

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0009.01 Michael Dohr x4347

HOUSE BILL 25-1062

HOUSE SPONSORSHIP

Armagost and Duran,

SENATE SPONSORSHIP

Hinrichsen,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE PENALTY FOR THEFT OF FIREARMS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

In current law, the sentencing structure for theft, except for auto theft, is based on the value of the item stolen. The bill exempts theft of firearms from that sentencing structure and makes theft of a firearm a class 6 felony, regardless of the firearm's value. Subsequent violations, including multiple firearms stolen in the same criminal incident, are separate class 5 felonies.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-4-401, **amend** (2)
3 introductory portion and (4); and **add** (2.3) as follows:

4 **18-4-401. Theft.** (2) EXCEPT AS PROVIDED IN SUBSECTION (2.3)
5 OF THIS SECTION, theft is:

6 (2.3) THEFT IN VIOLATION OF SUBSECTION (1) OF THIS SECTION OF
7 A FIREARM, AS DEFINED IN SECTION 18-12-101, IS A CLASS 6 FELONY,
8 REGARDLESS OF THE VALUE OF THE FIREARM.

9 (4) (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(c) OF THIS
10 SECTION, when a person commits theft twice or more within a period of
11 six months, two or more of the thefts may be aggregated and charged in
12 a single count, in which event the AGGREGATE thefts ~~so aggregated and~~
13 ~~charged shall~~ constitute a single offense, the penalty for which ~~shall be~~ IS
14 based on the aggregate value of the things involved, pursuant to
15 subsection (2) of this section.

16 (b) EXCEPT AS PROVIDED IN SUBSECTION (4)(c) OF THIS SECTION,
17 when a person commits theft twice or more against the same person
18 pursuant to one scheme or course of conduct, the thefts may be
19 aggregated and charged in a single count, in which event ~~they shall~~ THE
20 THEFTS constitute a single offense, the penalty for which ~~shall be~~ IS based
21 on the aggregate value of the things involved, pursuant to subsection (2)
22 of this section.

23 (c) (I) WHEN A PERSON COMMITS THEFT OF A FIREARM TWO OR
24 MORE TIMES, EACH SUBSEQUENT THEFT IS A CLASS 5 FELONY.

25 (II) WHEN A PERSON COMMITS THEFT OF A FIREARM AND, IN THAT
26 ONE SCHEME OR COURSE OF CONDUCT INVOLVING THEFT OF A FIREARM,
27 MULTIPLE FIREARMS ARE STOLEN, THE PERSON COMMITS A SEPARATE

1 CLASS 5 FELONY FOR EACH FIREARM STOLEN.

2 **SECTION 2. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.