 "MASS SHOOTING PREVENTION ACT OF 2023".

8 **18-12-602. Legislative declaration.** (1) THE GENERAL ASSEMBLY
9 FINDS AND DECLARES THAT:

10 (a) MASS SHOOTINGS ARE AN AMERICAN EPIDEMIC THAT NO OTHER
11 INDUSTRIALIZED COUNTRY EXPERIENCES AT REMOTELY THE SAME LEVEL;

12 (b) STATISTICS SHOW THAT IN EACH OF THE YEARS 2019, 2020,
13 2021, AND 2022, THERE WAS, ON AVERAGE, MORE THAN ONE MASS

1 SHOOTING PER DAY;

2 (c) BETWEEN 2009 AND 2020, THE FIVE DEADLIEST MASS
3 SHOOTING INCIDENTS IN THE UNITED STATES ALL INVOLVED THE USE OF
4 ASSAULT WEAPONS OR HIGH-CAPACITY MAGAZINES. THESE MASS
5 SHOOTINGS OCCURRED IN LAS VEGAS, NEVADA; ORLANDO, FLORIDA;
6 NEWTOWN, CONNECTICUT; SUTHERLAND SPRINGS, TEXAS; AND EL PASO,
7 TEXAS.

8 (d) COLORADO HAS BEEN THE LOCATION OF SEVERAL MASS
9 SHOOTINGS PERPETRATED WITH AN ASSAULT WEAPON, INCLUDING
10 COLUMBINE HIGH SCHOOL, COLORADO SPRINGS PLANNED PARENTHOOD,
11 AURORA CENTURY 16 THEATER, COLORADO SPRINGS HALLOWEEN EVE,
12 BOULDER KING SOOPERS, AND COLORADO SPRINGS CLUB Q;

13 (e) ASSAULT WEAPONS AND HIGH-CAPACITY MAGAZINES WERE
14 DISPROPORTIONATELY USED IN PUBLIC MASS SHOOTINGS. OF THESE
15 SHOOTINGS WITH KNOWN WEAPON TYPES, SEVENTY-SIX PERCENT OF THOSE
16 INVOLVED AN ASSAULT WEAPON OR HIGH-CAPACITY MAGAZINE,
17 COMPARED TO FORTY-FOUR PERCENT OF THOSE THAT INVOLVED A
18 HANDGUN.

19 (f) ASSAULT WEAPONS IN CIVILIAN HANDS ENDANGER COLORADO'S
20 STREETS, STORES, RESTAURANTS, PLACES OF WORSHIP, MUSIC VENUES,
21 SCHOOLS, MOVIE THEATERS, AND COMMUNITIES AT LARGE. WITH AN
22 ASSAULT WEAPON, EVEN A FIREARMS NOVICE CAN PERPETRATE A MASS
23 CASUALTY INCIDENT.

24 (g) ASSAULT WEAPONS ARE UNIQUELY LETHAL DUE TO TACTICAL
25 FEATURES THAT ARE DESIGNED FOR THE BATTLEFIELD IN ORDER TO INJURE
26 OR KILL LARGE NUMBERS OF PEOPLE QUICKLY AND EFFICIENTLY. THESE
27 TACTICAL FEATURES DIFFERENTIATE ASSAULT WEAPONS FROM OTHER

1 FIREARMS. THESE FEATURES INCLUDE DETACHABLE MAGAZINES, BARREL
2 SHROUDS, PISTOL GRIPS, FORWARD GRIPS, AND TELESCOPING STOCKS,
3 WHICH ALLOW A SHOOTER TO EITHER CONCEAL THE WEAPON OR MAKE IT
4 EASIER TO FIRE A HIGH VOLUME OF AMMUNITION IN A SHORT PERIOD OF
5 TIME WHILE MAINTAINING ACCURACY.

6 (h) THE DESIGN, FEATURES, AND PURPOSE OF AN ASSAULT WEAPON
7 MAKE IT THE FIREARM OF CHOICE FOR MASS SHOOTERS;

8 (i) THE TYPICAL ASSAULT WEAPON BULLET LEAVES THE BARREL OF
9 THE GUN THREE TIMES FASTER THAN A TYPICAL HANDGUN BULLET AND IS
10 DESIGNED TO FRAGMENT AND TUMBLE. THE HIGH VELOCITY OF THE
11 TYPICAL ASSAULT WEAPON BULLET DAMAGES AND DESTROYS TISSUE AS
12 IT TRAVELS THROUGH THE BODY, CAUSING ORGANS TO BECOME LIQUEFIED
13 AND CAUSING CATASTROPHIC INTERNAL BLEEDING.

14 (j) AN ANALYSIS OF MASS SHOOTINGS BETWEEN 2009 TO 2018
15 SHOWS THAT IN SHOOTINGS WHEN ASSAULT WEAPONS WERE USED, SIX
16 TIMES AS MANY PEOPLE WERE SHOT COMPARED TO THOSE WITHOUT
17 ASSAULT WEAPONS;

18 (k) RESEARCH SHOWS THAT BANNING ASSAULT WEAPONS LEADS
19 TO A DROP IN MASS SHOOTINGS AND GUN MASSACRES;

20 (l) IN THE TEN YEARS THAT THE FEDERAL ASSAULT WEAPONS BAN
21 WAS IN PLACE, GUN MASSACRES DROPPED THIRTY-SEVEN PERCENT. AFTER
22 THE FEDERAL ASSAULT WEAPONS BAN EXPIRED IN 2004, GUN MASSACRES
23 SKYROCKETED BY ONE HUNDRED AND EIGHTY-THREE PERCENT.

24 (m) STATE PROHIBITIONS ON THE SALE, POSSESSION, AND
25 TRANSFER OF ASSAULT WEAPONS ARE ASSOCIATED WITH A LOWER
26 LIKELIHOOD OF A MASS SHOOTING EVENT, LOWER LIKELIHOOD OF DEATH
27 DUE TO A MASS SHOOTING EVENT, AND LOWER GUN DEATH RATES

1 OVERALL.

2 (2) THEREFORE, THE GENERAL ASSEMBLY DETERMINES THAT A
3 BAN ON KNOWINGLY POSSESSING, MANUFACTURING, IMPORTING,
4 PURCHASING, SELLING, OFFERING TO SELL, OR TRANSFERRING OWNERSHIP
5 OF AN ASSAULT WEAPON, OR KNOWINGLY CAUSING THE POSSESSION,
6 MANUFACTURE, IMPORTATION, PURCHASE, SALE, OFFER TO SELL OR
7 TRANSFER OF OWNERSHIP OF ASSAULT WEAPONS IN COLORADO IS IN THE
8 BEST INTEREST OF THE CITIZENS OF OUR STATE.

9 **18-12-603. Definitions.** AS USED IN THIS PART 6, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) (a) ".50 CALIBER RIFLE" MEANS EITHER:

12 (I) A RIFLE CAPABLE OF FIRING A CENTER-FIRE CARTRIDGE IN .50
13 BROWNING MACHINE GUN CALIBER, INCLUDING A 12.7-MILLIMETER
14 EQUIVALENT OF .50 BROWNING MACHINE GUN AND ANY OTHER METRIC
15 EQUIVALENT. AS USED IN THIS SUBSECTION (1)(a)(I), THE TERM
16 "CARTRIDGE IN .50 BROWNING MACHINE GUN CALIBER" DOES NOT INCLUDE
17 ANY MEMORABILIA OR DISPLAY ITEM THAT IS FILLED WITH A PERMANENT
18 INERT SUBSTANCE OR THAT IS OTHERWISE PERMANENTLY ALTERED IN A
19 MANNER THAT PREVENTS READY MODIFICATION FOR USE AS LIVE
20 AMMUNITION OR SHOTGUN AMMUNITION.

21 (II) A COPY OR DUPLICATE OF ANY RIFLE DESCRIBED IN
22 SUBSECTION (1)(a)(I) OF THIS SECTION IF THE RIFLE IS CAPABLE OF FIRING
23 A PROJECTILE THAT ATTAINS A MUZZLE ENERGY OF TWELVE THOUSAND
24 FOOT-POUNDS OR GREATER IN ANY COMBINATION OF BULLET,
25 PROPELLANT, CASE, OR PRIMER.

26 (b) ".50 CALIBER RIFLE" DOES NOT INCLUDE ANY ANTIQUE
27 FIREARM; ANY SHOTGUN, INCLUDING A SHOTGUN THAT HAS A RIFLE

1 BARREL; OR ANY MUZZLE-LOADER THAT USES BLACK POWDER FOR
2 HUNTING OR HISTORICAL REENACTMENTS.

3 (2) (a) "ASSAULT WEAPON", EXCEPT AS PROVIDED IN SUBSECTION
4 (2)(b) OF THIS SECTION, MEANS:

5 (I) A SEMIAUTOMATIC RIFLE THAT HAS THE CAPACITY TO ACCEPT
6 A DETACHABLE MAGAZINE, OR THAT MAY BE READILY MODIFIED TO
7 ACCEPT A DETACHABLE MAGAZINE, AND HAS ONE OR MORE OF THE
8 FOLLOWING CHARACTERISTICS:

9 (A) A PISTOL GRIP;

10 (B) ANY FEATURE CAPABLE OF FUNCTIONING AS A PROTRUDING
11 GRIP THAT CAN BE HELD BY THE NON-TRIGGER HAND;

12 (C) A FOLDING, TELESCOPING, THUMBHOLE, OR DETACHABLE
13 STOCK THAT IS OTHERWISE FOLDABLE OR ADJUSTABLE IN A MANNER THAT
14 OPERATES TO REDUCE THE LENGTH, SIZE, OR ANY OTHER DIMENSION, OR
15 OTHERWISE ENHANCES THE ABILITY TO CONCEAL THE WEAPON;

16 (D) A FLASH SUPPRESSOR;

17 (E) A FUNCTIONAL GRENADE LAUNCHER;

18 (F) A SHROUD ATTACHED TO THE BARREL, OR THAT PARTIALLY OR
19 COMPLETELY ENCIRCLES THE BARREL, ALLOWING THE BEARER TO HOLD
20 THE FIREARM WITH THE NON-TRIGGER HAND WITHOUT BEING BURNED, BUT
21 EXCLUDING A SLIDE THAT ENCLOSURES THE BARREL; OR

22 (G) A THREADED BARREL;

23 (II) A SEMIAUTOMATIC RIFLE THAT HAS A FIXED LARGE-CAPACITY
24 MAGAZINE, AS DEFINED IN SECTION 18-12-301;

25 (III) A .50 CALIBER RIFLE;

26 (IV) A SEMIAUTOMATIC PISTOL THAT HAS THE CAPACITY TO
27 ACCEPT A DETACHABLE MAGAZINE, OR THAT MAY BE READILY MODIFIED

1 TO ACCEPT A DETACHABLE MAGAZINE, IF THE SEMIAUTOMATIC PISTOL HAS
2 ONE OR MORE OF THE FOLLOWING FEATURES:

3 (A) A THREADED BARREL;

4 (B) A SECOND PISTOL GRIP OR ADDITIONAL FEATURE CAPABLE OF
5 FUNCTIONING AS A PROTRUDING GRIP THAT CAN BE HELD BY THE
6 NON-TRIGGER HAND;

7 (C) A SHROUD ATTACHED TO THE BARREL, OR THAT PARTIALLY OR
8 COMPLETELY ENCIRCLES THE BARREL, ALLOWING THE BEARER TO HOLD
9 THE FIREARM WITH THE NON-TRIGGER HAND WITHOUT BEING BURNED, BUT
10 EXCLUDING A SLIDE THAT ENCLOSSES THE BARREL;

11 (D) A FLASH SUPPRESSOR;

12 (E) THE CAPACITY TO ACCEPT A DETACHABLE
13 AMMUNITION-FEEDING DEVICE AT SOME LOCATION OUTSIDE OF THE PISTOL
14 GRIP;

15 (F) A MANUFACTURED WEIGHT OF FIFTY OUNCES OR MORE WHEN
16 UNLOADED; OR

17 (G) A BUFFER TUBE, ARM BRACE, OR OTHER PART THAT
18 PROTRUDES HORIZONTALLY BEHIND THE PISTOL GRIP;

19 (V) A SEMIAUTOMATIC PISTOL THAT HAS A FIXED
20 LARGE-CAPACITY MAGAZINE, AS DEFINED IN SECTION 18-12-301;

21 (VI) A SHOTGUN WITH A REVOLVING CYLINDER;

22 (VII) A SEMIAUTOMATIC SHOTGUN THAT HAS ONE OR MORE OF THE
23 FOLLOWING FEATURES:

24 (A) A PISTOL GRIP;

25 (B) ANY FEATURE CAPABLE OF FUNCTIONING AS A PROTRUDING
26 GRIP THAT CAN BE HELD BY THE NON-TRIGGER HAND;

27 (C) A FOLDING, TELESCOPING, OR THUMBHOLE STOCK;

- 1 (D) A FUNCTIONAL GRENADE LAUNCHER;
- 2 (E) A FIXED LARGE-CAPACITY MAGAZINE, AS DEFINED IN SECTION
- 3 18-12-301; OR
- 4 (F) THE CAPACITY TO ACCEPT A DETACHABLE MAGAZINE;
- 5 (VIII) A SEMIAUTOMATIC FIREARM THAT HAS THE CAPACITY TO
- 6 ACCEPT A BELT AMMUNITION FEEDING DEVICE;
- 7 (IX) A SEMIAUTOMATIC FIREARM THAT HAS BEEN MODIFIED TO BE
- 8 OPERABLE AS AN ASSAULT WEAPON AS DEFINED IN THIS SUBSECTION (2);
- 9 OR
- 10 (X) ANY PART OR COMBINATION OF PARTS DESIGNED OR INTENDED
- 11 TO CONVERT A FIREARM INTO AN ASSAULT WEAPON AS DEFINED IN THIS
- 12 SUBSECTION (2), INCLUDING A RAPID-FIRE TRIGGER ACTIVATOR OR ANY
- 13 COMBINATION OF PARTS FROM WHICH AN ASSAULT WEAPON MAY BE
- 14 READILY ASSEMBLED IF THOSE PARTS ARE IN THE POSSESSION OR UNDER
- 15 THE CONTROL OF THE SAME PERSON.
- 16 (b) "ASSAULT WEAPON" DOES NOT INCLUDE ANY FIREARM THAT
- 17 HAS BEEN MADE PERMANENTLY INOPERABLE; AN ANTIQUE FIREARM
- 18 MANUFACTURED BEFORE 1899; A REPLICA OF AN ANTIQUE FIREARM; A
- 19 FIREARM THAT IS MANUALLY OPERATED BY BOLT, PUMP, LEVER, SLIDE
- 20 ACTION, UNLESS THE FIREARM IS A SHOTGUN WITH A REVOLVING
- 21 CYLINDER; OR A FIREARM THAT CAN ONLY FIRE RIMFIRE AMMUNITION.
- 22 (3) "DETACHABLE MAGAZINE" MEANS AN AMMUNITION-FEEDING
- 23 DEVICE THAT MAY BE REMOVED FROM A FIREARM WITHOUT DISASSEMBLY
- 24 OF THE FIREARM ACTION, INCLUDING AN AMMUNITION-FEEDING DEVICE
- 25 THAT MAY BE READILY REMOVED FROM A FIREARM WITH THE USE OF A
- 26 BULLET, CARTRIDGE, ACCESSORY, OR OTHER TOOL, OR ANY OTHER OBJECT
- 27 THAT FUNCTIONS AS A TOOL.

1 (4) "FIREARM" HAS THE SAME MEANING AS SET FORTH IN SECTION
2 18-1-901.

3 (5) "FIXED MAGAZINE" MEANS AN AMMUNITION-FEEDING DEVICE
4 THAT IS PERMANENTLY ATTACHED TO A FIREARM, OR CONTAINED IN AND
5 NOT REMOVABLE FROM A FIREARM, OR THAT IS OTHERWISE NOT A
6 DETACHABLE MAGAZINE. "FIXED MAGAZINE" DOES NOT INCLUDE AN
7 ATTACHED TUBULAR DEVICE DESIGNED TO ACCEPT, AND CAPABLE OF
8 OPERATING ONLY WITH, .22 CALIBER RIMFIRE AMMUNITION.

9 (6) "GUN SHOW VENDOR" MEANS ANY PERSON WHO EXHIBITS,
10 SELLS, OFFERS FOR SALE, TRANSFERS, OR EXCHANGES ANY FIREARM,
11 INCLUDING AN ASSAULT WEAPON, AT A GUN SHOW, REGARDLESS OF
12 WHETHER THE PERSON ARRANGES WITH A GUN SHOW PROMOTER FOR A
13 FIXED LOCATION FROM WHICH TO EXHIBIT, SELL, OFFER FOR SALE,
14 TRANSFER, OR EXCHANGE ANY FIREARM, INCLUDING AN ASSAULT WEAPON.

15 (7) "LICENSED GUN DEALER" OR "LICENSED FIREARMS DEALER"
16 MEANS ANY PERSON WHO IS A LICENSED IMPORTER, LICENSED
17 MANUFACTURER, OR DEALER WHO IS LICENSED PURSUANT TO 18 U.S.C.
18 SEC. 923, AS AMENDED, AS A FEDERALLY LICENSED FIREARMS DEALER.

19 (8) "PEACE OFFICER" HAS THE SAME MEANING AS SET FORTH IN
20 SECTION 16-2.5-101.

21 (9) "RAPID-FIRE TRIGGER ACTIVATOR" MEANS:

22 (a) ANY MANUAL, POWER-DRIVEN, OR ELECTRONIC DEVICE THAT
23 IS DESIGNED AND FUNCTIONS TO INCREASE THE RATE OF FIRE OF A
24 SEMI-AUTOMATIC FIREARM WHEN THE DEVICE IS ATTACHED TO THE
25 FIREARM;

26 (b) ANY PART OF A SEMI-AUTOMATIC FIREARM OR COMBINATION OF
27 PARTS THAT IS DESIGNED AND FUNCTIONS TO INCREASE THE RATE OF FIRE

1 OF A SEMIAUTOMATIC FIREARM BY ELIMINATING THE NEED FOR THE
2 OPERATOR OF THE FIREARM TO MAKE A SEPARATE MOVEMENT FOR EACH
3 INDIVIDUAL FUNCTION OF THE TRIGGER; OR

4 (c) ANY OTHER DEVICE, PART, OR COMBINATION OF PARTS THAT IS
5 DESIGNED AND FUNCTIONS TO SUBSTANTIALLY INCREASE THE RATE OF
6 FIRE OF A SEMIAUTOMATIC FIREARM ABOVE THE STANDARD RATE OF FIRE
7 FOR A SEMIAUTOMATIC FIREARM THAT IS NOT EQUIPPED WITH THAT
8 DEVICE, PART, OR COMBINATION OF PARTS.

9 **18-12-604. Unlawful possession, manufacture, import,**
10 **purchase, sale, and transfer of ownership of assault weapons**
11 **prohibited - exemptions.** (1) EXCEPT AS OTHERWISE PROVIDED IN
12 SUBSECTIONS (2) AND (3) OF THIS SECTION, A PERSON COMMITS THE CRIME
13 OF UNLAWFULLY POSSESSING, MANUFACTURING, IMPORTING, PURCHASING,
14 SELLING, OR TRANSFERRING OWNERSHIP OF AN ASSAULT WEAPON IF THE
15 PERSON KNOWINGLY POSSESSES, MANUFACTURES, IMPORTS, PURCHASES,
16 SELLS, OFFERS TO SELL, OR TRANSFERS OWNERSHIP OF, OR KNOWINGLY
17 CAUSES THE POSSESSION, MANUFACTURE, IMPORTATION, PURCHASE, SALE,
18 OR TRANSFER OF OWNERSHIP OF, AN ASSAULT WEAPON.

19 (2) A PERSON WHO LAWFULLY POSSESSED AN ASSAULT WEAPON
20 BEFORE THE EFFECTIVE DATE OF THIS SECTION MAY CONTINUE TO
21 LAWFULLY POSSESS THE ASSAULT WEAPON IF THE PERSON:

22 (a) HAS MAINTAINED CONTINUOUS POSSESSION OF THE ASSAULT
23 WEAPON AFTER THE EFFECTIVE DATE OF THIS SECTION AND RETAINS
24 DOCUMENTATION CONSIDERED SUFFICIENT TO VERIFY THAT THE PERSON
25 LAWFULLY OWNED THE ASSAULT WEAPON BEFORE THE EFFECTIVE DATE OF
26 THIS SECTION. DOCUMENTATION THAT A PERSON MAY USE TO PROVE
27 OWNERSHIP INCLUDES, BUT IS NOT LIMITED TO, A RECEIPT OF PURCHASE,

1 BILL OF SALE, PROOF OF LEGAL FIREARM TRANSFER, CREDIT CARD
2 STATEMENT, OR A COPY OF THE FORM PROVIDED TO A LICENSED GUN
3 DEALER BY THE UNITED STATES BUREAU OF ALCOHOL, TOBACCO,
4 FIREARMS, AND EXPLOSIVES THAT IS FILLED OUT AT THE TIME OF
5 PURCHASE AND RETAINED BY THE LICENSED GUN DEALER FOR AT LEAST
6 TWENTY YEARS FOLLOWING PURCHASE OF A FIREARM. A PERSON MAY
7 REQUEST A COPY OF SUCH FORM FROM THE LICENSED GUN DEALER AS
8 PROOF OF OWNERSHIP. PROOF OF OWNERSHIP IS AN AFFIRMATIVE DEFENSE
9 TO A CHARGE PURSUANT TO THIS SECTION.

10 (b) SECURELY STORES THE ASSAULT WEAPON TO PREVENT
11 UNAUTHORIZED ACCESS BY ANY OTHER INDIVIDUAL WHEN THE ASSAULT
12 WEAPON IS NOT UNDER THE PERSON'S IMMEDIATE CONTROL OR
13 POSSESSION; AND

14 (c) POSSESSES THE ASSAULT WEAPON ONLY:

15 (I) ON PRIVATE PROPERTY OWNED OR IMMEDIATELY CONTROLLED
16 BY THE PERSON;

17 (II) ON PRIVATE PROPERTY THAT IS NOT OPEN TO THE PUBLIC, WITH
18 THE EXPRESS PERMISSION OF THE PERSON WHO OWNS OR IMMEDIATELY
19 CONTROLS THE PROPERTY;

20 (III) WHILE ON THE PREMISES OF A LICENSED GUN DEALER OR
21 GUNSMITH FOR THE PURPOSE OF LAWFUL REPAIR;

22 (IV) WHILE ENGAGED IN THE LEGAL USE OF THE ASSAULT WEAPON
23 AT A PROPERLY LICENSED FIRING RANGE OR SPORT SHOOTING
24 COMPETITION VENUE;

25 (V) UNDER OTHER CIRCUMSTANCES AUTHORIZED PURSUANT TO
26 SUBSECTION (3) OF THIS SECTION; OR

27 (VI) WHILE TRAVELING TO OR FROM THE LOCATIONS SPECIFIED IN

1 THIS SUBSECTION (2)(c), PROVIDED THAT THE ASSAULT WEAPON IS STORED
2 UNLOADED IN A LOCKED CONTAINER DURING TRANSPORT. FOR THE
3 PURPOSES OF THIS SUBSECTION (2)(c)(VI), THE TERM "LOCKED
4 CONTAINER" DOES NOT INCLUDE THE UTILITY COMPARTMENT, GLOVE
5 COMPARTMENT, OR TRUNK OF A MOTOR VEHICLE.

6 (3) THE PROHIBITION DESCRIBED IN THIS SECTION DOES NOT APPLY
7 TO:

8 (a) A PERSON WHO CAN PROVIDE, UPON REQUEST, PROOF OF LEGAL
9 OWNERSHIP OF THE ASSAULT WEAPON PRIOR TO THE EFFECTIVE DATE OF
10 THIS SECTION. IF PROOF OF OWNERSHIP CANNOT BE PROVIDED UPON
11 REQUEST TO A PEACE OFFICER, THE PERSON SHALL SURRENDER THE
12 ASSAULT WEAPON TO THE PEACE OFFICER. THE ENTITY THAT EMPLOYS THE
13 PEACE OFFICER SHALL HOLD THE ASSAULT WEAPON FOR NO MORE THAN
14 THREE BUSINESS DAYS. IF THE ALLEGED OWNER CANNOT PROVIDE VALID
15 PROOF OF OWNERSHIP PRIOR TO THE FOURTH BUSINESS DAY, POSSESSION
16 OF THE ASSAULT WEAPON IS DEEMED ILLEGAL, AND APPLICABLE CRIMINAL
17 AND CIVIL PENALTIES APPLY PURSUANT TO THIS SECTION. THE ENTITY
18 THAT EMPLOYS THE PEACE OFFICER SHALL DESTROY THE ASSAULT
19 WEAPON AFTER IT IS NO LONGER REQUIRED FOR CRIMINAL OR CIVIL
20 PROCEEDINGS. IF THE ENTITY THAT EMPLOYS THE PEACE OFFICER
21 INVOLVED LACKS THE SPACE OR FACILITIES TO STORE AND DESTROY THE
22 ASSAULT WEAPON, THE ENTITY SHALL TRANSPORT THE ASSAULT WEAPON
23 TO THE NEAREST SHERIFF OR STATE PUBLIC SAFETY OFFICE THAT HAS THE
24 SPACE AND FACILITIES TO STORE AND DESTROY THE ASSAULT WEAPON.

25 (b) A MEMBER OF THE UNITED STATES ARMED FORCES, TO THE
26 EXTENT THAT SUCH PERSON IS OTHERWISE AUTHORIZED TO ACQUIRE OR
27 POSSESS AN ASSAULT WEAPON AND DOES SO WHILE ACTING WITHIN THE

1 SCOPE OF THE PERSON'S DUTIES;

2 (c) THE MANUFACTURE, SALE, OR TRANSFER OF AN ASSAULT
3 WEAPON BY A LICENSED FIREARMS MANUFACTURER TO ANY BRANCH OF
4 THE UNITED STATES ARMED FORCES OR TO AN ENTITY THAT EMPLOYS
5 PEACE OFFICERS FOR USE BY THAT AGENCY OR ITS EMPLOYEES;

6 (d) THE TRANSFER OF AN ASSAULT WEAPON TO A LICENSED
7 FIREARMS DEALER OR GUNSMITH FOR THE PURPOSES OF MAINTENANCE,
8 REPAIR, OR MODIFICATION, AND THE SUBSEQUENT RETURN OF THE
9 ASSAULT WEAPON TO THE LAWFUL OWNER;

10 (e) A LICENSED FIREARMS DEALER WHO POSSESSES AN ASSAULT
11 WEAPON FOR TEMPORARY USE BY CUSTOMERS EXCLUSIVELY AT A FIRING
12 RANGE OWNED AND OPERATED BY THE DEALER, OR THE TEMPORARY
13 POSSESSION OF AN ASSAULT WEAPON BY CUSTOMERS EXCLUSIVELY ON THE
14 PREMISES OF THE FIRING RANGE, PROVIDED THAT THE CONDUCT IS NOT
15 PROHIBITED BY LOCAL ORDINANCE OR OTHER APPLICABLE LAW;

16 (f) ANY FEDERAL, STATE, OR LOCAL HISTORICAL SOCIETY,
17 MUSEUM, OR INSTITUTIONAL COLLECTION THAT IS OPEN TO THE PUBLIC,
18 PROVIDED THAT THE ASSAULT WEAPON IS SECURELY HOUSED AND
19 UNLOADED;

20 (g) POSSESSION, IN COMPLIANCE WITH SUBSECTIONS (2)(b) AND
21 (2)(c)(IV) OF THIS SECTION, OR IMPORTATION OF AN ASSAULT WEAPON FOR
22 USE EXCLUSIVELY IN AN ESTABLISHED SPORT COMPETITION;

23 (h) A FORENSIC LABORATORY, OR ANY AUTHORIZED AGENT OR
24 EMPLOYEE OF THE LABORATORY, FOR USE EXCLUSIVELY IN THE COURSE
25 AND SCOPE OF AUTHORIZED ACTIVITIES;

26 (i) AN ENTITY THAT OPERATES AN ARMORED VEHICLE BUSINESS
27 AND AN AUTHORIZED EMPLOYEE OF SUCH ENTITY WHILE IN THE COURSE

1 AND SCOPE OF EMPLOYMENT;

2 (j) A LICENSED GUN DEALER WHO HAS REMAINING INVENTORY OF
3 ASSAULT WEAPONS ON OR AFTER JULY 1, 2023, AND SELLS OR TRANSFERS
4 THE REMAINING INVENTORY ONLY TO A NON-COLORADO RESIDENT AND
5 THE SALE OR TRANSFER TAKES PLACE OUT-OF-STATE. A SALE OR
6 TRANSFER OF INVENTORY REMAINING ON OR AFTER JULY 1, 2023, TO A
7 COLORADO RESIDENT OR IN THIS STATE IS A VIOLATION OF THIS SECTION.

8 (k) A PEACE OFFICER.

9 **18-12-605. Penalties - criminal - civil.** (1) (a) EXCEPT AS
10 DESCRIBED IN SUBSECTIONS (1)(b) AND (3) OF THIS SECTION, A PERSON
11 WHO VIOLATES SECTION 18-12-604 ON OR AFTER JANUARY 1, 2024,
12 COMMITS A CLASS 2 MISDEMEANOR.

13 (b) A PERSON WHO VIOLATES SECTION 18-12-604 ON OR AFTER
14 JULY 1, 2023, COMMITS A CLASS 6 FELONY IF THE PERSON POSSESSED AND
15 USED AN ASSAULT WEAPON DURING THE COMMISSION OF A FELONY OR ANY
16 CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406.

17 (2) IN ADDITION TO THE CRIMINAL PENALTIES DESCRIBED IN
18 SUBSECTION (1) OF THIS SECTION, A PERSON WHO VIOLATES SECTION
19 18-12-604 SHALL BE ASSESSED A CIVIL PENALTY AS FOLLOWS:

20 (a) FOR VIOLATIONS OCCURRING BETWEEN JULY 1, 2023, AND
21 DECEMBER 31, 2024, THE PERSON SHALL BE ASSESSED A ONE THOUSAND
22 DOLLAR CIVIL PENALTY FOR EACH VIOLATION; AND

23 (b) FOR VIOLATIONS OCCURRING ON OR AFTER JANUARY 1, 2025,
24 THE PERSON SHALL BE ASSESSED A FIVE THOUSAND DOLLAR CIVIL
25 PENALTY FOR EACH VIOLATION.

26 (3) (a) IF A PERSON IS IN POSSESSION OF MULTIPLE ASSAULT
27 WEAPONS IN VIOLATION OF SECTION 18-12-604, ANY APPLICABLE

1 CRIMINAL PENALTIES ARE EFFECTIVE ON OR AFTER JULY 1, 2023.

2 (b) A LICENSED GUN DEALER, LICENSED FIREARMS DEALER, GUN
3 SHOW VENDOR, OR PERSON ATTEMPTING TO SELL AN ASSAULT WEAPON ON
4 OR AFTER JULY 1, 2023, SHALL BE ASSESSED A CIVIL PENALTY IN THE
5 AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS FOR THE FIRST
6 ASSAULT WEAPON SOLD IN VIOLATION OF SECTION 18-12-604 AND FIVE
7 HUNDRED THOUSAND DOLLARS FOR EACH SUBSEQUENT VIOLATION.

8 **SECTION 2.** In Colorado Revised Statutes, 18-12-108.7, **amend**
9 (3) as follows:

10 **18-12-108.7. Unlawfully providing or permitting a juvenile to**
11 **possess a handgun - penalty - unlawfully providing a firearm other**
12 **than a handgun to a juvenile - penalty.** (3) With regard to firearms
13 other than handguns, ~~no~~ INCLUDING ASSAULT WEAPONS, AS DEFINED IN
14 SECTION 18-12-603, A person shall NOT sell, rent, or transfer ownership
15 or allow unsupervised possession of a firearm, INCLUDING AN ASSAULT
16 WEAPON AS PROHIBITED PURSUANT TO PART 6 OF THIS ARTICLE 12, with
17 or without remuneration to any juvenile without the consent of the
18 juvenile's parent or legal guardian. Unlawfully providing a firearm,
19 INCLUDING AN ASSAULT WEAPON, AS DEFINED IN SECTION 18-12-603, other
20 than a handgun to a juvenile in violation of this subsection (3) is a class
21 1 misdemeanor.

22 **SECTION 3. Effective date.** This act takes effect upon passage.

23 **SECTION 4. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.