

ORDINANCE NO. 2022-6

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO TO REGULATE THE POSSESSION OF UNFINISHED FRAMES AND RECEIVERS, AND UNSERIALIZED FIREARMS

RECITALS

A. The Nation has a historical tradition of regulating the categories of individuals who may lawfully possess a handgun and of restricting the possession of firearms to law-abiding, responsible individuals.

B. There are gaps in our current law that make it easy for people with dangerous histories to purchase widely available firearms parts without a background check and easily convert them into firearms without a serial number.

C. Untraceable and unserialized firearms, commonly known as “ghost guns,” are a public safety risk because they allow people with dangerous histories to avoid background check requirements and assemble guns without serial numbers that cannot be traced by law enforcement.

D. Pursuant to Section 30-11-101(2) of the Colorado Revised Statutes, a county has the authority to adopt and enforce ordinances regarding issues of health, safety, and welfare.

E. Pursuant to Section 29-11.7-103 of the Colorado Revised Statutes, a county has the authority to adopt and enforce ordinances regulating the sale, purchase, transfer and possession of firearms.

SECTION 1. DEFINITIONS

(a) As used in this Ordinance:

(1) “Firearm” means

(i) any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosive;

(ii) the frame or receiver of any such weapon; or

(iii) the unfinished frame or receiver of a weapon that can be readily converted to the functional condition of a finished frame or receiver;

Such term does not include an antique firearm as defined in 18 U.S.C. § 921(a)(16).

(2) “Frame or receiver” means the part of a firearm that, when the complete weapon is assembled, is visible from the exterior and provides the housing or structure designed to hold or integrate one or more fire control components, even if pins or other attachments

are required to connect those components to the housing or structure. For models of firearms in which multiple parts provide such housing or structure, the part or the parts that the Director of the federal Bureau of Alcohol, Tobacco, Firearms & Explosives has determined are a frame or receiver constitute the frame or receiver. For the purposes of this paragraph, the term “fire control component” means a component necessary for the firearm to initiate, complete, or continue the firing sequence, and includes a hammer, bolt, bolt carrier, breechblock, cylinder, trigger mechanism, firing pin, striker, or slide rails.

(3) “Federal licensee” means a federally licensed firearms manufacturer, importer, or dealer licensed under 18 U.S.C. § 923(a), or other federal licensee authorized to identify firearms with serial numbers.

(4) “Unfinished frame or receiver” means any forging, casting, printing, extrusion, machined body or similar article that (a) has reached a stage in manufacture where it may readily be completed, assembled or converted to be used as the frame or receiver of a functional firearm; or (b) is marketed or sold to the public to become or be used as the frame or receiver of a functional firearm once completed, assembled or converted. For the purposes of this paragraph, the term “assemble” means to fit together component parts. In determining whether a forging, casting, printing, extrusion, machined body, or similar article may be readily completed, assembled, or converted to a functional state, any available instructions, guides, templates, jigs, equipment, tools, or marketing materials for the article may be considered.

SECTION 2. PROHIBITIONS

(a) Except as provided in subsection (b) of this Section 2, no person may possess one or more firearms that have not been identified with a serial number by a federal licensee.

(b) Subsection (a) shall not apply to:

(1) a federal licensee;

(2) an antique firearm, as defined in 18 U.S.C. § 921;

(3) any firearm made before October 22, 1968 (unless remanufactured after that date); or

(4) A local, state, or federal law enforcement officer who possesses a firearm pursuant to their official duties.

SECTION 3. VIOLATIONS AND PENALTIES

(a) Any violation of the provisions of this ordinance by a person who knew or reasonably should have known that his or her conduct was prohibited is a misdemeanor that upon conviction shall be punished by a fine of no more than \$1,000, a sentence of no more than 364 days in the county jail, or both a fine and imprisonment.

SECTION 4. SAFETY CLAUSE

This ordinance shall take effect immediately upon its adoption. This ordinance is necessary to protect the public health, safety, and welfare of the residents of Boulder County due in part to the need to control the activity subject to this ordinance as soon as possible.

SECTION 5. SEVERABILITY

If any section, clause, sentence, or part of this ordinance is adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, impair, or invalidate the other provisions of this ordinance which can be given effect without such invalid provision.

ADOPTED ON SECOND AND FINAL READING at a public hearing on August 2, 2022.

THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF BOULDER, COLORADO

Marta Loachamin

Marta Loachamin, Chair

ATTEST:

Cecilia Lacey

Name: Cecilia Lacey

Clerk to the Board

CERTIFICATION AND ATTESTATION

I, Molly Fitzpatrick, Boulder County Clerk and Recorder, do hereby certify that the foregoing Ordinance No. 2022-6, entitled “**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO TO REGULATE THE POSSESSION OF UNFINISHED FRAMES AND RECEIVERS, AND UNSERIALIZED FIREARMS**” is a true, correct and complete copy from the records in my office, that said ordinance was duly adopted by the Board of County Commissioners of the County of Boulder. The first reading of Ordinance 2022-6 took place on July 5, 2022, at a regular Board of County Commissioners Meeting. It was published in full in the Boulder Daily Camera on July 8, 2022. The Ordinance was adopted on second reading at a public hearing held before the Board of County Commissioners on August 2, 2022. Further, one (1) copy of the Ordinance is now filed in the office of the Clerk and Recorder for the County of Boulder, Colorado, and may be inspected during regular business hours.

Molly Fitzpatrick

Clerk and Recorder