



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: April 5, 2018

AGENDA TITLE: Introduction, first reading, and consideration of a motion to order published by title only Ordinance 8245 adding additional firearm regulations to the Boulder Revised Code.

PRESENTERS

Jane S. Brautigam, City Manager
Thomas A. Carr, City Attorney

EXECUTIVE SUMMARY

On February 14, 2018, 19-year-old Nikolas Cruz entered a building at Marjory Stoneman Douglas High School in Parkland Florida, pulled a fire alarm and began shooting students and teachers with an AR-15 assault rifle that he had purchased legally. There were 34 victims, including 17 whom he killed. Defining a mass shooting as one in which there are four or more people shot, not including the gunman, this was the 30th mass shooting in the United States in 2018.¹ Since the Parkland shooting there have been 19 more such mass shootings in the United States as of March 23, 2018. Assault rifles, in particular, the AR-15, have become increasingly more common in mass shootings. Between January 1, 2007 and February 28, 2018, there have been at least 173 people killed in mass shootings involving AR-15 rifles.² This list includes the shootings in Aurora, Colorado in July 2012, (12 killed) Newton, Connecticut in December 2012 (26 killed), San Bernardino, California in December 2015 (14 killed), Las Vegas, Nevada, October 2017 (59 killed), Sutherland Texas, November 2017 (26 killed) and Parkland, Florida, February 2017 (17 killed). Considering these events, the city council directed staff to

¹ This data is from the Gun Violence archive, which defines a mass shooting as a shooting in which four or more people, not including the shooter, are shot. <http://www.gunviolencearchive.org/>

² <https://www.nytimes.com/interactive/2018/02/28/us/ar-15-rifle-mass-shootings.html>

draft a ban on assault weapons, bump stocks and high capacity magazines. The proposed ordinance, with options, would impose such a ban.

Key Issue Identification

The key issues before the council are:

- 1) Whether to impose a ban;
- 2) If a ban is imposed, what should be included;
- 3) Whether a ban should include possession as well as sale;
- 4) What if any exemptions should be included;
- 5) Whether existing ownership should be grandfathered; and
- 6) If so, whether a system of registration for pre-banned items should be implemented.

STAFF RECOMMENDATION

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only Ordinance 8245 imposing additional firearm restrictions in the city of Boulder and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – There are two businesses in Boulder that sell the products that the council is considering for a ban. Tax revenue from these businesses will likely decrease, although one study suggests that the true cost of gun violence far exceeds the economic impact of gun sales and manufacture.³
- Environmental – None identified.
- Social – Public safety is among the city’s highest priorities. Any reduction or prevention of gun violence will have a positive social impact.

OTHER IMPACTS

- Fiscal – All work for drafting will be performed within existing department budgets. The final ordinance may require additional funding to implement.
- Staff time – All work for drafting will be performed with existing staff. The final ordinance may require additional staff to implement.

³ <https://www.motherjones.com/politics/2015/04/true-cost-of-gun-violence-in-america/>

BOARD AND COMMISSION FEEDBACK

Not Applicable.

PUBLIC FEEDBACK

Council will consider public feedback at a first reading public hearing.

BACKGROUND

Assault weapons are semi-automatic firearms designed with military features to allow rapid spray firing for the quick and efficient killing of humans. An automatic weapon is one that fires multiple rounds with a single pull of the trigger. A semi-automatic weapon fires only one round per trigger pull, but automatically loads a round after each shot. Assault weapons are civilian versions of military weapons. For example, the difference between a AR-15 and its military counterpart the M-16, is that the M-16 is an automatic weapon while the AR-15 is a semi-automatic weapon. The AR-15 requires the shooter to pull the trigger for each round that is fired. Automatic weapons are banned by federal law.

The automatic firing mechanism does not present a significant increase in the lethality of the M-16 when compared to the AR-15. The military trains its personnel to use repeated single shots, which are more accurate. Military training is for personnel to shoot at 12 to 15 rounds per minute or one round every four to five seconds. A New York Times analysis of the Parkland, Florida shooting estimated that Nikolas Cruz fired as quickly as one and a half rounds per second.⁴

Assault weapons are deadly because they allow a shooter to fire a high number of rounds quickly, under control. The features that create this lethality are the ability to accept magazines holding as many as 100 rounds. These magazines are designed to be replaced quickly, which increases the number of rounds that can be fired. In addition, assault weapons are designed to maintain stability while firing. A rifle fired from the shoulder recoils and must be brought down and onto a target before another round can be fired. Assault weapons have features such as pistol grips or thumb-hole grips, a forward grip or a barrel shroud, which allow for greater control of the weapon allowing it to be kept pointed at a target while being fired. The pistol grip or thumb-hole grip allows for greater control with the trigger hand. The forward grip or barrel shroud, which is a fitting on the barrel which protects the shooter's hand from the heated barrel allowing the shooter to grip the barrel, both allow for better control with the non-trigger hand. The combination of high capacity magazines and better control can make semi-automatic assault weapons as lethal as their military counterparts.

Large capacity ammunition magazines are feeding devices that may hold as many as 100 rounds of ammunition. In 2013, the State of Colorado banned magazines capable of holding 15 or more rounds of ammunition.

⁴ <https://www.nytimes.com/interactive/2018/02/28/us/ar-15-rifle-mass-shootings.html>

Multi-burst trigger activators increase a weapon's rate of fire. One such device, a bump stock, replaces a rifle's standard stock, which is the part of the rifle held against the shoulder. It allows the weapon to slide back and forth, harnessing the energy from the recoil. The rifle's recoil tube slides inside the bump stock rearward as recoil is induced by cartridge detonation. As the rifle slides forward in recovery from recoil the trigger contacts the trigger finger. The rifle fires at a higher cyclic rate than a semi-auto but at a slower rate than a fully automatic machine gun.⁵ Stephen Paddock, who killed 58 people in Las Vegas, Nevada in October 2017 had twelve rifles with bump stocks. On March 23, 2018, the United States Department of Justice issued a notice of proposed regulation to include bump stocks in the definition of "machine gun" under the National Firearms and Gun Control Act. This is the first step in a process of banning bump stocks on the federal level.⁶

As noted above, assault weapons and/or large capacity ammunition magazines have been used in many mass shootings, including those described below:

- Parkland, Florida, February 14, 2018: a shooter killed 17 and wounded 17 at Marjory Stoneman Douglas High School with an AR-15-style assault rifle.
- Sutherland Springs, Texas, November 5, 2017: a shooter killed 26 and wounded 20 at the First Baptist Church with a Ruger AR-556 assault rifle.
- Las Vegas, Nevada, October 1, 2017: a shooter killed 59 and wounded 527 armed with 23 guns, including both AR-15s and AK-47s as well as at least one gun modified with a bump stock. The following weapons were found inside of the killer's hotel room:
 - Colt M4 Carbine AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - Noveske N4 AR-15 .223/5.56 with a bump stock, vertical fore grip and 40 round magazine.
 - LWRC M61C AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - POF USA P-308 AR-10 .308/7.62 with a bipod, scope and 25 round magazine.
 - Christensen Arms CA-15 AR-15 .223 Wylde with a bump stock, vertical fore grip and 100 round magazine.
 - POF USA P-15 P AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - Colt Competition AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - Smith & Wesson 342 AirLite .38 caliber revolver with 4 cartridges and 1 expended cartridge case.

⁵ <https://www.nytimes.com/interactive/2017/10/04/us/bump-stock-las-vegas-gun.html>

⁶ <https://www.justice.gov/file/1046006/download>

- LWRC M61C AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - FNH FM15 AR-10 .308/7.62 with a bipod, scope and 25 round magazine.
 - Daniel Defense DD5V1 AR-10 .308/7.62 with a bipod, scope and 25 round magazine.
 - FNH FN15 AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - POF USA P15 AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - Colt M4 Carbine AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - Daniel Defense M4A1 AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - LMT Def. 2000 AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - Daniel Defense DDM4V11 AR-15 .223/5.56 with a bump stock, vertical fore grip. No magazine. EOTech optic.
 - Sig Sauer SIG716 AR-10 .308/7.62 with a bipod, red dot optic and 25 round magazine.
 - Daniel Defense DD5V1 AR-10 .308/7.62 with a bipod and scope. No magazine.
 - FNH FN15 AR-15 .223/5.56 with a bump stock, vertical fore grip and 100 round magazine.
 - Ruger American .308 caliber bolt action rifle with scope.
 - LMT LM308MWS AR-10 .308/7.62 with a bipod and red dot scope. No magazine.
 - Ruger SR0762 AR-10 .308/7.62 with a bipod, scope and 25 round magazine.
 - LMT LM308MWS AR-10 with a bipod, scope and 25 round magazine.
- Orlando, Florida, June 12, 2016: a shooter killed 49 and wounded 58 at the Pulse Nightclub with an AR-15-style assault rifle and a Glock 17 9mm handgun.
 - San Bernardino, California, December 2, 2015: two shooters killed 14 and wounded 22 using a DPMS AR-15-style assault rifle and a Smith and Wesson M&P 15.
 - Newtown, Connecticut, December 14, 2012: a shooter killed 26 and wounded 2 at Sandy Hook Elementary School with an AR-15-style assault rifle. The killer murdered his mother with a .22 caliber rimfire rifle. He also had a Glock 10mm and a Sig Sauer 9mm,
 - Aurora, Colorado, July 20, 2012: a shooter killed 12 and wounded 58 armed with a Smith & Wesson M&P15 assault rifle and 100-round ammunition magazines and a Remington 870 pump shotgun. He also had a Glock 22 .40 caliber pistol.

- Carson City, Nevada, September 6, 2011: a shooter killed 4 and wounded 7 armed with a Norinco Mak 90, that had been altered from a semi-automatic assault weapon to a fully-automatic machine gun.
- Washington D.C. area, October 2002: shooters killed 10 and wounded 3 during a 3-week rampage armed with a Bushmaster XM-15 assault rifle.
- Columbine, Colorado, April 20, 1999: shooters killed 13 and wounded 21 at Columbine High School armed with a TEC-9 assault pistol and several large capacity ammunition magazines. The killers also had two shotguns.
- San Francisco, California, July 1, 1993: a shooter killed 8 and wounded 6 armed with TEC-9 assault pistols and 40- and 50-round ammunition magazines. The suspect used a Hell-Fire trigger, which is a type of multi-burst trigger activator.

The International Association of Chiefs of Police recommends enactment of effective bans on military-style assault weapons to curb the ability of criminals to “outgun” law enforcement officers.⁷

In 1994, the federal government enacted a ban on the manufacture, transfer, and possession of semi-automatic assault weapons and the transfer and possession of large capacity ammunition magazines. The law included a ten-year sunset provision. In 2004, Congress allowed the law to expire. Seven states and the District of Columbia currently ban assault weapons and (with the exception of Connecticut) large capacity ammunition magazines at the state level. The District of Columbia ban does not grandfather pre-ban weapons and the laws in Hawaii and New Jersey do not grandfather pre-ban large capacity ammunition magazines. Two additional states regulate, but do not ban, assault weapons.

Studies show that the federal assault weapon ban resulted in a marked decrease in the use of assault weapons and large capacity ammunition magazines in crime. One study found that in several major cities, the share of recovered crime guns that were assault weapons declined by at least 32% after the federal ban was adopted.⁸ Another study analyzed data kept by the Virginia State Police and found a clear decline in the percentage of crime guns that were equipped with large capacity ammunition magazines after the federal ban was enacted. The percentage reached a low of 10% in 2004 and then steadily climbed after Congress allowed the ban to expire; by 2010, the percentage was close to 22%.⁹

Although effective, the federal assault weapons ban was not comprehensive. The federal ban used a two-criteria test, which banned weapons that met two of a series of listed criteria. This allowed for manufactures to redesign weapons to comply with the ban with

⁷ <http://www.theiacp.org/portals/0/pdfs/IACPFirearmsPositionPaper.pdf>

⁸ Christopher S. Koper, An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003, Report to the National Institute of Justice, U.S. Department of Justice at 49 (June 2004) <https://www.ncjrs.gov/pdffiles1/nij/grants/204431.pdf>

⁹ <http://www.washingtonpost.com/wp-dyn/content/article/2011/01/22/AR2011012203452.html>

a significant reduction in lethality. One such rifle was the Bushmaster XM15 which was used by John Allen Muhammed, one of two men who together shot 10 people and wounded three in the District of Columbia area in 2002.¹⁰

Most Americans support banning military-style firearms and large capacity ammunition magazines. A Quinnipiac University poll released in February 2018 found that 67% of the voters support a ban on semi-automatic assault weapons and high-capacity ammunition magazines. A 2003 Field & Stream poll revealed that 67% of its readers did not consider assault weapons to be legitimate sporting guns.¹¹

ANALYSIS

Assault Weapons

The Boulder Revised Code currently includes the following definition of “assault weapon:”

Assault weapon means all firearms with any of the following characteristics:

- (a) All semiautomatic action rifles with a detachable magazine with a capacity of twenty-one or more rounds.
- (b) All semiautomatic shotguns with a folding stock or a magazine capacity of more than six rounds or both.
- (c) All semiautomatic pistols that are modifications of rifles having the same make, caliber, and action design but a short barrel or modifications of automatic weapons originally designed to accept magazines with a capacity of twenty-one or more rounds.
- (d) Any firearm which has been modified to be operable as an assault weapon as defined herein.
- (e) Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including a detachable magazine with a capacity of twenty-one or more rounds, or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

§ 5-8-2, B.R.C. 1981. This definition is used in section 5-8-18, which prohibits unlawful storage of assault weapons. While useful, this definition does not address all areas of increased lethality associated with modern assault weapons. Subsection (a) applies only

¹⁰ <http://www.nytimes.com/2002/10/25/us/hunt-for-sniper-weapon-officials-say-records-show-gun-was-illegally-owned.html>

¹¹ <https://www.fieldandstream.com/articles/hunting/2002/06/2003-national-hunting-survey>

to weapons with a detachable magazine capable of holding 21 or more rounds. Under this definition, the applicability depends solely on the size of the magazine. Thus, the same weapon would not be considered an assault weapon if the magazine had a capacity of only fifteen rounds. In addition, the definition does not address stability features that allow for more rapid fire. Staff recommends a definition based on the weapon's capacity to hold a high number of rounds and not the actual number of rounds in the actual magazine in the weapon. Also, staff recommends that council include in the definition characteristics such as pistol grips, thumbhole stocks and barrel shrouds that allow for better control while firing. This recommendation is based upon the model ordinance prepared by the Giffords Law Center to Prevent Gun violence. The proposed ordinance in Attachment A includes a definition consistent with this recommendation. The proposed ordinance also includes certain semi-automatic center-fire pistols. Staff recommends a definition that would only ban pistols, which accept a cartridge in a place other than the pistol grip or have a device allowing for stabilization with the non-trigger hand. The intent is to not encompass the vast majority of pistols, which are generally purchased for self-defense.

Attachment B includes copies of the California, Connecticut, Denver and Vail assault weapon bans which include other potential approaches. Attachment C includes alternative language for the definition of assault weapon.

High Capacity Magazines

In 2013, the Colorado State legislature enacted a ban on magazines capable of holding more than 15 rounds of ammunition. C.R.S. § 18-12-301(2)(a). The law includes a provision exempting magazines owned prior to July 1, 2013. This presents challenges to enforcement. Staff recommends a city ban without limitation applicable to magazines capable of holding more than 10 rounds. This language is included in the proposed ordinance in attachment A.

Multi-Burst Trigger Activators

Multi-burst trigger activators, one type of which is a "bump stock" are devices that increase the rate of fire of a weapon either by allowing the weapon to fire two or more rounds in a burst or that otherwise increase the rate of fire for a weapon. Staff recommends banning multi-burst trigger activators. The state legislature recently considered Senate Bill 51, which would have banned such devices. The bill failed to advance out of the Senate State, Veterans and Military Affairs Committee. Staff has included such a ban in the proposed ordinance in attachment A.

Scope of the Ban

Council has at least three options with respect to a ban: 1) a ban on sales only; 2) a ban on sales and possession or 3) a ban on sales and possession with grandfathering provisions. Staff recommends a ban on sales and possession with grandfathering provisions. A ban with grandfathering provisions can only be effectively enforced if there is a registration

requirement. The proposed ordinance in attachment A includes such a provision. This proposal allows a balance between property rights and public safety. Attachment D includes a potential amendment that does not provide for any grandfathering. Attachment E includes a proposed amendment that would ban sales, but not possession.

Exemption

Staff recommends that council consider exemptions from the ban. Staff recommends four exemptions: 1) for weapons owned by law enforcement, federal officers and military personnel; 2) for weapons owned by holders of federal firearms licenses, stamps or permits; 3) for weapons owned by competitive shooters; 4) for inoperative weapons that have historical value. This recommendation is based on the belief that individuals owning weapons in these categories do not present the same risks as the general population. Holders of federal firearms licenses, stamps and permits undergo an extensive background check that can take up to six months. Under federal law, they can own a variety of weapons. Inclusion of this provision may avoid questions of federal preemption as well. Boulder is home to several successful competitive shooters who have competed on the national level. The Boulder Rifle Club has a junior shooting program and is home to several competitive shooters. While the club itself is not in the city limits, many members live in Boulder. Thus, staff recommends excluding competitive shooters from the ban, provided the weapons are registered with the Boulder Police Department.

ATTACHMENTS

Attachment A – Proposed Ordinance

Attachment B – California, Connecticut, Denver and Vail assault weapon laws

Attachment C – Alternative language for the definition of assault weapon

Attachment D – Alternative language with no grandfathering provision

Attachment E – Alternative language that bans only sales

ORDINANCE 8245

AN ORDINANCE AMENDING CHAPTER 5, "GENERAL OFFENSES," B.R.C. 1981, TO BAN THE SALE AND POSSESSION OF ASSAULT WEAPONS, LARGE-CAPACITY MAGAZINES AND MULTI-BURST TRIGGER ACTIVATORS, AND SETTING FORTH RELATED DETAILS.

THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THE FOLLOWING:

A. The City of Boulder is an urban, densely populated city, with a population density similar to that of Denver, Colorado. With a population of 682,545 in 155 square miles, Denver has a density of 4,213 residents per square mile. Boulder's population of 108,707 resides in 25.8 square miles with a population density of 4,031 residents per square mile.

B. There has been a significant increase in mass shootings over the last two decades. Mass shootings occur most often at schools and involve assault weapons.

C. Boulder is home to the main campus of the University of Colorado and the campus of Naropa University. In addition, Boulder is home to several elementary, middle and high schools. The presence of a large number of students in the city of Boulder creates a higher than normal level of risk for the community.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 5-1-1, "Definitions," B.R.C. 1981, is amended to delete the definition of "Illegal weapon."

...
~~*Illegal weapon* means a blackjack, gas gun, metallic knuckles, gravity knife or switchblade knife.~~

...

1 Section 2. Section 5-8-2, "Definitions," B.R.C. 1981, is amended to read as follows:

2 **5-8-2. – Definitions.**

3 The following terms used in this chapter have the following meanings unless the context clearly
4 requires otherwise:

5 *About the person* means sufficiently close to the person to be readily accessible for immediate
6 use.

7 *Assault weapon* means:

8 (a) All semi-automatic firearms—rifles that have the capacity to accept a detachable
9 magazine and that have with any of the following characteristics:

10 (1a) A pistol grip or thumbhole stock—semiautomatic action rifles with a detachable
11 magazine with a capacity of twenty one or more rounds.

12 (2b) All semiautomatic shotguns with a folding or telescoping stock or a magazine
13 capacity of more than six rounds or both.

14 (3e) Any protruding grip or other device to allow the weapon to be stabilized with
15 the non-trigger hand. All semiautomatic pistols that are modifications of rifles
16 having the same make, caliber, and action design but a short barrel or
17 modifications of automatic weapons originally designed to accept magazines
18 with a capacity of twenty one or more rounds.

19 (b) All semi-automatic center-fire pistols that have any of the following characteristics:

20 (1) Have the capacity to accept a magazine other than in the pistol grip; or

21 (2) Have a protruding grip or other device to allow the weapon to be stabilized with
22 the non-trigger hand.

23 (c) Any firearm which has been modified to be operable as an assault weapon as defined
24 herein.

25 (d) Any part or combination of parts designed or intended to convert a firearm into an
26 assault weapon, including a detachable magazine with a capacity of twenty one or
27 more rounds, or any combination of parts from which an assault weapon may be
28 readily assembled if those parts are in the possession or under the control of the same
29 person.

30 Competitive Shooter means a person who actively competes in competitive shooting events
31 as evidenced by membership in a group organized for the purpose of conducting or competing in
32 such event.

33 *Constructive knowledge* means knowledge of facts or circumstances sufficient to cause a
34 reasonable person to be aware of the fact in question.

1 Illegal weapon means an assault weapon, large-capacity magazine, multi-burst trigger
2 activator, blackjack, gas gun, metallic knuckles, gravity knife or switchblade knife.

3 Large-capacity magazine means any ammunition feeding device with the capacity to accept
4 more than 10 rounds, but shall not be construed to include any of the following:

5 (a) A feeding device that has been permanently altered so that it cannot accommodate
6 more than 10 rounds.

7 (b) A 22 caliber tube ammunition feeding device.

8 (c) A tubular magazine that is contained in a lever-action firearm.

9 *Locked container* means a secure container which is enclosed on all sides and locked by a
10 padlock, key lock, combination lock, or similar device.

11 *Minor* means a person under eighteen years of age.

12 Multi-Burst Trigger Activator means:

13 (a) A device that attaches to a firearm to allow the firearm to discharge two or more shots
14 in a burst when the device is activated; or

15 (b) A manual or power-driven trigger-activating device that, when attached to a firearm
16 increases the rate of fire of that firearm.

17 *Provide* means to give, lend, sell, or otherwise place in an unsecured location where a minor
18 or other unauthorized or incompetent person could foreseeably gain access to a firearm.

19 Semi-automatic means a firearm that fires a single round for each pull of the trigger and
20 automatically chambers a new round immediately after a round is fired.

21 Section 3. Section 5-8-10, "Possession of Illegal Weapons," B.R.C. 1981, is amended to
22 read as follows:

23 **5-8-10. – Possession and Sale of Illegal Weapons.**

24 (a) No person shall knowingly possess or sell or otherwise transfer an illegal weapon.

25 (b) The defendant's knowledge that the weapon was illegal is not an aspect of knowledge
required for violation of this section.

(c) Nothing in this section shall be construed to forbid any person:

(1) Holding a Federal Firearms License issued by the United States Government
from possession of any firearm authorized pursuant to such license;

(2) From possessing a weapon for which the United States Government has issued
a stamp or permit pursuant to the National Firearms Act;

1 (3) Who is a competitive shooter from possessing a weapon necessary to compete,
2 provided that the weapon is registered with the Boulder Police Department
3 pursuant to Section 5-8-28, "Assault Weapons," B.R.C. 1981;

4 (4) From possessing a handgun magazine so long as the possession of the handgun
5 and magazine are in compliance with state law; or

6 (5) Selling an illegal weapon to a person identified in Section 5-8-25, "Exemptions
7 from this Chapter," B.R.C. 1981.

8 (d) Nothing in this section shall be deemed to apply to any firearm that has been modified
9 either to render it permanently inoperable or to permanently make it not an assault
10 weapon.

11 (e) Nothing in this section shall be deemed to restrict a person's ability to travel with a
12 weapon in a private automobile or other private means of conveyance for hunting or
13 for lawful protection of a person's or another's person or property while traveling into,
14 though, or within, the City of Boulder, regardless of the number of times the person
15 stops in the City of Boulder.

16 Section 4. Section 5-8-22, "Defenses," B.R.C. 1981, is amended to read as follows:

17 **5-8-22. – Defenses.**

18 (a) It is an affirmative defense to a charge of violating sections 5-8-3, "Discharge of
19 Firearms," 5-8-4, "Possessing and Discharging Firearm or Bow in Park or Open Space,"
20 5-8-5, "Negligently Shooting Bow or Slingshot," 5-8-6, "Aiming Weapon at Another,"
21 5-8-7, "Flourishing Deadly Weapon in Alarming Manner," and 5-8-8, "Possession of
22 Loaded Firearms," B.R.C. 1981, that the defendant was:

23 (1) Reasonably engaged in lawful self-defense under the statutes of the State of
24 Colorado; or

25 (2) Reasonably exercising the right to keep and bear arms in defense of the
 defendant's or another's home, person and property or in aid of the civil power
 when legally thereto summoned.

 (b) It is a specific defense to a charge of violating sections 5-8-3, "Discharge of Firearms,"
 5-8-4, "Possessing and Discharging Firearm or Bow in Park or Open Space," and 5-8-
 8, "Possession of Loaded Firearms," B.R.C. 1981, that the events occurred in an area
 designated as a target range by the city manager under section 5-8-26, "City Manager
 May Designate Target Ranges," B.R.C. 1981, for the type of weapon involved. It is a
 specific defense to a charge of violating section 5-8-4, "Possessing and Discharging
 Firearm or Bow in Park or Open Space," B.R.C. 1981, by possession that the defendant
 was going directly to or returning directly from such a target range.

 (c) It is an affirmative defense to a charge of violating sections 5-8-8, "Possession of
 Loaded Firearms," 5-8-9, "Carrying a Concealed Weapon," and 5-8-11, "Possessing
 Firearm While Intoxicated," B.R.C. 1981, that the defendant was:

- 1 (1) In the defendant's own dwelling or place of business or on property owned or
2 under the defendant's control at the time; or
- 3 (2) In a private automobile or other private means of conveyance at the time and
4 was carrying the weapon for lawful protection of the defendant's or another's
5 person or property while traveling; or
- 6 (3) Charged with carrying a knife that was a hunting or fishing knife carried by the
7 defendant for sport use.
- 8 (d) It is a specific defense to a charge of violating sections 5-8-8, "Possession of Loaded
9 Firearms," and 5-8-9, "Carrying a Concealed Weapon," B.R.C. 1981, that the defendant
10 was carrying the weapon pursuant to a concealed weapons permit valid under the
11 statutes of the State of Colorado.
- 12 (e) It is a specific defense to a charge of violating sections 5-8-3, "Discharge of Firearms,"
13 and 5-8-8, "Possession of Loaded Firearms," B.R.C. 1981, that the loaded gas or
14 mechanically operated gun was possessed or discharged in a building with the
15 permission of the property owner and the projectile did not leave the building.
- 16 (f) It is a specific defense to a charge of violating section 5-8-10, "Possession of Illegal
17 Weapons," B.R.C. 1981;
18 (1) ~~That~~ That the person had a valid permit for such weapon pursuant to federal law at
19 the time of the offense; or
20 (2) That the illegal weapon was an assault weapon that was registered with the
21 Boulder Police Department.
- 22 (g) It is a specific defense to a charge of violating section 5-8-4, "Possessing and
23 Discharging Firearm or Bow in Park or Open Space," B.R.C. 1981, that the firearm,
24 gas or mechanically operated gun, bow, slingshot or crossbow possessed by the person
25 was being transported in a motor vehicle. This defense does not apply to a charge of
violation involving discharge of a missile.

Section 5. Section 5-8-25, "Exemptions from Chapter," B.R.C. 1981, is amended to read
as follows:

5-8-25. – Exemptions from Chapter.

Nothing in this chapter shall be construed to forbid any officer of the United States,
including but not limited to federal agents and United States Marshals, any sheriffs, constables
and their deputies; any regular or ex-officio police officer; any other peace officers; or members
of the United States Armed Forces, Colorado National Guard or Reserve Officer Training Corps
from purchasing, having in their possession, displaying, concealing or discharging such weapons
as are necessary in the authorized and proper performance of their official duties.

1 Section 6. A new Section 5-8-28, “Assault Weapons,” B.R.C. 1981, is added to read as
2 follows, and remaining sections in Chapter 5-8 are renumbered:

3 **5-8-28. – Assault Weapons.**

- 4 (a) Any person who, prior to April 1, 2018, was legally in possession of an assault weapon
5 large capacity magazine or multi-burst trigger activator shall have until December 31,
6 2018 to do any of the following without being subject to prosecution:
- 7 (1) Remove the assault weapon, large capacity magazine or multi-burst trigger
8 activator from the City of Boulder;
 - 9 (2) Render the assault weapon permanently inoperable;
 - 10 (3) Surrender the assault weapon, large capacity magazine or multi-burst trigger
11 activator to the Boulder Police Department for destruction; or
 - 12 (4) If eligible, register the assault weapon as provided in subsection (b).
- 13 (b) Any person seeking to register an assault weapon that he or she legally possessed prior
14 to April 1, 2018 must comply with the following requirements:
- 15 (1) Submit to a background check conducted by the appropriate law enforcement
16 agency to confirm that he or she is not prohibited to possess a firearm pursuant
17 to 18 U.S.C. § 922 or C.R.S § 18-12-108;
 - 18 (2) Unless the person is currently prohibited by law from possessing a firearm,
19 immediately register the assault weapon with the Boulder Police Department;
 - 20 (3) Safely and securely store the assault weapon pursuant to the regulations adopted
21 by the appropriate law enforcement agency;
 - 22 (4) Possess the assault weapon only on property owned or immediately controlled
23 by the person, or while on the premises of a licensed gunsmith for the purpose
24 of lawful repair, or while engaged in the legal use of the assault weapon at a
25 duly licensed firing range, or while traveling to or from these locations,
provided that the assault weapon is stored unloaded in a locked container during
transport. The term “locked container” does not include the utility
compartment, glove compartment, or trunk of a motor vehicle; and
 - (5) Report the loss or theft of a registered assault weapon to the appropriate law
enforcement agency within 48 hours of the time the discovery was made or
should have been made.
- (c) Any competitive shooter in possession of an assault weapon shall register the weapon
with the Boulder Police Department pursuant to subsection (b) above. Such registration
may be made without regard to when the competitive shooter acquired the weapon.
- (d) If a registered assault weapon is used in the commission of a crime, the registered owner
shall be civilly liable for any damages resulting from that crime. The liability imposed
by this subsection shall not apply if the assault weapon was stolen and the registered

1 owner reported the theft of the firearm to law enforcement within 48 hours of the time
2 the discovery was made or should have been made.

- 3 (e) Registered assault weapons may not be purchased, sold or transferred in the City of
4 Boulder, except for transfer to a licensed gunsmith for the purpose of lawful repair, or
5 transfer to the appropriate law enforcement agency for the purpose of surrendering the
6 assault weapon for destruction.
- 7 (f) Persons acquiring an assault weapon by inheritance, bequest, or succession shall,
8 within 90 days of acquiring title, do one of the following:
- 9 (1) Modify the assault weapon to render it permanently inoperable;
 - 10 (2) Surrender the assault weapon to the Boulder Police Department for destruction;
 - 11 (3) Transfer the assault weapon to a firearms dealer who is properly licensed under
12 federal, state and local laws; or
 - 13 (4) Permanently remove the assault weapon from the City of Boulder.
- 14 (g) The registered owner of an assault weapon may not possess in the City of Boulder any
15 assault weapons purchased after April 1, 2018.
- 16 (h) The city manager shall charge a fee for each registration sufficient to cover the costs of
17 administering the registration program.
- 18 (i) The information required for the registration and permitting of assault weapons shall
19 be treated as confidential and shall not be made available to members of the general
20 public. The council finds that the release of such information would constitute an
21 unwarranted invasion of personal privacy and could endanger the life or safety of
22 persons at the premises where an assault weapon is located. The information on a
23 permit application shall be used by the city only for law enforcement purposes.

24 Section 7. This ordinance is necessary to protect the public health, safety, and welfare of
25 the residents of the city, and covers matters of local concern.

Section 8. The city council deems it appropriate that this ordinance be published by title
only and orders that copies of this ordinance be made available in the office of the city clerk for
public inspection and acquisition.

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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this 5th day of April, 2018.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

READ ON SECOND READING AND ADOPTED this 1st day of May, 2018.

Suzanne Jones
Mayor

Attest:

Lynnette Beck
City Clerk

California

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 4. Firearms (Refs & Annos)

Division 10. Special Rules Relating to Particular Types of Firearms or Firearm Equipment (Refs & Annos)

Chapter 2. Assault Weapons and .50 BMG Rifles (Refs & Annos)

Article 1. General Provisions (Refs & Annos)

West's Ann.Cal.Penal Code § 30510

§ 30510. Assault weapon defined; series defined

Effective: January 1, 2012

[Currentness](#)

As used in this chapter and in [Sections 16780](#), [17000](#), and [27555](#), “assault weapon” means the following designated semiautomatic firearms:

(a) All of the following specified rifles:

(1) All AK series including, but not limited to, the models identified as follows:

(A) Made in China AK, AKM, AKS, AK47, AK47S, 56, 56S, 84S, and 86S.

(B) Norinco 56, 56S, 84S, and 86S.

(C) Poly Technologies AKS and AK47.

(D) MAADI AK47 and ARM.

(2) UZI and Galil.

(3) Beretta AR-70.

(4) CETME Sporter.

(5) Colt AR-15 series.

(6) Daewoo K-1, K-2, Max 1, Max 2, AR 100, and AR 110C.

(7) Fabrique Nationale FAL, LAR, FNC, 308 Match, and Sporter.

(8) MAS 223.

(9) HK-91, HK-93, HK-94, and HK-PSG-1.

(10) The following MAC types:

(A) RPB Industries Inc. sM10 and sM11.

(B) SWD Incorporated M11.

(11) SKS with detachable magazine.

(12) SIG AMT, PE-57, SG 550, and SG 551.

(13) Springfield Armory BM59 and SAR-48.

(14) Sterling MK-6.

(15) Steyer AUG.

(16) Valmet M62S, M71S, and M78S.

(17) Armalite AR-180.

(18) Bushmaster Assault Rifle.

(19) Calico M-900.

(20) J&R ENG M-68.

(21) Weaver Arms Nighthawk.

(b) All of the following specified pistols:

(1) UZI.

(2) Encom MP-9 and MP-45.

(3) The following MAC types:

(A) RPB Industries Inc. sM10 and sM11.

(B) SWD Incorporated M-11.

(C) Advance Armament Inc. M-11.

(D) Military Armament Corp. Ingram M-11.

(4) Intratec TEC-9.

(5) Sites Spectre.

(6) Sterling MK-7.

(7) Calico M-950.

(8) Bushmaster Pistol.

(c) All of the following specified shotguns:

(1) Franchi SPAS 12 and LAW 12.

(2) Striker 12.

(3) The Streetsweeper type S/S Inc. SS/12.

(d) Any firearm declared to be an assault weapon by the court pursuant to former Section 12276.5, as it read in Section 3 of Chapter 19 of the Statutes of 1989, Section 1 of Chapter 874 of the Statutes of 1990, or Section 3 of Chapter 954 of the Statutes of 1991, which is specified as an assault weapon in a list promulgated pursuant to former Section 12276.5, as it read in Section 3 of Chapter 954 of the Statutes of 1991.

(e) This section is declaratory of existing law and a clarification of the law and the Legislature's intent which bans the weapons enumerated in this section, the weapons included in the list promulgated by the Attorney General pursuant to former Section 12276.5, as it read in Section 3 of Chapter 954 of the Statutes of 1991, and any other models that are only variations of those weapons with minor differences, regardless of the manufacturer. The Legislature has defined assault weapons as the types, series, and models listed in this section because it was the most effective way to identify and restrict a specific class of semiautomatic weapons.

(f) As used in this section, "series" includes all other models that are only variations, with minor differences, of those models listed in subdivision (a), regardless of the manufacturer.

Credits

(Added by [Stats.2010, c. 711 \(S.B.1080\)](#), § 6, operative Jan. 1, 2012.)

Editors' Notes

LAW REVISION COMMISSION COMMENTS

2010 Addition

Subdivisions (a)-(d) and the introductory clause of Section 30510 continue former Section 12276(a)-(d) and its introductory clause without substantive change. See also former Sections 12001(n)(11), 12072(f)(1)(A), 12282, and 12601(b)(12), which cross-referred to the definition in former Section 12276.

Subdivision (e) continues former Section 12276(f) without substantive change.

Subdivisions (d) and (e) refer to former Section 12276.5, which (1) prescribed a procedure by which a court could classify a weapon as an assault weapon, and, as amended in 1991, (2) directed the Attorney General to promulgate a list of the weapons classified as assault weapons by statute or by a court. See 1991 Cal. Stat. ch. 954, § 3; 1990 Cal. Stat. ch. 874, § 1; 1989 Cal. Stat. ch. 19, § 3. Those procedures were discontinued as of January 1, 2007. See 2006 Cal. Stat. ch. 793, § 1. As so amended, former Section 12276.5 is continued in [Section 30520](#) (duties of Attorney General).

Subdivision (f) continues former Section 12276(e) without substantive change.

See [Section 30515](#) (further clarification of "assault weapon"). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

[Notes of Decisions \(13\)](#)

West's Ann. Cal. Penal Code § 30510, CA PENAL § 30510

Current with urgency legislation through Ch. 3 of 2018 Reg.Sess

West's Annotated California Codes

Penal Code (Refs & Annos)

Part 6. Control of Deadly Weapons (Refs & Annos)

Title 4. Firearms (Refs & Annos)

Division 10. Special Rules Relating to Particular Types of Firearms or Firearm Equipment (Refs & Annos)

Chapter 2. Assault Weapons and .50 BMG Rifles (Refs & Annos)

Article 1. General Provisions (Refs & Annos)

West's Ann.Cal.Penal Code § 30515

§ 30515. Assault weapon further defined

Effective: January 1, 2017

[Currentness](#)

(a) Notwithstanding [Section 30510](#), “assault weapon” also means any of the following:

(1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following:

(A) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(B) A thumbhole stock.

(C) A folding or telescoping stock.

(D) A grenade launcher or flare launcher.

(E) A flash suppressor.

(F) A forward pistol grip.

(2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds.

(3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

(4) A semiautomatic pistol that does not have a fixed magazine but has any one of the following:

(A) A threaded barrel, capable of accepting a flash suppressor, forward handgrip, or silencer.

Attachment B - California, Connecticut, Denver and Vail assault weapon laws

(B) A second handgrip.

(C) A shroud that is attached to, or partially or completely encircles, the barrel that allows the bearer to fire the weapon without burning the bearer's hand, except a slide that encloses the barrel.

(D) The capacity to accept a detachable magazine at some location outside of the pistol grip.

(5) A semiautomatic pistol with a fixed magazine that has the capacity to accept more than 10 rounds.

(6) A semiautomatic shotgun that has both of the following:

(A) A folding or telescoping stock.

(B) A pistol grip that protrudes conspicuously beneath the action of the weapon, thumbhole stock, or vertical handgrip.

(7) A semiautomatic shotgun that has the ability to accept a detachable magazine.

(8) Any shotgun with a revolving cylinder.

(b) For purposes of this section, "fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(c) The Legislature finds a significant public purpose in exempting from the definition of "assault weapon" pistols that are designed expressly for use in Olympic target shooting events. Therefore, those pistols that are sanctioned by the International Olympic Committee and by USA Shooting, the national governing body for international shooting competition in the United States, and that were used for Olympic target shooting purposes as of January 1, 2001, and that would otherwise fall within the definition of "assault weapon" pursuant to this section are exempt, as provided in subdivision (d).

(d) "Assault weapon" does not include either of the following:

(1) Any antique firearm.

(2) Any of the following pistols, because they are consistent with the significant public purpose expressed in subdivision (c):

MANUFACTURER

MODEL

CALIBER

BENELLI	MP90	.22LR
BENELLI	MP90	.32 S&W LONG
BENELLI	MP95	.22LR
BENELLI	MP95	.32 S&W LONG
HAMMERLI	280	.22LR
HAMMERLI	280	.32 S&W LONG
HAMMERLI	SP20	.22LR
HAMMERLI	SP20	.32 S&W LONG
PARDINI	GPO	.22 SHORT
PARDINI	GP-SCHUMANN	.22 SHORT
PARDINI	HP	.32 S&W LONG
PARDINI	MP	.32 S&W LONG
PARDINI	SP	.22LR
PARDINI	SPE	.22LR
WALTHER	GSP	.22LR
WALTHER	GSP	.32 S&W LONG
WALTHER	OSP	.22 SHORT
WALTHER	OSP-2000	.22 SHORT

(3) The Department of Justice shall create a program that is consistent with the purposes stated in subdivision (c) to exempt new models of competitive pistols that would otherwise fall within the definition of “assault weapon” pursuant to this section from being classified as an assault weapon. The exempt competitive pistols may be based on recommendations by USA Shooting consistent with the regulations contained in the USA Shooting Official Rules or may be based on the recommendation or rules of any other organization that the department deems relevant.

Credits

(Added by [Stats.2010, c. 711 \(S.B.1080\)](#), § 6, operative Jan. 1, 2012. Amended by [Stats.2016, c. 40 \(A.B.1135\)](#), § 1, eff. Jan. 1, 2017; [Stats.2016, c. 48 \(S.B.880\)](#), § 1, eff. Jan. 1, 2017.)

Editors' Notes

LAW REVISION COMMISSION COMMENTS

2010 Addition

Section 30515 continues former Section 12276.1(a)-(c) without substantive change. See also former Sections 12001(n) (11), 12072(f)(1)(A), 12282, and 12601(b)(12), which cross-referred to the definitional material in former Section 12276.1.

See [Sections 16170](#) (“antique firearm”), 16350 (“capacity to accept more than 10 rounds”), 16890 (“magazine”), 30510 (“assault weapon”). [38 Cal.L.Rev.Comm. Reports 217 (2009)].

[Notes of Decisions \(2\)](#)

West's Ann. Cal. Penal Code § 30515, CA PENAL § 30515

Current with urgency legislation through Ch. 3 of 2018 Reg.Sess

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Connecticut



KeyCite Red Flag - Severe Negative Treatment

Unconstitutional or PreemptedHeld Unconstitutional by [New York State Rifle and Pistol Ass'n, Inc. v. Cuomo](#), 2nd Cir.(Conn.), Oct. 19, 2015[Connecticut General Statutes Annotated](#)[Title 53. Crimes \(Refs & Annos\)](#)[Chapter 943. Offenses Against Public Peace and Safety](#)

C.G.S.A. § 53-202a

§ 53-202a. Assault weapons: Definitions

Effective: June 18, 2013

[Currentness](#)As used in this section and [sections 53-202b](#) to [53-202k](#), inclusive:

(1) “Assault weapon” means:

(A) (i) Any selective-fire firearm capable of fully automatic, semiautomatic or burst fire at the option of the user or any of the following specified semiautomatic firearms: Algimec Agmi; Armalite AR-180; Australian Automatic Arms SAP Pistol; Auto-Ordnance Thompson type; Avtomat Kalashnikov AK-47 type; Barrett Light-Fifty model 82A1; Beretta AR-70; Bushmaster Auto Rifle and Auto Pistol; Calico models M-900, M-950 and 100-P; Chartered Industries of Singapore SR-88; Colt AR-15 and Sporter; Daewoo K-1, K-2, Max-1 and Max-2; Encom MK-IV, MP-9 and MP-45; Fabrique Nationale FN/FAL, FN/LAR, or FN/FNC; FAMAS MAS 223; Feather AT-9 and Mini-AT; Federal XC-900 and XC-450; Franchi SPAS-12 and LAW-12; Galil AR and ARM; Goncz High-Tech Carbine and High-Tech Long Pistol; Heckler & Koch HK-91, HK-93, HK-94 and SP-89; Holmes MP-83; MAC-10, MAC-11 and MAC-11 Carbine type; Intratec TEC-9 and Scorpion; Iver Johnson Enforcer model 3000; Ruger Mini-14/5F folding stock model only; Scarab Skorpion; SIG 57 AMT and 500 series; Spectre Auto Carbine and Auto Pistol; Springfield Armory BM59, SAR-48 and G-3; Sterling MK-6 and MK-7; Steyr AUG; Street Sweeper and Striker 12 revolving cylinder shotguns; USAS-12; UZI Carbine, Mini-Carbine and Pistol; Weaver Arms Nighthawk; Wilkinson “Linda” Pistol;

(ii) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in subparagraph (A)(i) of this subdivision, or any combination of parts from which an assault weapon, as defined in subparagraph (A)(i) of this subdivision, may be rapidly assembled if those parts are in the possession or under the control of the same person;

(B) Any of the following specified semiautomatic centerfire rifles, or copies or duplicates thereof with the capability of any such rifles, that were in production prior to or on April 4, 2013: (i) AK-47; (ii) AK-74; (iii) AKM; (iv) AKS-74U; (v) ARM; (vi) MAADI AK47; (vii) MAK90; (viii) MISR; (ix) NHM90 and NHM91; (x) Norinco 56, 56S, 84S and 86S; (xi) Poly Technologies AKS and AK47; (xii) SA 85; (xiii) SA 93; (xiv) VEPR; (xv) WASR-10; (xvi) WUM; (xvii) Rock River Arms LAR-47; (xviii) Vector Arms AK-47; (xix) AR-10; (xx) AR-15; (xxi) Bushmaster Carbon 15, Bushmaster XM15, Bushmaster ACR Rifles, Bushmaster MOE Rifles; (xxii) Colt Match Target Rifles; (xxiii) Armalite M15; (xxiv) Olympic Arms AR-15, A1, CAR, PCR, K3B, K30R, K16, K48, K8 and K9 Rifles; (xxv) DPMS Tactical Rifles; (xxvi) Smith and Wesson M&P15 Rifles; (xxvii) Rock River Arms LAR-15; (xxviii) Doublestar AR Rifles; (xxix) Barrett REC7; (xxx) Beretta Storm; (xxxi) Calico Liberty 50, 50 Tactical, 100, 100 Tactical, I, I Tactical, II and II Tactical Rifles; (xxxii) Hi-Point Carbine Rifles; (xxxiii) HK-PSG-1; (xxxiv) Kel-Tec Sub-2000, SU Rifles, and RFB; (xxxv) Remington Tactical

Rifle Model 7615; (xxxvi) SAR-8, SAR-4800 and SR9; (xxxvii) SLG 95; (xxxviii) SLR 95 or 96; (xxxix) TNW M230 and M2HB; (xl) Vector Arms UZI; (xli) Galil and Galil Sporter; (xlii) Daewoo AR 100 and AR 110C; (xliii) Fabrique Nationale/FN 308 Match and L1A1 Sporter; (xliv) HK USC; (xlv) IZHMASH Saiga AK; (xlvi) SIG Sauer 551-A1, 556, 516, 716 and M400 Rifles; (xlvii) Valmet M62S, M71S and M78S; (xlviii) Wilkinson Arms Linda Carbine; and (xlix) Barrett M107A1;

(C) Any of the following specified semiautomatic pistols, or copies or duplicates thereof with the capability of any such pistols, that were in production prior to or on April 4, 2013: (i) Centurion 39 AK; (ii) Draco AK-47; (iii) HCR AK-47; (iv) IO Inc. Hellpup AK-47; (v) Mini-Draco AK-47; (vi) Yugo Krebs Krink; (vii) American Spirit AR-15; (viii) Bushmaster Carbon 15; (ix) Doublestar Corporation AR; (x) DPMS AR-15; (xi) Olympic Arms AR-15; (xii) Rock River Arms LAR 15; (xiii) Calico Liberty III and III Tactical Pistols; (xiv) Masterpiece Arms MPA Pistols and Velocity Arms VMA Pistols; (xv) Intratec TEC-DC9 and AB-10; (xvi) Colefire Magnum; (xvii) German Sport 522 PK and Chiappa Firearms Mfour-22; (xviii) DSA SA58 PKP FAL; (xix) I.O. Inc. PPS-43C; (xx) Kel-Tec [PLR-16](#) Pistol; (xxi) Sig Sauer P516 and P556 Pistols; and (xxii) Thompson TA5 Pistols;

(D) Any of the following semiautomatic shotguns, or copies or duplicates thereof with the capability of any such shotguns, that were in production prior to or on April 4, 2013: All IZHMASH Saiga 12 Shotguns;

(E) Any semiautomatic firearm regardless of whether such firearm is listed in subparagraphs (A) to (D), inclusive, of this subdivision, and regardless of the date such firearm was produced, that meets the following criteria:

(i) A semiautomatic, centerfire rifle that has an ability to accept a detachable magazine and has at least one of the following:

(I) A folding or telescoping stock;

(II) Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing;

(III) A forward pistol grip;

(IV) A flash suppressor; or

(V) A grenade launcher or flare launcher; or

(ii) A semiautomatic, centerfire rifle that has a fixed magazine with the ability to accept more than ten rounds; or

(iii) A semiautomatic, centerfire rifle that has an overall length of less than thirty inches; or

(iv) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least one of the following:

- (I) An ability to accept a detachable ammunition magazine that attaches at some location outside of the pistol grip;
 - (II) A threaded barrel capable of accepting a flash suppressor, forward pistol grip or silencer;
 - (III) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to fire the firearm without being burned, except a slide that encloses the barrel; or
 - (IV) A second hand grip; or
 - (v) A semiautomatic pistol with a fixed magazine that has the ability to accept more than ten rounds; or
 - (vi) A semiautomatic shotgun that has both of the following:
 - (I) A folding or telescoping stock; and
 - (II) Any grip of the weapon, including a pistol grip, a thumbhole stock, or any other stock, the use of which would allow an individual to grip the weapon, resulting in any finger on the trigger hand in addition to the trigger finger being directly below any portion of the action of the weapon when firing; or
 - (vii) A semiautomatic shotgun that has the ability to accept a detachable magazine; or
 - (viii) A shotgun with a revolving cylinder; or
 - (ix) Any semiautomatic firearm that meets the criteria set forth in subdivision (3) or (4) of subsection (a) of section 53-202a of the general statutes, revision of 1958, revised to January 1, 2013; or
 - (F) A part or combination of parts designed or intended to convert a firearm into an assault weapon, as defined in any provision of subparagraphs (B) to (E), inclusive, of this subdivision, or any combination of parts from which an assault weapon, as defined in any provision of subparagraphs (B) to (E), inclusive, of this subdivision, may be assembled if those parts are in the possession or under the control of the same person;
- (2) “Assault weapon” does not include (A) any firearm modified to render it permanently inoperable, or (B) a part or any combination of parts of an assault weapon, that are not assembled as an assault weapon, when in the possession of a licensed gun dealer, as defined in subsection (f) of [section 53-202f](#), or a gunsmith who is in the licensed gun dealer's employ, for the purposes of servicing or repairing lawfully possessed assault weapons under sections 53-202a to [53-202k](#), inclusive;

(3) “Action of the weapon” means the part of the firearm that loads, fires and ejects a cartridge, which part includes, but is not limited to, the upper and lower receiver, charging handle, forward assist, magazine release and shell deflector;

(4) “Detachable magazine” means an ammunition feeding device that can be removed without disassembling the firearm action;

(5) “Firearm” means a firearm, as defined in [section 53a-3](#);

(6) “Forward pistol grip” means any feature capable of functioning as a grip that can be held by the nontrigger hand;

(7) “Lawfully possesses” means, with respect to an assault weapon described in any provision of subparagraphs (B) to (F), inclusive, of this subdivision, (A) actual possession that is lawful under [sections 53-202b to 53-202k](#), (B) constructive possession pursuant to a lawful purchase transacted prior to or on April 4, 2013, regardless of whether the assault weapon was delivered to the purchaser prior to or on April 4, 2013, which lawful purchase is evidenced by a writing sufficient to indicate that (i) a contract for sale was made between the parties prior to or on April 4, 2013, for the purchase of the assault weapon, or (ii) full or partial payment for the assault weapon was made by the purchaser to the seller of the assault weapon prior to or on April 4, 2013, or (C) actual possession under subparagraph (A) of this subdivision, or constructive possession under subparagraph (B) of this subdivision, as evidenced by a written statement made under penalty of false statement on such form as the Commissioner of Emergency Services and Public Protection prescribes;

(8) “Pistol grip” means a grip or similar feature that can function as a grip for the trigger hand; and

(9) “Second hand grip” means a grip or similar feature that can function as a grip that is additional to the trigger hand grip.

Credits

(1993, P.A. 93-306, § 1; 2001, P.A. 01-130, § 1; 2013, P.A. 13-3, § 25, eff. April 4, 2013; 2013, P.A. 13-220, §§ 3, 4, 21, eff. June 18, 2013.)

Editors' Notes

VALIDITY

<For validity of this section, see [New York State Rifle & Pistol Ass'n, Inc. v. Cuomo, 2015, 804 F.3d 242.](#)>

Notes of Decisions (18)

C. G. S. A. § 53-202a, CT ST § 53-202a

The statutes and Constitution are current through the 2018 Supplement to the General Statutes of Connecticut, Revision of 1958.

Denver

Attachment B - California, Connecticut, Denver and Vail assault weapon laws

Denver

Sec. 38-130. - Assault weapons.

- (a) *Legislative intent.* The city council hereby finds and declares that the use of assault weapons poses a threat to the health, safety and security of all citizens of the City and County of Denver. Further, the council finds that assault weapons are capable both of a rapid rate of fire as well as of a capacity to fire an inordinately large number of rounds without reloading and are designed primarily for military or antipersonnel use. The city council finds that law enforcement agencies report increased use of assault weapons for criminal activities. This has resulted in a record number of related homicides and injuries to citizens and law enforcement officers. It is, therefore, the intent of the city council to place reasonable and necessary restrictions on the sale and possession of assault weapons while placing no restrictions on the right of citizens to use weapons which are primarily designed and intended for hunting, target practice and other legitimate sports or recreational activities and the protection of home, person and property.
- (b) *Definitions.* The following words and phrases, when used in this section, shall have these meanings respectively ascribed to them:
- (1) *Assault weapon* shall include all firearms with any of the following characteristics:
 - a. All semiautomatic action, centerfire rifles with a detachable magazine with a capacity of more than fifteen (15) rounds.
 - b. All semiautomatic shotguns with a folding stock or a magazine capacity of more than six (6) rounds or both.
 - c. Reserved.
 - d. Any firearm which has been modified to be operable as an assault weapon as defined herein.
 - e. Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including a detachable magazine with a capacity of more than fifteen (15) rounds, or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.
 - (2) *Bump stock* shall mean any device for a pistol, rifle, or shotgun that increases the rate of fire achievable with such weapon by using energy from the recoil of the weapon to generate a reciprocating action that facilitates repeated activation of the trigger.
 - (3) *Fixed cartridge* shall mean that self-contained unit consisting of the case, primer, propellant charge and projectile or projectiles.
 - (4) *Magazine* shall mean a box, drum or other container which holds and feeds ammunition into a semiautomatic rifle, shotgun or pistol.
 - (5) *Pistol* shall mean a weapon originally designed, made and intended to fire a projectile (bullet) from one (1) or more barrels when held in one (1) hand and having:
 - a. A chamber as an integral part of or permanently aligned with the bore or having a breech-loading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing; and
 - b. A short stock designed to be gripped by one (1) hand and at an angle to and extending below the line of the bore(s).
 - (6) *Rifle* shall mean a weapon designed or redesigned, made or remade and intended to be fired from the shoulder or hip and designed or redesigned or made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed cartridge.

Attachment B - California, Connecticut, Denver and Vail assault weapon laws

- (7) *Semiautomatic* shall mean a weapon which fires a single projectile for each single pull of the trigger which automatically chambers the next round for firing and which employs a magazine.
 - (8) *Shotgun* shall mean a weapon designed or redesigned, made or remade and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.
- (c) *Specific weapons not included.* As used in this section, *assault weapon* does not include any of the following:
- (1) All weapons that do not use fixed cartridges, all weapons that were in production prior to 1898, all manually operated bolt-action weapons, all lever-action weapons, all slide-action weapons, all single-shot weapons, all multiple-barrel weapons, all revolving-cylinder weapons, all semiautomatic weapons for which there is no fixed magazine with capacity of more than fifteen (15) rounds available, all semiautomatic weapons that use exclusively en bloc clips, all semiautomatic weapons in production prior to 1954 and all rimfire weapons that employ a tubular magazine.
 - (2) Any firearm that uses .22 caliber rimfire ammunition.
 - (3) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.
- (d) *Supplemental provisions.* Except as specifically stated herein, the provisions of this section are independent of and supplemental to any other provisions of law, and nothing shall prevent a device defined as an *assault weapon* in this section from also being regulated under other provisions of law.
- (e) *Possession of assault weapons unlawful.* It shall be unlawful to carry, store, keep, manufacture, sell or otherwise possess within the City and County of Denver a weapon or weapons defined herein as assault weapons, except that this subdivision shall not apply to:
- (1) Any federal, state or local government agency or to any sworn members of said agencies acting within their official capacities.
 - (2) Any assault weapon which is being used as a movie prop for any motion picture or television program which is being filmed in whole or in part within the City and County of Denver if, prior to such use, the police department is notified in advance in writing of the date, time, location, production schedule and days upon which such use shall take place and the type and serial numbers of the firearms.
 - (3) It shall be an affirmative defense to charges brought under this section that the transportation of an assault weapon:
 - (a) Is through the city by a nonresident who is in legal possession of an assault weapon; or
 - (b) Is by a person carrying a permit issued under subsection (f) and the transportation is for one (1) of the following purposes:
 - i. In aid of the civil power when thereto legally summoned;
 - ii. To a bona fide hunting trip for wild game, or to a legitimate sporting use of such weapon, including shooting matches or target trap or skeet shooting. All weapons carried for such purposes shall be unloaded;
 - iii. While transporting such weapon to or from a place for sale outside the city or for repair. All weapons carried for such purposes shall be unloaded at all times;
 - iv. As a member of the armed forces of a state or of the federal government while engaged in the lawful performance of duty;

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- v. In conjunction with moving personal property, including such weapon, from an old residence to a new residence. All weapons carried for such purposes shall be unloaded at all times.
- (f) *Conditional exception.* Any person over the age of twenty-one (21) years who obtained an assault weapon legally prior to the effective date of this section may obtain a permit to keep, store and possess said assault weapon if:
 - (1) Said weapon is properly identifiable and contains its original serial number.
 - (2) An application for a permit for each assault weapon is filed with the police department within sixty (60) days of the effective date of this section pursuant to such procedures as the department may establish. The application shall contain a description of the firearm that identifies it uniquely, including all identification marks and numbers, the full name, address, date of birth and fingerprints of the owner and the address where such assault weapon will be stored and such other information as the department may deem appropriate. The place of storage and possession shall not be changed without notification to the department of the proposed change in location and when said weapon will be transported. The department may charge a fee for registration not to exceed the actual processing costs of the department.
 - (3) The department shall issue a permit which shall identify the weapon and where it is to be stored.
 - (4) The information required for the registration and permitting of assault weapons shall be treated as confidential and shall not be made available to members of the general public. The council finds that the release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of persons at the premises where an assault weapon is located. The information on a permit application shall be used by the city only for law enforcement purposes.
- (g) *Sale or transfer unlawful.* It is unlawful to sell or transfer possession of an assault weapon possessed pursuant to subsection (f) within the City and County of Denver.
- (h) *Reserved.*
- (i) *Specific magazine prohibited.* It shall be unlawful to carry, store or otherwise possess a magazine which will hold or may be modified to hold more than fifteen (15) rounds, except that this subsection shall not apply to:
 - (1) Any federal, state or local government agency or to any sworn members of said agencies acting within their official capacities.
 - (2) Any magazine which is being used as a movie prop for any motion picture or television program which is being filmed in whole or in part within the City and County of Denver if, prior to such use, the police department is notified in advance in writing of the date, time, location, production schedule and days upon which such use shall take place and the type and serial numbers of the firearms.
 - (3) It shall be an affirmative defense to charges brought under this section that the transportation of a magazine:
 - (a) Is through the city by a nonresident who is in legal possession of the magazine; or
 - (b) Is by a person carrying a permit issued under subsection (f) and the transportation is for one (1) of the following purposes:
 - i. In aid of the civil power when thereto legally summoned;
 - ii. To a bona fide hunting trip for wild game, or to a legitimate sporting use of such magazine, including shooting matches or target trap or skeet shooting;
 - iii. While transporting such magazine to or from a place for sale outside the city;

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- iv. As a member of the armed forces of a state or of the federal government while engaged in the lawful performance of duty;
 - v. In conjunction with moving personal property, including such magazine, from an old residence to a new residence.
- (j) *Bump stock prohibited.* It shall be unlawful to sell, carry, store, or otherwise possess a bump stock.
- (k) *Penalty.* Any person, firm or corporation who is convicted of violating any provision of this section shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than nine hundred ninety-nine dollars (\$999.00) and a term of incarceration of not less than ten (10) days nor more than one hundred eighty (180) days.
- (l) *Violation; disposition.* Upon a conviction of violating any provision of this section, the weapon shall be confiscated and destroyed under section 38-120, disposition of confiscated weapons.

(Ord. No. 669-89, § 1, 11-6-89; Ord. No. 719-89, § 1, 11-27-89; Ord. No. 1058-96, § 2, 12-9-96; Ord. No. 38-07, § 6, 1-22-07; Ord. No. 1400-17, §§ 1—3, 1-22-18)

Vail

ORDINANCE NO. 15
SERIES OF 1994

AN ORDINANCE RESTRICTING THE SALE OR POSSESSION OF ASSAULT WEAPONS.

WHEREAS, Town Council finds and declares that the use of assault weapons poses a threat to the health, safety, and security of all citizens of the Town of Vail; and

WHEREAS, Town Council finds that assault weapons are capable both of a rapid rate of fire as well as of a capacity to fire an inordinately large number of rounds without reloading; and

WHEREAS, assault weapons are designed primarily for military or anti-personnel use; and

WHEREAS, Town Council finds that law enforcement agencies nation wide report increased use of assault weapons from criminal activities that have resulted in a record number of related homicides and injuries to citizens and law enforcement officers; and

WHEREAS, Town Council believes it is in the Town of Vail's best interest to be proactive and a leader in the restriction and regulation of assault weapons and thereby set the tone for local governments to enact such regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF VAIL, COLORADO THAT:

Section 1

(a) Legislative Intent. The Town Council hereby ordains to place reasonable and necessary restrictions on the sale and possession of assault weapons in the Town of Vail while placing no restrictions on the right of citizens to use weapons which are primarily designed and intended for hunting, target practice, and other legitimate sports and recreational activities and the protection of home, person, and property.

(b) Definitions. The following words and phrases, when used in this section, shall have these meanings respectively ascribed to them:

1) Assault weapon. The general characteristics of an assault weapon may include the following features: A shorter length than recreational firearms; a folding stock; a modification of an automatic firearm originally designed for military use; a greater rate of fire or firing capacity than reasonably necessary for legitimate sports, recreational or protection activities and shall include all firearms with any of the following characteristics:

a) All semiautomatic action, centerfire rifles with a detachable magazine with a capacity of twenty-one (21) or more rounds.

b) All semiautomatic shotguns with a folding stock or a magazine capacity of more than six (6) rounds or both.

c) Any firearm which has been modified to be operable as an assault weapon as defined herein.

d) Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including a detachable magazine with a capacity of twenty-one (21) or more rounds, or any combination of parts from which an assault weapon may be readily assembled if those parts are in the possession or under the control of the same person.

f) Any weapon listed in subsection (h).

2) Fixed cartridge shall mean that self-contained unit consisting of the case, primer, propellant charge and projectile or projectiles.

3) Magazine shall mean a box, drum or other container which holds and feeds ammunition into a semiautomatic rifle, shotgun or pistol

4) Pistol shall mean a weapon originally designed, made and intended to fire a projectile (bullet) from one (1) or more barrels when held in one (1) hand and having:

a) A chamber as an integral part of or permanently aligned with the bore or having a breech-loading chambered cylinder so arranged that the cocking of the hammer or movement of the trigger rotates it and brings the next cartridge in line with the barrel for firing; and

b) A short stock designed to be gripped by one (1) hand and at an angle to and extending below the line of the bore(s).

5) Rifle shall mean a weapon designed or redesigned, made or remade and intended to be fired from the shoulder or hip and designed or redesigned or made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed cartridge.

6) Semiautomatic shall mean a weapon which fires a single projectile for each single pull of the trigger which automatically chambers the next round for firing and which employs a magazine.

7) Shotgun shall mean a weapon designed or redesigned, made or remade and intended to be fired from the shoulder or hip and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

c) Specific weapons not included. As used in this section, *assault weapon* does not include any of the following:

1) All weapons that do not use fixed cartridges, all weapons that were in production prior to 1898, all manually operated bolt-action weapons, all lever-action weapons, all slide-action weapons, all single-shot weapons, all multiple-barrel weapons, all revolving-cylinder weapons, all semiautomatic weapons for which there is no fixed magazine with a capacity of twenty-one (21) or more rounds available, all semiautomatic weapons that use exclusively en bloc clips, all semiautomatic weapons in production prior to 1954 and all rimfire weapons that employ a tubular magazine.

2) Any firearm that uses .22 caliber rimfire ammunition.

3) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

d) Supplemental provisions. Except as specifically stated herein, the provisions of this section are independent of and supplemental to any other provisions of law, and nothing shall prevent a device defined as an *assault weapon* in this section from also being regulated under other provision of law.

e) Possession of assault weapons unlawful. It shall be unlawful to carry, store, keep, manufacture, sell or otherwise possess within the Town of Vail a weapon or weapons defined herein as assault weapons, except that this subdivision shall not apply to:

1) Any federal, state or local government agency or to any sworn members of said agencies acting within their official capacities.

2) Any assault weapon which is being used as a movie prop for any motion picture or television program which is being filmed in whole or in part within the Town of Vail if, prior to such use, the police department is notified in advance in writing of the date, time, location, production schedule and days upon which such use shall take place and the type and serial numbers of the firearms.

3) The transportation of any assault weapon through the Town by a nonresident who is in legal possession of an assault weapon or a person carrying a permit issued under subsection (f).

f) Conditional exception. Any person over the age of twenty-one (21) years who obtained an assault weapon legally prior to the effective date of this section may obtain a permit to keep, store and possess said assault weapon if:

1) Said weapon is properly identifiable and contains its original serial number.

2) An application for a permit for each assault weapon is filed with the police department within sixty (60) days of the effective date of this section pursuant to such procedures as the department may establish. The application shall contain a description of the firearm that identifies it uniquely, including all identification marks and numbers, the full name, address, date of birth and fingerprints of the owner and the address where such assault weapon will be stored and such other information as the department may deem appropriate. The place of storage and possession shall not be changed without notification to the department of the proposed change in location and when said weapon will be transported. The department may charge a fee for registration not to exceed the actual processing costs of the department.

3) The department shall issue a permit which shall identify the weapon and where it is to be stored.

4) The information required for the registration and permitting of assault weapons shall be treated as confidential and shall not be made available to members of the general public. The Council finds that release of such information would constitute an unwarranted invasion of personal privacy and could endanger the life or safety of person at the premises where an assault weapon is located. The information on a permit application shall be used by the Town only for law enforcement purposes.

g) Sale or transfer unlawful. It is unlawful to sell or transfer possession of an assault weapon possessed pursuant to subsection (f) within the Town of Vail.

h) Specific prohibited assault weapons. It is unlawful to carry, store or otherwise possess within the Town of Vail any of the following weapons which are hereby declared to be assault weapons except as provided in and subject to all the provisions of this section:

1) All of the following specified rifles are prohibited:

a) Norinco, Mitchell and Poly Technologies Avtomat Kalashnikovs (all models).

- b) Action Arms Israeli Military Industries UZI and Galil.
- c) Beretta AR-70 (SC-70).
- d) CETME G3.
- e) Colt AR-15 and CAR-15.
- f) Daewoo K-1, K-2, Max 1 and Max 2.
- g) Fabrique Nationale (FN/FAL, FN/LAR and FNC).
- h) FAMAS MAS223.
- i) Heckler & Koch HK-91, H-93, HK-94 and PSG-1.
- j) MAC 10 and MAC 11.
- k) SKS with detachable magazine.
- l) SIG AMT, SIG 500 Series and SIG PE-57.

- m) Springfield Armory BM59 and SAR-48.
- n) Sterling MK-6 and SAR.
- o) Steyr AUG.
- p) Valmet M62, M71S and M78.
- q) Armalite AR-180 Carbine.
- r) Bushmaster Assault Rifle (armgun).
- s) Calico M-900 Assault Carbine.
- t) Mandall THE TAC-1 Carbine.
- u) Plainfield Machine Company Carbine.
- v) PJK M-68 Carbine.
- w) Weaver Arm Nighthawk.

2) All of the following specified pistols are prohibited:

- a) Action Arms UZI.
- b) Encom MP-9 and MP-45.
- c) MAC 10 and MAC 11.
- d) INTRATEC TEC-9.
- e) Mitchell Arms Spectre Auto.
- f) Sterling MK-7.
- g) Calico M-900.

3) All of the following specified shotguns are prohibited:

- a) Franchi SPAS 12 and LAW 12.
- b) Gilbert Equipment Company Striker 12.
- c) Encom CM-55.

4) Other models by the same manufacturer that are identical to firearms listed in subdivisions (1), (2) or (3) except for slight modifications or enhancements, including, but not limited to, a folding or retractable stock; adjustable sight; case deflector for left-handed shooters; shorter barrel; wooden, plastic or metal stock; larger clip size; different caliber provided the caliber exceeds .22 rimfire; or bayonet mount.

5) Firearms which have been redesigned from, renamed, renumbered or patterned after one of the listed firearms in subdivisions (1), (2), (3) or those described in subdivision (4) regardless of the company of production or distribution or the country of origin or any firearm which has been manufactured or sold by another company under a licensing agreement to manufacture or sell the identical or nearly identical firearms as those listed in subdivision (1), (2), (3) or those described in subdivision (4) regardless of the company of production or distribution or the country of origin.

i) Specific magazine prohibited. It shall be unlawful to carry, store or otherwise possess a magazine which will hold or may be modified to hold twenty-one (21) or more rounds.

j) Penalty. Any person, firm or corporation who is convicted of violating any provision of this section shall be punished by a fine of not less than one hundred (\$100.00) or more than nine hundred ninety-nine dollars (\$999.00) and a term of incarceration of not less than ten (10) days nor more than one hundred eighty (180) days.

k) Violation; disposition. Upon a conviction of violating any provision of this section, the weapon shall be confiscated and destroyed under section 9.56.100 of the Municipal Code of the Town of Vail.

Section 2

If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance; and the Town Council hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 3

The Town Council hereby finds, determines, and declares that this ordinance is necessary and proper for the health, safety, and welfare of the Town of Vail and the inhabitants thereof.

Section 4

The repeal or the repeal and reenactment of any provision of the Municipal Code of the Town of Vail as provided in this ordinance shall not affect any right which has accrued, any duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceedings as commenced under or by virtue of the provision repealed or repealed and reenacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

Section 5

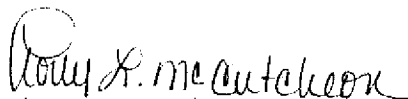
All bylaws, orders, resolutions, and ordinances, or parts thereof, inconsistent herewith are repealed to the extent only of such inconsistency. This repealer shall not be construed to revise any bylaw, order, resolution, or ordinance, or part thereof, theretofore repealed.

INTRODUCED, READ, APPROVED, AND ORDERED PUBLISHED ONCE IN FULL ON FIRST READING this 6th day of September, 1994, and a public hearing shall be held on this Ordinance on the 20th day of September, 1994, at 7:30 p.m. in the Council Chambers of the Vail Municipal Building, Vail, Colorado.



Merv Lapin, Mayor Pro-Tem

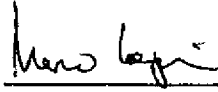
ATTEST:



Holly L. McCutcheon, Town Clerk

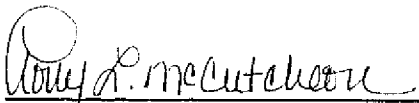
READ AND APPROVED ON SECOND READING AND ORDERED PUBLISHED

by title only this 20th day of September, 1994.



Merv Lapin, Mayor Pro-Tem

ATTEST:



Holly L. McCutcheon, Town Clerk

Attachment C - Alternative language for the definition of assault weapon

In Section 5-8-2, "Definitions," B.R.C. 1981, replace the definition of assault weapon with the following:

Assault Weapon means all firearms with any of the following characteristics:

- (a) Semi-automatic rifle that has the capacity to accept a detachable magazine.
- (b) Semi-automatic pistol, or any semi-automatic, centerfire rifle with a fixed magazine, that has the capacity to accept more than 10 rounds of ammunition.
- (c) Semi-automatic pistol that has the capacity to accept a detachable magazine and has one or more of the following:
 - (1) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand.
 - (2) A folding, telescoping or thumbhole stock.
 - (3) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel.
 - (4) The capacity to accept a detachable magazine at any location outside of the pistol grip.
- (d) Semi-automatic shotgun that has one or more of the following:
 - (1) A pistol grip or thumbhole stock.
 - (2) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand.
 - (3) A folding or telescoping stock.
 - (4) A fixed magazine capacity in excess of 5 rounds.
 - (5) An ability to accept a detachable magazine.

Attachment D - Alternative language with no grandfathering provision

Delete sections 4 and 6 of the proposed ordinance.

Attachment E - Alternative language that bans only sales

Delete Section 1 of the proposed ordinance.

Amend Section 2 of the proposed ordinance by deleting the definition of “Illegal Weapons.”

Delete Section 3 of the proposed ordinance and replace with the following:

Section 3. A new Section 5-8-29, “Sale of Assault Weapons, High-Capacity Magazines and Multi-Burst Trigger Activators Prohibited,” B.R.C. 1981, is added as follows:

5-8-10 Sale of Assault Weapons, High-Capacity Magazines and Multi-Burst Trigger Activators Prohibited

- (a) No person shall knowingly sell or otherwise transfer an Assault Weapon, High-Capacity Magazine or Multi-Burst Trigger Activator.

Delete Section 4 of the proposed ordinance.

Delete Section 6 of the proposed ordinance.

Renumber all remaining sections.