

Coaching from a Police Officer on Firearms in Vehicles and Colorado Law

By Officer JD Grimes

Recently I read through some comments in reference to the Federal Circuit Court decision stating that it is not a constitutional violation for police officers to ask drivers if they have a loaded firearm in their vehicle. It is beyond me why it ever went so far, but it did. Reading through the responses to the article I felt I needed to inform the people of the law as it relates to Colorado.

LISTEN UP!!!!!!!!!!!!!!!!!!!!!!!

Now that I have your attention, let me shed some light and truth on all the argumentative nonsense going on. I AM a police officer in Colorado. Here it is completely LEGAL to carry a concealed firearm in your vehicle for self-defense - NO CCW REQUIRED! Jump off the propaganda/hysteria wagon and get the FACTS.

CRS (Colorado Revised Statutes) 18-12-105.6 "Limitation on local ordinances regarding firearms in private vehicles."

(1) The general assembly hereby finds that:

(a) A person carrying a weapon in a private automobile or other private means of conveyance for lawful protection of such person's or another's person or property, as permitted in sections 18-12-105(2)(b) and 18-12-105.5(3)(c), may tend to travel in or through different county, city and county, and municipal jurisdictions en route to the person's destination

(b) Inconsistent laws exist in local jurisdictions with regard to the circumstances under which weapons may be carried in automobiles and other private means of conveyance;

(c) This inconsistency creates a confusing patchwork of laws that unfairly subjects a person who lawfully travels with a weapon in or through a jurisdiction to criminal penalties because he or she travels into or through another jurisdiction.

(d) This inconsistency places citizens in the position of not knowing when they may be violating local laws while traveling in, through, or between different jurisdictions, and therefore being unable to avoid committing a crime.

(2) (a) Based on the findings specified in subsection (1) of this section, the general assembly concludes that the carrying of weapons in private automobiles or other private means of conveyance for lawful protection of a person's or another's person or property while traveling into or through a municipal, county, or city and county jurisdiction, regardless of the number of times the person stops in a jurisdiction, is a matter of statewide concern and is not an offense.

(b) Notwithstanding any other provision of law, no municipality, county, or city and county shall have the authority to enact or enforce any ordinance of resolution that would restrict a person's ability to travel with a weapon in a private automobile or other private means of conveyance for lawful protection of a person's or another's person or property while traveling into or through a municipal, county, or city and county jurisdiction, regardless of the number of times the person stops in a jurisdiction.

Here are the sections cited in the above:

18-12-105(2)(b) "Unlawfully carrying a concealed weapon – unlawful possession of weapons."

(2) It shall not be an offense if the defendant was:

(b) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of such person's or another's person or property while traveling;

18-12-105.5 (3) (c) "Unlawfully carrying a concealed weapon – unlawful possession of weapons - school, college or university grounds."

(3) It shall not be an offense under this section if:

(c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling;

SO.... Stop getting all worked up about it! Besides the above, if an officer lawfully stops you for whatever reason, they can ask you if you murdered President Kennedy or if the sky is purple. It doesn't mean you have to answer yes. Even if the officer asks for permission to search your vehicle - you have the complete right to say "no". Unless the officer has established probable cause to believe a crime is, has been, or is in the process of being committed, and that evidence of the crime may be destroyed before a search warrant may be obtained, they have no right to search - unless you tell them they can. I can guarantee you that if they have established probable cause, they are not going to be asking for permission - they don't need to. There are exceptions in relation to the above outline, but I'm not writing a legal brief so I'm not going to expound.

To close, in reference to being asked if you have a loaded firearm in your vehicle in Colorado, if you have one say "yes". If they ask to search, say "no". End of story - it is as simple as that. You may be asked to step out of the vehicle then patted down - that's just an officer safety issue. If you are carrying the firearm on your person, tell the officer exactly where you are carrying it, then ask if they want you to remove it to leave in the vehicle, or if they want to - each officer will be different. Don't be stupid and make any sudden moves - that is a sure way to a bad end for a simple issue. Some officers will be more comfortable with the situation than others - if they seem a little tense don't catch an attitude. Just be calm and go with what they ask of you, you'll be back on your way in a couple of minutes. Freedom First!

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