

Colorado State Law
CO Rev. State

Title 12. Professions and Occupations

Article 26. Firearms Dealers

12-26-101. Firearms defined. As used in this article, unless the context otherwise requires:

(1)(a) "Firearms" means a pistol, revolver, or other weapon of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

(b) "Firearms" does not include firearms, as defined in paragraph (a) of this subsection (1), for which ammunition is not sold or which there is reasonable ground for believing are not capable of being effectually used.

12-26-102. Retail dealers-record-inspection. Every individual, firm, or corporation engaged, within this state, in the retail sale, rental, or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record shall be made at the time of the transaction in the book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented or with whom exchanged; his age, occupation, residence, and, if residing in a city, the street and number therein where he resides; the make, caliber, and finish of said pistol or revolver, together with its number and serial letter, if any; the date of the sale, rental, or exchange of said pistol or revolver; and the name of the employee or other person making such sale, rental, or exchange. The record book shall be open at all times to the inspection of any duly authorized police officer.

12-26-103. Record-failure to make-penalty. Every individual, firm, or corporation who fails to keep the record provided for in section 12-26-102 or who refuses to exhibit such record when requested by a police officer and any purchaser, lessee, or exchanger of a pistol or revolver who, in connection with the making of such record, gives false information is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

12-26-104. Jurisdiction-county courts. County courts, within their respective counties, have jurisdiction to hear and determine all cases arising under the provisions of this article, and appeal from judgment shall be to the district courts in the respective counties in the same manner as is now provided by law for appeals from judgments of the county courts in the cases of misdemeanors.

Title 18, Article 12: Offenses Relating to Firearms and Weapons

18-12-101. Definitions.

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

(b) "**Bomb**" means any explosive or incendiary device or molotov cocktail as defined in section 9-7-103, C.R.S., or any chemical device which causes or can cause an explosion which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "**Firearm silencer**" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon. * * * *

(g) "**Machinegun**" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "**Short rifle**" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(I) "**Short shotgun**" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches. * * * *

(e.5) "**Handgun**" means a pistol, revolver, or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.

(e.7) "**Juvenile**" means any person under the age of eighteen years.

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

18-12-102. Possessing a dangerous or illegal weapon - affirmative defense.

(1) As used in this section, the term "**dangerous weapon**" means a firearm silencer, machinegun, short shotgun, short rifle. * * * *

(3) A person who knowingly possesses a dangerous weapon commits a class 5 felony. Each subsequent violation of this subsection (3) by the same person shall be a class 4 felony. * * * *

(5) It shall be an affirmative defense to the charge of possessing a dangerous weapon, * * * that the person so accused was a peace officer or member of the armed forces of the United States or Colorado national guard acting in the lawful discharge of his duties or that said person has a valid permit and license for possession of such weapon.

18-12-103. Possession of a defaced firearm. A person commits a class 1 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed, except by normal wear and tear.

18-12-108. Possession of weapons by previous offenders.

(1) A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as described in section 18-1-901 (3)(h) or any other weapon

that is subject to the provisions of this article subsequent to the person's conviction for a felony, or subsequent to the person's conviction for attempt or conspiracy to commit a felony, under Colorado or any other State's law or under Federal law.

(2)(a) Except as otherwise provided by paragraphs (b) and (c) of this subsection (2), a person commits a Class 1 misdemeanor if the person violates subsection (1) of this section.

(b) A person commits a Class 5 felony, as provided by Section 18-12-102, if the person violates subsection (1) of this section and the weapon is a dangerous weapon, as defined in Section 18-12-102(1).

(c) A person commits a Class 5 felony if the person violates subsection (I) of this section and the person's previous conviction was for burglary, arson, or any felony involving the use of force or the use of a deadly weapon and the violation of subsection (1) of this section occurs as follows:

(I) From the date of conviction to ten years after the date of conviction, if the person was not incarcerated; or

(II) From the date of conviction to ten years after the date of release from confinement, if such person was incarcerated or, if subject to supervision imposed as a result of conviction, ten years after the date of release from supervision.

(3) A person commits the crime of possession of a weapon by a previous offender if the person knowingly possesses, uses, or carries upon his or her person a firearm as described in Section 18-1-901 (3) (h) or any other weapon that is subject to the provisions of this article subsequent to the person's adjudication for an act which, if committed by an adult, would constitute a felony, or subsequent to the person's adjudication for attempt or conspiracy to commit a felony, under Colorado or any other State's Law or Federal Law.

(4)(a) Except as otherwise provided by paragraph (b) of this subsection (4), a person commits a Class 1 misdemeanor if the person violates subsection (3) of this section.

(b) A person commits a Class 5 felony, as provided by Section 18-12-102, if the person violates subsection (1) of this section and the weapon is a dangerous weapon, as defined in Section 18-12-102(1).

(c) A person commits a Class 5 felony if the person commits the conduct described in subsection (3) of this section and the person's previous adjudication was based on an act that, if committed by an adult, would constitute burglary, arson, or any felony involving the use of force or the use of a deadly weapon and the violation of subsection (3) of this section occurs as follows:

(I) From the date of adjudication to ten years after the date of adjudication, if the person was not committed to the Department of Institutions, or on or after July 1, 1994, to the Department of Human Services; or

(II) From the date of adjudication to ten years after the date of release from commitment, if such person was committed to the Department of Institutions, or on or after July 1, 1994, to the Department of Human Services or, if subject to supervision imposed as a result of an adjudication, ten years after the date of release from supervision.

(5) A second or subsequent offense under paragraphs (b) and (c) of subsection (2) and paragraphs (b) and (c) of subsection (4) of this section is a Class 4 felony.

18-12-108.5. Possession of handguns by juveniles - prohibited - exceptions - penalty.

(1)(a) Except as provided in this section, it is unlawful for any person who has not attained the age of eighteen years knowingly to have any handgun in such person's possession.

(b) Any person possessing any handgun in violation of paragraph (a) of this subsection (1) commits the offense of illegal possession of a handgun by a juvenile.

(c)(1) Illegal possession of a handgun by a juvenile is a class 2 misdemeanor.

(II) For any second or subsequent offense, illegal possession of a handgun by a juvenile is a class 5 felony.

(d) Any person under the age of eighteen years who is taken into custody by a law enforcement officer for an offense pursuant to this section shall be taken into temporary custody in the manner described in part 2 of article 2 of title 19, C.R.S.

(2) This section shall not apply to:

(a) Any person under the age of eighteen years who is:

(I) In attendance at a hunter's safety course or a firearms safety course; or

(II) Engaging in practice in the use of a firearm or target shooting at an established range authorized by the governing body of the jurisdiction in which such range is located or any other area where the discharge of a firearm is not prohibited; or

(III) Engaging in an organized competition involving the use of a firearm or participating in or practicing for a performance by an organized group under 501 (c)(3) as determined by the federal internal revenue service which uses firearms as a part of such performance; or

(IV) Hunting or trapping pursuant to a valid license issued to such person pursuant to article 4 of title 33, C.R.S.; or

(V) Traveling with any handgun in such person's possession being unloaded to or from any activity described in subparagraph (I), (II), (III), or (IV) of this paragraph (a);

(b) Any person under the age of eighteen years who is on real property under the control of such person's parent, legal guardian, or grandparent and who has the permission of such person's parent or legal guardian to possess a handgun;

(c) Any person under the age of eighteen years who is at such person's residence and who, with the permission of such person's parent or legal guardian, possesses a handgun for the purpose of exercising the rights contained in section 18-1-704 or section 18-1-704.5.

(3) For the purposes of subsection (2) of this section, a handgun is "loaded" if:

(a) There is a cartridge in the chamber of the handgun; or

(b) There is a cartridge in the cylinder of the handgun, if the handgun is a revolver; or

(c) The handgun, and the ammunition for such handgun, is carried on the person of a person under the age of eighteen years or is in such close proximity to such person that such person could readily gain access to the handgun and the ammunition and load the handgun.

18-12-108.7. Unlawfully providing or permitting a juvenile to possess a handgun - penalty.

(1)(a) Any person who intentionally, knowingly, or recklessly provides a handgun with or without remuneration to any person under the age of eighteen years in violation of section 18-12-108.5 or any parent or legal guardian of a person under eighteen years of age who knows of such juvenile's conduct which violates section 18-12-108.5 and fails to make reasonable efforts to prevent such violation commits the crime of unlawfully providing or permitting a juvenile to possess a handgun.

(b) Unlawfully providing or permitting a juvenile to possess a handgun in violation of this subsection (1) is a class 4 felony.

(2)(a) Any parent or guardian who intentionally, knowingly, or recklessly provides a handgun to a juvenile or permits a juvenile to possess a handgun, even though such parent or guardian is aware of a substantial risk that such juvenile will use a handgun to commit a felony offense, or who, being aware of such substantial risk, fails to make reasonable efforts to prevent the commission of the offense, commits the crime of unlawfully providing or permitting a juvenile to possess a handgun. A parent or guardian shall be deemed to have violated this paragraph (a) if such parent or guardian provides a handgun to or permits the possession of a handgun by any juvenile who has been convicted of a crime of violence, as defined in section 16-11-309, C.R.S., or any juvenile who has been adjudicated as a juvenile delinquent for an offense which would constitute a crime of violence, as defined in section 16-11-309, C.R.S., if such juvenile were an adult.

(b) Unlawfully providing or permitting a juvenile to possess a handgun in violation of this subsection (2) is a class 4 felony.

18-12-109. Possession, use, or removal of explosives or incendiary devices possession of components thereof - persons exempt.

(1) As used in this section: * * * *

(a)(I) "Explosive or incendiary device" means:

(B) Any explosive bomb, grenade, missile, or similar device; and

(C) Any incendiary bomb or grenade, fire bomb, or similar device, including any device, except kerosene lamps, which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound and can be carried or thrown by one individual acting alone. * * * *

(II) "Explosive or incendiary device" shall not include rifle, pistol, or shotgun ammunition, or the components for handloading rifle, pistol, or shotgun ammunition.

(b)(I) "Explosive or incendiary parts" means any substances or materials or combinations thereof which have been prepared or altered for use in the creation of an explosive or incendiary device. Such substances or materials may include; but shall not be limited to, any:

(A) Timing device, clock, or watch which has been altered in such a manner as to be used as the arming device in an explosive;

(B) Pipe, end caps, or metal tubing which has been prepared for a pipe bomb;

(C) Mechanical timers, mechanical triggers, chemical time delays, electronic time delays, or commercially made or improvised items which, when used singly or in combination, may be used in the construction of a timing delay mechanism, booby trap, or activating mechanism for any explosive or incendiary

device. * * * *

(II) "**Explosive or incendiary parts**" shall not include rifle, pistol, or shotgun ammunition, or the components for handloading rifle, pistol, or shotgun ammunition, or any signaling device customarily used in operation of railroad equipment.

(2) Any person who knowingly possesses or controls an explosive or incendiary device commits a class 4 felony.

(3) Subsection (2) of this section shall not apply to the following persons:

(a) A peace officer while acting in his official capacity transporting or otherwise handling explosives or incendiary devices;

(b) A member of the armed forces of the United States or Colorado national guard while acting in his official capacity;

(c) An authorized employee of the office of active and inactive mines in the division of minerals and geology while acting within the scope of his employment;

(d) A person possessing a valid permit issued the provisions of article 7 of title 9, C.R.S., or an employee of such permittee acting within the scope of his employment;

(e) A person who is exempt from the necessity of possessing a permit under the provisions of section 9-7-106(5), C.R.S., or an employee of such exempt person acting within the scope of his employment.

(4) Any person who knowingly uses or causes to be used an explosive or incendiary device in the commission of or attempts to commit a felony commits a class 2 felony.

(5) Any person who removes or causes to be removed or carries away any explosive or incendiary device from the premises where said explosive or incendiary device is kept by the lawful user, vendor, transporter, or manufacturer thereof, without the consent or direction of the lawful possessor, commits a class 4 felony. A person convicted of this offense shall be subjected to a mandatory minimum sentence of two years.

(6) Any person who possesses any explosive or incendiary parts commits a class 4 felony.

Publisher's Notes:

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts) [An asterisk (*) next to a name indicates another listing]

Aurora*

Boulder*

Denver; City and County of*

Sheridan

2. The following jurisdictions restrict the sale, possession, or receipt of firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other

(specified)] [An asterisk (*) next to a name indicates another listing]

Denver, City & County of* (f): Certain handguns (melting point under 1,000°, etc.) [Contact city.]

3. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (*) next to a name indicates another listing]

Aurora*

Boulder*

Denver, City and County of*

4. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (*) next to a name indicates another listing]

Boulder*(b)

Denver, City & County of* (b)