

POLICE MEMORANDUM
#26-2022

DATE: Aug. 8, 2022

TO: Honorable Mayor Meredith Leighty and City Council Members

THROUGH: Heather Geyer, City Manager *hmg*

FROM: James S. May, Jr., Chief of Police *JSM/217*
Randall L. Darlin, Deputy Chief of Police

SUBJECT: Firearm Regulations Within City Parks and Buildings

PURPOSE

To provide Council with an overview of potential regulations restricting the carrying of concealed firearms within City parks and buildings.

BACKGROUND

In 2021, State legislators passed Senate Bill 21-256 amending Colorado law to allow local governments the ability to regulate firearms. C.R.S. § 29-11.7-103 states that unless otherwise expressly prohibited pursuant to or less restrictive than State law, a local government may enact an ordinance, regulation, or other law governing or prohibiting the sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component or accessory that a person may lawfully sell, purchase, transfer, or possess under State or Federal law. Some of the more pertinent laws include:

- C.R.S. § 18-12-105(2)(b) allows a person to carry a firearm in a vehicle if its use is for lawful protection of such person or another's person or property. Colorado law also allows a person to possess a handgun in a dwelling, place of business, or automobile. However, when carrying the weapon into a home, business, hotel room, etc., it must be in plain view.
- H.R.218 (2004), The Law Enforcement Officers Safety Act (LEOSA), permits the nationwide carrying of concealed handguns by qualified current and retired law enforcement officers, exempting them from State and local laws prohibiting the carry of concealed firearms, with a few exceptions. An individual who qualifies under LEOSA does not need a State-issued concealed carry permit in order to carry a concealed firearm in any state.
- C.R.S. § 18-12-203 provides that an individual can obtain a permit to carry a concealed weapon through the sheriff of the county where they live. Applicants must meet specific requirements to qualify for the permit. The law provides that the sheriff shall issue a permit to carry a concealed handgun to an applicant who:
 - Is a legal resident of Colorado
 - Is 21 years of age or older
 - Is not ineligible to possess a firearm pursuant to C.R.S. § 18-12-108 or Federal law
 - Does not chronically or habitually use alcoholic beverages to the point of impairment
 - Is not a user or addicted to a controlled substance
 - Is not subject to a protection order and demonstrates competence with a handgun

Currently, the City imposes an additional restriction on openly carrying firearms in public places. Under Municipal Code Section 4-7-1, it is unlawful for any person to openly carry any firearm in any public place where there is posted a sign indicating that the open carrying of firearms is prohibited. A public place is defined as a location where the public or a substantial number of the public has access. This includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of public and private buildings and facilities. The current ordinance does not apply to peace officers. Additionally, the Code authorizes the City Manager or their designee to determine the public places where the open carrying of firearms shall be prohibited, which may include but is not limited to the following: buildings, sites, and areas including municipally owned, operated, or leased buildings or properties; recreation facilities; and public parks, trails, or open space. The City Manager recommends Council amend the Code to require Council to make the determination because it is a policy decision.

Discussions regarding local ordinances regulating an individual's ability to carry a concealed firearm have gained prominence due to shootings across the United States. Currently, the City does not have an ordinance regulating the carrying of concealed firearms in public places. Accordingly, individuals who possess a valid concealed carry permit issued pursuant to C.R.S. § 18-12-214 or another state providing reciprocity can legally carry a concealed weapon within public buildings, parks, open spaces, and places of amusement.

BUDGET/TIME IMPLICATIONS

Based on Council direction on new regulations, staff will assess the financial impact. There will be an impact to the Police Department through the cost of training time and responsibilities associated with enforcement and prosecution.

STAFF RECOMMENDATION

This is for informational purposes only. Staff recommends Code Section 4-7-1(e) be amended to require City Council to make the determination as a matter of policy.

STAFF REFERENCE

If Council members have any questions, they may contact:

- James S. May, Jr., Chief of Police, at jmay@northglenn.org or 303.450.8967
- Randall L. Darlin, Deputy Chief of Police, at rdarlin@northglenn.org or 303.450.8964