

ORDINANCE 8259

AN ORDINANCE AMENDING CHAPTER 5, "GENERAL OFFENSES," B.R.C. 1981, TO DELETE A PROVISION EXEMPTING CERTAIN HANDGUN MAGAZINES AND TO CLARIFY THE CERTIFICATION PROCESS FOR ASSAULT WEAPONS AND SETTING FORTH RELATED DETAILS.

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

Section 1. Section 5-8-10, "Possession and Sale of Illegal Weapons," B.R.C. 1981, is amended to read as follows:

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

- (a) No person shall knowingly possess or sell or otherwise transfer an illegal weapon.
- (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;
  - (3) Selling an illegal weapon to a person identified in Section 5-8-25, "Exemptions from this Chapter," B.R.C. 1981.
- (d) Nothing in this section shall be deemed to apply to any firearm that has been modified either to render it permanently inoperable or to permanently make it not an assault weapon.
- (e) Nothing in this section shall be deemed to restrict a person's ability to travel with a weapon in a private automobile or other private means of conveyance for hunting, for lawful protection of a person's or another's person or property or for competition, while traveling into, though, or within, the City of Boulder, regardless of the number of times the person stops in the City of Boulder.

Section 2. Section 5-8-25, "Exemptions from Chapter," B.R.C. 1981, is amended to read as follows:

**5-8-25. – Exemptions from Chapter.**

1 Nothing in this chapter shall be construed to forbid the following persons from having  
2 in their possession, displaying, concealing or discharging such weapons as are  
necessary in the authorized and proper performance of their official duties:

- 3 (1) United States Marshals, any sheriffs, constables and their deputies,
- 4 (2) any regular or ex-officio police officer,
- 5 (3) any other peace officers, or
- 6 (4) members of the United States Armed Forces, Colorado National Guard or  
Reserve Officer Training Corps.

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8 Section 3. Section 5-8-28, "Assault Weapons," B.R.C. 1981, is amended to read as  
9 follows:

10 **5-8-28. – Assault Weapons.**

- 11 (a) Any person who, prior to June 15, 2018, was legally in possession of an assault weapon  
12 or large capacity magazine shall have until December 31, 2018 to do any of the  
following without being subject to prosecution:
  - 13 (1) Remove the assault weapon or large capacity magazine from the City of  
Boulder;
  - 14 (2) Render the assault weapon permanently inoperable;
  - 15 (3) Surrender the assault weapon or large capacity magazine to the Boulder Police  
Department for destruction; or
  - 16 (4) If eligible, obtain a certificate for the assault weapon as provided in subsection  
17 (c).
- 18 (b) Any person who, prior to June 15, 2018, was legally in possession of multi-burst trigger  
activator shall have until July 15, 2018 to do any of the following without being subject  
to prosecution:
  - 19 (1) Remove the multi-burst trigger activator from the City of Boulder; or
  - 20 (2) Surrender the multi-burst trigger activator to the Boulder Police Department for  
destruction.
- 21 (c) Any person seeking to certify an assault weapon that he or she legally possessed prior  
22 to June 15, 2018 must comply with the following requirements:
  - 23 (1) Submit to a background check conducted by the appropriate law enforcement  
agency to confirm that he or she is not prohibited to possess a firearm pursuant  
24 to 18 U.S.C. § 922 or C.R.S § 18-12-108;
  - 25 (2) Prior to December 31, 2018 apply for a certificate for the assault weapon from  
the Boulder Police Department;

- 1 (3) No person prohibited by state or federal law from possessing a firearm shall be  
2 issued a certificate.
- 3 (d) Any person issued a certificate shall:
- 4 (1) Safely and securely store the assault weapon pursuant to the regulations adopted  
5 by the appropriate law enforcement agency;
- 6 (2) Possess the assault weapon only on property owned or immediately controlled  
7 by the person, or while on the premises of a licensed gunsmith for the purpose  
8 of lawful repair, or while engaged in the legal use of the assault weapon at a  
9 duly licensed firing range, or while traveling to or from these locations,  
10 provided that the assault weapon is stored unloaded in a locked container during  
11 transport. The term “locked container” does not include the utility  
12 compartment, glove compartment, or trunk of a motor vehicle; and
- 13 (3) Report the loss or theft of a certified assault weapon to the appropriate law  
14 enforcement agency within 48 hours of the time the discovery was made or  
15 should have been made.
- 16 (e) If a certified assault weapon is used in the commission of a crime, the owner shall be  
17 civilly liable for any damages resulting from that crime. The liability imposed by this  
18 subsection shall not apply if the assault weapon was stolen and the certified owner  
19 reported the theft of the firearm to law enforcement within 48 hours of the time the  
20 discovery was made or should have been made.
- 21 (f) Certified assault weapons may not be purchased, sold or transferred in the City of  
22 Boulder, except for transfer to a licensed gunsmith for the purpose of lawful repair, or  
23 transfer to the appropriate law enforcement agency for the purpose of surrendering the  
24 assault weapon for destruction.
- 25 (g) Persons acquiring an assault weapon by inheritance, bequest, or succession shall,  
within 90 days of acquiring title, do one of the following:
- (1) Modify the assault weapon to render it permanently inoperable;
- (2) Surrender the assault weapon to the Boulder Police Department for destruction;
- (3) Transfer the assault weapon to a firearms dealer who is properly licensed under  
federal, state and local laws; or
- (4) Permanently remove the assault weapon from the City of Boulder.
- (h) The owner of a certified assault weapon may not possess in the City of Boulder any  
assault weapons purchased after June 15, 2018.
- (i) The city manager shall charge a fee for each certificate sufficient to cover the costs of  
administering the certificate program.
- (j) The city manager shall issue to qualified applicants two original copies of each  
certificate issued. The City of Boulder shall not maintain any records of certificates  
issued. The person receiving the certificate shall keep one copy with the weapon  
certified and the second copy in a secure place to replace the certificate maintained with  
the weapon.



1 READ ON SECOND READING, PASSED AND ADOPTED this 19<sup>th</sup> day of June 2018.

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Suzanne Jones  
Mayor

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Attest:

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Lynnette Beck  
City Clerk

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