



Colorado
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MEMORANDUM

August 14, 2012

TO: Interested Persons

FROM: Jessika Shipley, Senior Analyst, 303-866-3528

SUBJECT: Colorado Gun Laws and the Right to Deny Firearms on Private Property

This memorandum discusses the right to carry a firearm openly and concealed under Colorado law. It provides information about the locations in the state where individuals may and may not possess a firearm, including public buildings, in a vehicle, and on college campuses. Finally, it explains how a private landowner or business owner may go about prohibiting firearms on his or her property.

Open Carry

State and local law. Colorado has no statutory definition of the term "open carry." Article II, Section 13, of the Colorado Constitution states:

The right of no person to keep and bear arms in defense of his home, person, and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

In general, this means that firearms may be carried openly; however, the General Assembly has implemented some limitations. Local governments are prohibited by state law from enacting an ordinance, regulation, or other law that prohibits the legal sale, purchase, or possession of a firearm.¹ However, local governments may enact an ordinance, regulation, or other law that prohibits open carrying of a firearm in a building or specific area within the local government's jurisdiction. If such an ordinance, regulation, or law is enacted, the local government is required to post a notice at the public entrances to the building or area.² The cities of Castle Rock and Pueblo, among others, have municipal ordinances banning the open carrying of firearms in most city-owned buildings, parks, recreation areas, or other property upon which a notice is posted.

¹Section 29-11.7-103, C.R.S.

²Section 29-11.7-104, C.R.S.

Firearms in vehicles. Individuals are permitted by state law to carry weapons in private vehicles for the purpose of hunting and lawful protection of people and property while traveling in and through the state. Local governments may not enact or enforce a law or ordinance to the contrary.³

City and County of Denver. In 2006, the Colorado Supreme Court ruled that the state's preemption of local firearms laws violated the City and County of Denver's authority as a home rule city. Because of the successful challenge to the state's preemption law, Denver is able to ban open carrying of firearms within city limits.⁴

Concealed Carry

Concealed carry permits. In order to clarify and bring consistency to existing laws related to the carrying of concealed weapons, the General Assembly passed Senate Bill 03-024 in 2003. The law states that the permitting and carrying of concealed handguns is a matter of statewide concern, and it is necessary to provide statewide uniform standards for issuing permits to carry concealed handguns for self defense. It established the following:

- criteria for obtaining a permit;
- permit contents, validity, and carrying requirements;
- permit application procedures;
- requirements related to the issuance or denial of a permit by a sheriff;
- procedures for judicial review of a permit denial, suspension, or revocation;
- responsibilities of the Colorado Bureau of Investigation (CBI) related to permits;
- emergency permit issuance criteria;
- permit maintenance requirements;
- procedures for renewal of permits; and
- information related to exemptions, reciprocity, authority granted by a permit, carrying restrictions, and immunity from civil damages.

Carrying restrictions. The law authorizes a permit holder to carry a concealed handgun in all areas of the state except those expressly prohibited. Those places are:

- anywhere the carrying of a firearm is prohibited by federal law (e.g., federal courthouses and other federally owned facilities);
- public elementary, middle, or high schools;⁵ and
- public buildings with permanent security personnel and electronic weapons screening stations at each public entrance (e.g., state courthouses and the State Capitol Building).

³Section 18-12-105.6 (2)(b), C.R.S.

⁴Section 38-117 (b), Denver Municipal Code

⁵A permittee may have a handgun on public school property if the handgun remains in a compartment in his or her locked vehicle. Also, permittees who are employed as school security officers may carry a concealed handgun on public school property.

Public colleges and universities. The Colorado Supreme Court ruled in 2012 that a University of Colorado systemwide ban on concealed handguns overstepped the university regents' authority.⁶ As such, the university and 30 other public institutions of higher learning in the state are required to allow the carrying of concealed handguns by valid permit holders.

Private Prohibitions

Private educational institutions, private property owners, private tenants, private employers, and private business entities may choose to allow or prohibit open carry or concealed handguns as they see fit. In order to avoid confusion, posting a notice is recommended. Even without a posted notice; however, a private business or landowner can ask an individual to leave his or her property at any time. If the individual refuses, he or she may be charged with third degree criminal trespass, which can be a class 1 petty offense, a class 3 misdemeanor, or a class 5 felony, depending on the circumstances.

⁶*Regents of the University of Colorado v. Students for Concealed Carry on Campus, LLC*, 271 P.3d 496 (Colo. 2012)