

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0020.01 Conrad Imel x2313

HOUSE BILL 21-1106

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House Committees

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Judiciary

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO SECURE FIREARMS TO PREVENT USE BY**
102 **PERSONS NOT LAWFULLY PERMITTED TO POSSESS FIREARMS.**

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 requires that firearms be responsibly and securely stored when they are not in use to prevent access by unsupervised juveniles and other unauthorized users. The bill creates the offense of unlawful storage of a firearm if a person stores a firearm in a manner that the person knows, or should know:

- That a juvenile can gain access to the firearm without the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
3rd Reading Unamended
April 12, 2021

SENATE
2nd Reading Unamended
April 9, 2021

HOUSE
3rd Reading Unamended
March 9, 2021

HOUSE
Amended 2nd Reading
March 8, 2021

- permission of the juvenile's parent or guardian; or
● A resident of the premises is ineligible to possess a firearm under state or federal law.

Unlawful storage of a firearm is a class 2 misdemeanor.

The bill requires licensed gun dealers to provide with each firearm, at the time of a firearm sale or transfer, a locking device capable of securing the firearm. Transferring a firearm without a locking device is an unclassified misdemeanor punishable by a maximum \$500 fine.

The bill requires the state court administrator to annually report to the general assembly about the number of charges related to unsafe firearms storage and the disposition of those charges.

The bill requires the office of suicide prevention within the department of public health and environment (department) to include on its website, and in materials provided to firearms-related businesses and health care providers, information about the offense of unlawful storage of a firearm, penalties for providing a handgun to a juvenile or allowing a juvenile to possess a firearm, and the requirement that gun dealers provide a locking device with each firearm transferred. Subject to available money, the department is required to develop and implement a firearms safe storage education campaign to educate the public about the safe storage of firearms and state requirements related to firearms safety and storage.

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

2 **SECTION 1. Short title.** The short title of this act is the
3 "Promoting Child Safety Through Responsible Firearm Storage Act".

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

6 (a) Responsibly and securely storing firearms reduces firearm
7 fatalities among youth and decreases the likelihood of incidents resulting
8 in harm to children, including school shootings, youth suicides, and other
9 violent tragedies; and

10 (b) Promoting safe and responsible firearm storage practices
11 furthers the goal of protecting children and communities from
12 interpersonal violence, unintentional shootings, and self-harm.

13 **SECTION 3.** In Colorado Revised Statutes, 18-12-101, **add**

1 (1)(f.5) and (1)(g.5) as follows:

2 **18-12-101. Peace officer affirmative defense - definitions.**

3 (1) As used in this article 12, unless the context otherwise requires:

4 (f.5) "LOCKING DEVICE" MEANS A DEVICE THAT PROHIBITS THE
5 OPERATION OR DISCHARGE OF A FIREARM AND THAT CAN ONLY BE
6 DISABLED WITH THE USE OF A KEY, COMBINATION, OR BIOMETRIC DATA.

7 (g.5) "PERSONALIZED FIREARM" MEANS A FIREARM THAT HAS, AS
8 PART OF ITS ORIGINAL MANUFACTURE, INCORPORATED DESIGN
9 TECHNOLOGY THAT ALLOWS THE FIREARM TO BE FIRED ONLY BY THE
10 AUTHORIZED USER AND PREVENTS ANY OF THE SAFETY CHARACTERISTICS
11 OF THE FIREARM FROM BEING READILY DEACTIVATED BY ANYONE OTHER
12 THAN THE AUTHORIZED USER. THE TECHNOLOGY LIMITING THE FIREARM'S
13 OPERATIONAL USE MAY INCLUDE, BUT IS NOT LIMITED TO, FINGERPRINT
14 VERIFICATION, MAGNETIC ENCODING, RADIO FREQUENCY TAGGING, AND
15 OTHER AUTOMATIC USER IDENTIFICATION SYSTEMS UTILIZING BIOMETRIC,
16 MECHANICAL, OR ELECTRONIC SYSTEMS.

17 **SECTION 4.** In Colorado Revised Statutes, **add** 18-12-113 as
18 follows:

19 **18-12-113. Secure firearm storage required - penalty -**
20 **exceptions.** (1) FIREARMS MUST BE RESPONSIBLY AND SECURELY STORED
21 WHEN THEY ARE NOT IN USE TO PREVENT ACCESS BY UNSUPERVISED
22 JUVENILES AND OTHER UNAUTHORIZED USERS. A PERSON RESPONSIBLY
23 AND SECURELY STORES A FIREARM WHEN:

24 (a) THE PERSON CARRIES THE FIREARM ON HIS OR HER PERSON OR
25 WITHIN SUCH CLOSE PROXIMITY THERETO THAT THE PERSON CAN READILY
26 RETRIEVE AND USE THE FIREARM AS IF THE PERSON CARRIED THE FIREARM
27 ON HIS OR HER PERSON;

1 (b) THE FIREARM IS KEPT IN A LOCKED GUN SAFE OR OTHER SECURE
2 CONTAINER OR IN A MANNER THAT A REASONABLE PERSON WOULD
3 BELIEVE TO BE SECURE AND A JUVENILE OR RESIDENT OF THE PREMISES
4 WHO IS INELIGIBLE TO POSSESS A FIREARM DOES NOT HAVE ACCESS TO THE
5 KEY, COMBINATION, OR OTHER UNLOCKING MECHANISM NECESSARY TO
6 OPEN THE SAFE OR CONTAINER;

7 (c) THE PERSON PROPERLY INSTALLS A LOCKING DEVICE ON THE
8 FIREARM AND A JUVENILE OR RESIDENT OF THE PREMISES WHO IS
9 INELIGIBLE TO POSSESS A FIREARM DOES NOT HAVE ACCESS TO THE KEY,
10 COMBINATION, OR OTHER UNLOCKING MECHANISM NECESSARY TO REMOVE
11 THE LOCKING DEVICE; OR

12 (d) THE FIREARM IS A PERSONALIZED FIREARM AND THE SAFETY
13 CHARACTERISTICS OF THE FIREARM ARE ACTIVATED.

14 (2) (a) A PERSON COMMITS UNLAWFUL STORAGE OF A FIREARM
15 WHEN THE PERSON FAILS TO RESPONSIBLY AND SECURELY STORE A
16 FIREARM, AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, UPON ANY
17 PREMISES THAT THE PERSON OWNS OR CONTROLS AND THE PERSON KNOWS
18 OR REASONABLY SHOULD KNOW THAT:

19 (I) A JUVENILE CAN GAIN ACCESS TO THE FIREARM WITHOUT THE
20 PERMISSION OF THE JUVENILE'S PARENT OR GUARDIAN; OR

21 (II) A RESIDENT OF THE PREMISES IS INELIGIBLE TO POSSESS A
22 FIREARM PURSUANT TO STATE OR FEDERAL LAW.

23 (b) UNLAWFUL STORAGE OF A FIREARM IS A CLASS 2
24 MISDEMEANOR.

25 (c) IT IS AN AFFIRMATIVE DEFENSE TO THE OFFENSE OF UNLAWFUL
26 STORAGE OF A FIREARM THAT A JUVENILE GAINED POSSESSION OF, AND
27 USED, THE FIREARM FOR THE PURPOSE OF EXERCISING THE RIGHTS

1 CONTAINED IN SECTION 18-1-704 OR 18-1-704.5 OR IN DEFENSE OF
2 LIVESTOCK.

3 (3) THIS SECTION DOES NOT APPLY TO STORING AN ANTIQUE
4 FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16), AS AMENDED, OR A
5 CURIO OR RELIC, AS DEFINED IN 27 CFR 478.11, AS AMENDED.

6 **SECTION 5.** In Colorado Revised Statutes, **add** 18-12-405 as
7 follows:

8 **18-12-405. Locking device required - penalty.** (1) (a) EVERY
9 LICENSED GUN DEALER, AS DEFINED IN SECTION 18-12-506, SHALL
10 PROVIDE WITH EACH FIREARM SOLD OR OTHERWISE TRANSFERRED A
11 LOCKING DEVICE CAPABLE OF SECURING THE FIREARM.

12 (b) THIS SUBSECTION (1) DOES NOT APPLY TO THE TRANSFER OF AN
13 ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16), AS
14 AMENDED, OR A CURIO OR RELIC, AS DEFINED IN 27 CFR 478.11, AS
15 AMENDED.

16 (2) EVERY LICENSED GUN DEALER SHALL POST, IN A CONSPICUOUS
17 LOCATION ON ITS PREMISES AND AT ANY OTHER LOCATION AT WHICH THE
18 DEALER SELLS A FIREARM, EITHER THE NOTICE DEVELOPED AS PART OF THE
19 FIREARMS SAFE STORAGE EDUCATION CAMPAIGN DESCRIBED IN SECTION
20 25-1-131 (2) OR THE FOLLOWING NOTICE, IN WRITING, ON A PRINTED CARD,
21 WITH EACH LETTER AT A MINIMUM OF ONE INCH IN HEIGHT:

22 NOTICE

23 UNLAWFUL STORAGE OF A FIREARM MAY RESULT IN
24 IMPRISONMENT OR FINE.

25 (3) A LICENSED GUN DEALER THAT VIOLATES THIS SECTION IS
26 GUILTY OF AN UNCLASSIFIED MISDEMEANOR PUNISHABLE BY A FINE OF NOT
27 MORE THAN FIVE HUNDRED DOLLARS.

1 **SECTION 6.** In Colorado Revised Statutes, 13-3-101, **add** (16)
2 as follows:

3 **13-3-101. State court administrator - report - definitions -**
4 **repeal.** (16) (a) ON OR BEFORE JULY 31, 2022, AND ON OR BEFORE EACH
5 JULY 31 THEREAFTER, THE STATE COURT ADMINISTRATOR SHALL SUBMIT
6 A REPORT TO THE GENERAL ASSEMBLY THAT INCLUDES THE FOLLOWING:

7 (I) THE NUMBER OF CHARGES BROUGHT IN EACH JUDICIAL DISTRICT
8 FOR UNLAWFUL STORAGE OF A FIREARM PURSUANT TO SECTION 18-12-113
9 IN THE PRIOR STATE FISCAL YEAR AND THE DISPOSITION OF THOSE
10 CHARGES; AND

11 (II) THE NUMBER OF CHARGES BROUGHT IN EACH JUDICIAL
12 DISTRICT FOR A VIOLATION OF SECTION 18-12-405 IN THE PRIOR STATE
13 FISCAL YEAR AND THE DISPOSITION OF THOSE CHARGES.

14 (b) THIS SUBSECTION (16) IS REPEALED, EFFECTIVE DECEMBER 31,
15 2024.

16 **SECTION 7.** In Colorado Revised Statutes, **add** 25-1-131 as
17 follows:

18 **25-1-131. Firearms safe storage education campaign.**

19 (1) (a) THE OFFICE OF SUICIDE PREVENTION WITHIN THE DEPARTMENT
20 SHALL INCLUDE ON A PUBLIC PAGE OF THE DEPARTMENT'S WEBSITE
21 INFORMATION ABOUT THE FOLLOWING:

22 (I) THE UNLAWFUL STORAGE OF A FIREARM OFFENSE DESCRIBED
23 IN SECTION 18-12-113;

24 (II) THE PENALTIES FOR AN OFFENSE RELATED TO PROVIDING A
25 HANDGUN TO A JUVENILE OR ALLOWING A JUVENILE TO POSSESS A
26 FIREARM IN VIOLATION OF SECTION 18-12-108.7; AND

27 (III) THE REQUIREMENT THAT A LICENSED GUN DEALER PROVIDE

1 A LOCKING DEVICE WITH EACH FIREARM TRANSFERRED, AS DESCRIBED IN
2 SECTION 18-12-405 (1).

3 (b) ANY INFORMATION DESCRIBED IN SUBSECTION (1)(a) OF THIS
4 SECTION POSTED ON THE DEPARTMENT'S WEBSITE MUST BE IN BOTH
5 ENGLISH AND SPANISH.

6 (c) THE OFFICE OF SUICIDE PREVENTION SHALL INCLUDE
7 REFERENCES TO THE OFFENSES LISTED IN SUBSECTION (1)(a) OF THIS
8 SECTION AND DIRECTION TO THE DEPARTMENT'S WEBSITE FOR MORE
9 INFORMATION ABOUT THOSE OFFENSES IN MATERIALS PROVIDED TO THE
10 FOLLOWING:

11 (I) LICENSED GUN DEALERS, SHOOTING RANGES, AND SAFETY
12 INSTRUCTORS; AND

13 (II) HEALTH CARE PROVIDERS, INCLUDING FACILITIES LICENSED OR
14 CERTIFIED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-103.

15 (2) THE DEPARTMENT SHALL DEVELOP A NOTICE INTENDED TO BE
16 DISPLAYED ON THE PREMISES OF A LICENSED GUN DEALER, AND DESIGNED
17 TO BE PRINTED WITH EACH LETTER AT A MINIMUM OF ONE INCH IN HEIGHT,
18 THAT INFORMS FIREARMS PURCHASERS THAT UNLAWFUL STORAGE OF A
19 FIREARM MAY RESULT IN IMPRISONMENT OR FINE. THE DEPARTMENT
20 SHALL MAKE ELECTRONIC COPIES OF THE NOTICE PUBLICLY AVAILABLE
21 FOR DOWNLOAD FROM ITS WEBSITE WITHOUT CHARGE.

22 (3) (a) SUBJECT TO AVAILABLE MONEY, INCLUDING
23 APPROPRIATIONS OR GIFTS, GRANTS, OR DONATIONS RECEIVED PURSUANT
24 TO SUBSECTION (4) OF THIS SECTION, THE DEPARTMENT SHALL DEVELOP
25 AND IMPLEMENT A FIREARMS SAFE STORAGE EDUCATION CAMPAIGN,
26 REFERRED TO IN THIS SECTION AS THE "EDUCATION CAMPAIGN", TO
27 EDUCATE FIREARMS OWNERS, FIREARMS PURCHASERS, LICENSED GUN

1 DEALERS, SHOOTING RANGES, AND SAFETY INSTRUCTORS ABOUT SAFE
2 STORAGE OF FIREARMS AND STATE REQUIREMENTS RELATED TO FIREARMS
3 SAFETY AND STORAGE. THE DEPARTMENT SHALL CONSULT WITH THE
4 DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY IN
5 DEVELOPING AND IMPLEMENTING THE EDUCATION CAMPAIGN.

6 (b) AS PART OF THE EDUCATION CAMPAIGN, THE DEPARTMENT
7 MAY:

8 (I) DEVELOP AND PROVIDE MATERIALS TO LOCAL LAW
9 ENFORCEMENT AGENCIES TO ASSIST THOSE AGENCIES WITH EDUCATING
10 THE PUBLIC ABOUT SAFE STORAGE OF FIREARMS AND STATE
11 REQUIREMENTS RELATED TO FIREARMS SAFETY AND STORAGE;

12 (II) DEVELOP AND PROVIDE MATERIALS TO HEALTH CARE
13 PROVIDERS TO ASSIST PROVIDERS WITH EDUCATING THE PUBLIC ABOUT
14 SAFE STORAGE OF FIREARMS AND STATE REQUIREMENTS RELATED TO
15 FIREARMS SAFETY AND STORAGE; AND

16 (III) PROVIDE INFORMATION ABOUT PROGRAMS THAT ASSIST
17 FIREARMS OWNERS WITH THE COST OF PURCHASING FIREARMS LOCKING
18 DEVICES, GUN SAFES, OR OTHER SECURE FIREARMS STORAGE CONTAINERS,
19 INCLUDING PROGRAMS THAT PROVIDE FREE OR REDUCED-PRICE LOCKING
20 DEVICES.

21 (c) (I) AS PART OF THE EDUCATION CAMPAIGN, THE DEPARTMENT
22 SHALL PROVIDE INFORMATION ON ITS WEBSITE ABOUT COMMUNITY
23 PROGRAMS THAT ALLOW FIREARMS OWNERS TO VOLUNTARILY AND
24 TEMPORARILY STORE A FIREARM AT A SECURE LOCATION OUTSIDE OF THE
25 HOME, INCLUDING A FIREARMS RETAILER, GUN RANGE, OR LAW
26 ENFORCEMENT AGENCY.

27 (II) THE DEPARTMENT MAY PROVIDE ASSISTANCE TO ANY LOCAL

1 ENTITY THAT FACILITATES A PROGRAM DESCRIBED IN THIS SUBSECTION

2 (3)(c).

3 (d) IN FURTHERANCE OF THE GOALS OF THE EDUCATION CAMPAIGN,
4 THE DEPARTMENT MAY USE TELEVISION MESSAGING, RADIO BROADCASTS,
5 PRINT MEDIA, DIGITAL STRATEGIES, OR ANY OTHER FORM OF MESSAGING
6 DEEMED APPROPRIATE BY THE DEPARTMENT.

7 (4) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
8 GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS, FROM PRIVATE
9 OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION.

10 (5) IN FISCAL YEARS 2020-21, 2021-22, AND 2022-23, THE
11 GENERAL ASSEMBLY SHALL NOT APPROPRIATE MONEY FROM THE GENERAL
12 FUND FOR THE PURPOSES OF THIS SECTION. NOTWITHSTANDING ANY
13 PROVISION OF SECTION 24-75-1305, IN FISCAL YEAR 2023-24 AND ANY
14 SUBSEQUENT FISCAL YEAR, THE GENERAL ASSEMBLY MAY APPROPRIATE
15 MONEY FROM THE GENERAL FUND FOR THE PURPOSES OF THIS SECTION.

16 **SECTION 8. Effective date - applicability.** This act takes effect
17 July 1, 2021, and applies to offenses committed on or after said date.

18 **SECTION 9. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.