



# Proposed Ordinance Banning Assault Weapons, Large Capacity Magazines and Multi-Burst Trigger Activators

Boulder City Council

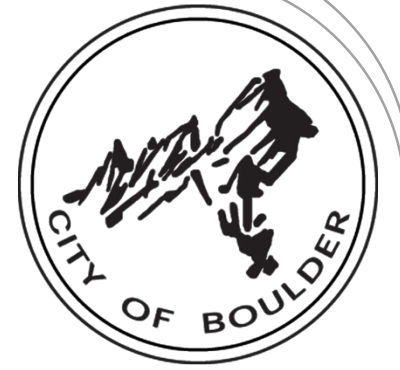
April 5, 2018

# Purpose



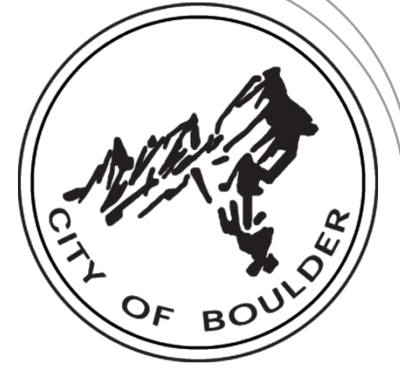
First Reading Public Hearing on New Firearms Regulations.

# Legal Background – Can the City Do this?



- U.S. Const. Second Amendment
- Colorado Const. Article 2, Section 13
- C.R.S. § 29-11.7-103
- C.R.S. § 29-11.7-102

# U.S. Const. Second Amendment



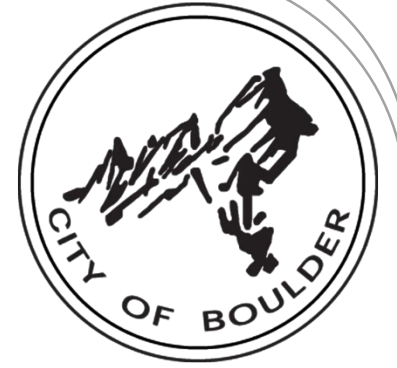
A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

# Colorado Const. Article 2, Section 13



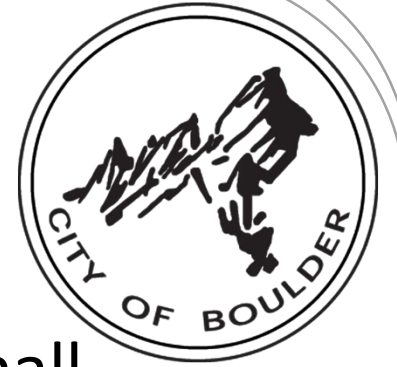
The right of no person to keep and bear arms in defense of his home, person and property, or in aid of the civil power when thereto legally summoned, shall be called in question; but nothing herein contained shall be construed to justify the practice of carrying concealed weapons.

# C.R.S. § 29-11.7-103



A local government may not enact an ordinance, regulation, or other law that prohibits the sale, purchase, or possession of a firearm that a person may lawfully sell, purchase, or possess under state or federal law. Any such ordinance, regulation, or other law enacted by a local government prior to March 18, 2003, is void and unenforceable.

# C.R.S. § 29-11.7-102



- (1) A local government, including a law enforcement agency, shall not maintain a list or other form of record or database of:
- (a) Persons who purchase or exchange firearms or who leave firearms for repair or sale on consignment;
  - (b) Persons who transfer firearms, unless the persons are federally licensed firearms dealers;
  - (c) The descriptions, including serial numbers, of firearms purchased, transferred, exchanged, or left for repair or sale on consignment.

# Staff Recommendation



1. Ban sale and possession of assault weapons, high capacity magazines and multi-burst trigger activators.
2. Allow for registration of assault weapons owned before April 1, 2018.
3. Exemptions.

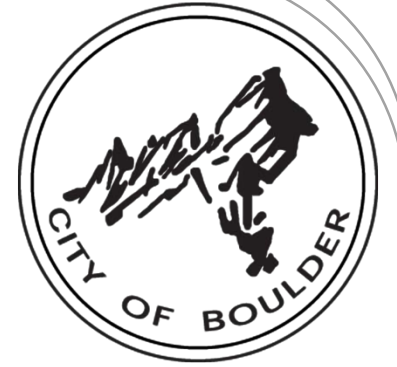


# Definition of Assault Weapon



- Focus on elements that make the rifle more lethal.
- Semi-automatic.
- Ability to accept high-capacity magazines.
- Features allowing for stabilization.

# Assault Weapons - Definition

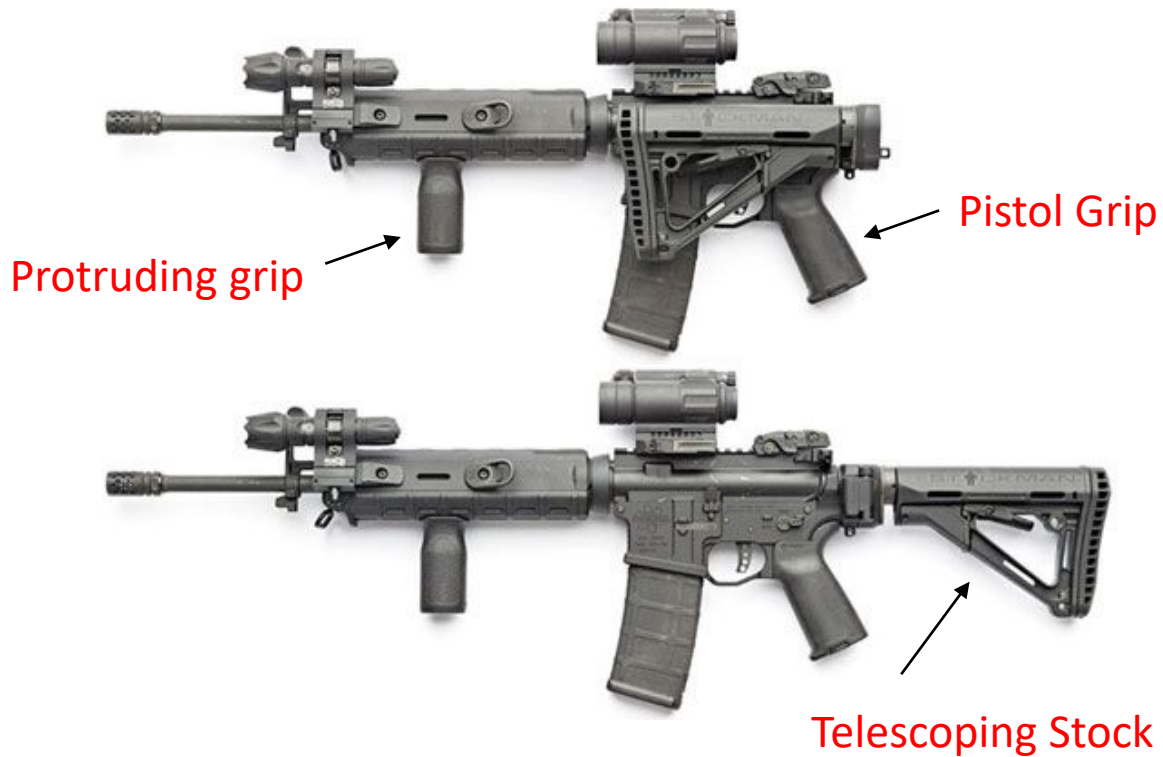
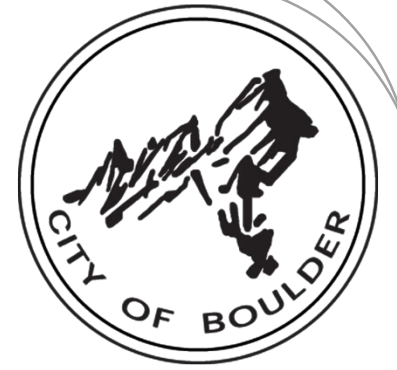


- (a) All semi-automatic rifles that have the capacity to accept a detachable magazine and that have any of the following characteristics:
  - (1) A pistol grip or thumbhole stock.
  - (2) A folding or telescoping stock.
  - (3) Any protruding grip or other device to allow the weapon to be stabilized with the non-trigger hand.
- (b) All semi-automatic center-fire pistols that have any of the following characteristics:
  - (1) Have the capacity to accept a magazine other than in the pistol grip; or
  - (2) Have a protruding grip or other device to allow the weapon to be stabilized with the non-trigger hand.
- (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 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.

“All semi-automatic rifles that have the capacity to accept a detachable magazine”



- (1) A pistol grip or thumbhole stock.
- (2) A folding or telescoping stock.
- (3) Any protruding grip or other device to allow the weapon to be stabilized with the non-trigger hand.



# Pistols



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

- (1) Have the capacity to accept a magazine other than in the pistol grip; or
- (2) Have a protruding grip or other device to allow the weapon to be stabilized with the non-trigger hand.



**Would not be prohibited by the draft ordinance**



**Would be prohibited by the draft ordinance**





.22 Caliber





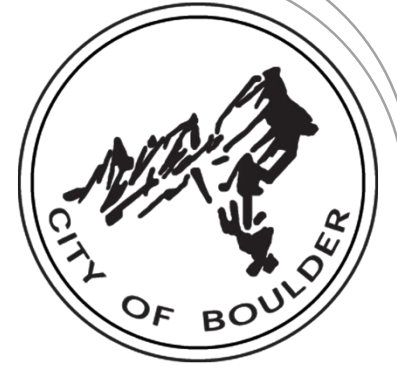
# Centerfire v. Rimfire



Refers to where the charge is:

- Centerfire – charge concentrated in the center, higher velocity, larger caliber.
- Rimfire – distributed around the outside, lower velocity, smaller caliber (.22 or lower).

# Multi-burst trigger activator



- (a) A device that attaches to a firearm to allow the firearm to discharge two or more shots in a burst when the device is activated; or
- (b) A manual or power-driven trigger-activating device that, when attached to a firearm increases the rate of fire of that firearm.

# Large Capacity Magazines



any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:

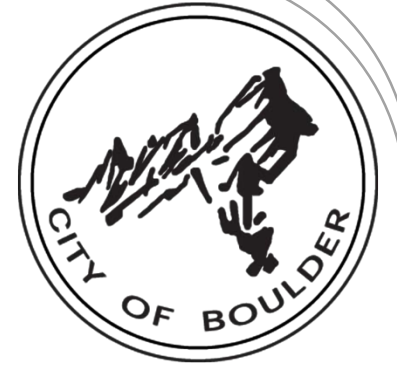
- (a) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.
- (b) A 22-caliber tube ammunition feeding device.
- (c) A tubular magazine that is contained in a lever-action firearm.

# Exemptions



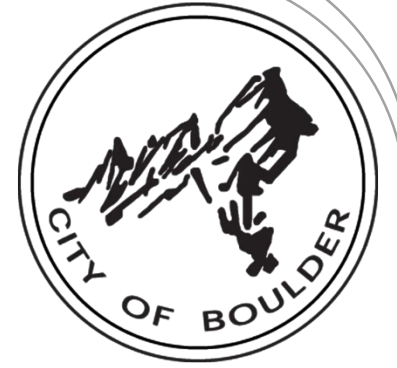
- Federal Firearms License Holders.
- Weapons with a Federal Permit or Stamp.
- Competitive Shooters – defined as “a person who actively competes in competitive shooting events as evidenced by membership in a group organized for the purpose of conducting or competing in such event.
- Handguns and magazines expressly permitted by state law.
  - Concealed carry is not prohibited if pursuant to a state permit.
- Travel through Boulder.
- Law enforcement, military, ROTC.

# Registration



- Registered weapons may be kept in Boulder.
- Registration permitted only for weapons possessed prior to April 1, 2018, except for competitive shooters.
- Competitive shooters can register weapons acquired at any time.
- One-time fee.
- Cost recovery only.
- No renewal required.

# Questions for Council



- 1) Whether to impose a ban;
- 2) If a ban is imposed, what should be included;
- 3) Should .22 caliber automatic rifles be included;
- 4) Whether a ban should include possession as well as sale;
- 5) What if any exemptions should be included;
- 6) Whether existing ownership should be grandfathered; and
- 7) If so, whether a system of registration for pre-banned items should be implemented.



# Council Questions?

# Alternate Definition of Assault Weapon



*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.

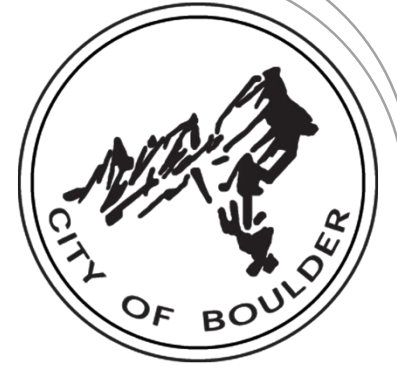


# Alternate Definition - Continued



- (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.

# To Eliminate the Grandfathering Provision



Delete sections 4 and 6 of the proposed ordinance.

# To Ban Sales Only



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**

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.