



STATE OF COLORADO)
) ss.
COUNTY OF ELBERT)

At a regular meeting of the Board of County Commissioners of Elbert County, State of Colorado, held at the Elbert County Administrative Building in Kiowa, Colorado 80117 on Wednesday, the 28th day of July 2021, there were present:

Chris Richardson County Commissioner, Chairman
Rick Pettitt County Commissioner
Grant Thayer County Commissioner
Amanda Moore Deputy Clerk to the Board

When the following proceedings, among others, were had and done, to wit:

RESOLUTION 21- 31
**CONCERNING THE SAFEGUARDING OF CITIZEN’S RIGHTS TO SELF-
PROTECTION ENDANGERED BY SB21-256, AN ACT REGARDING
“LOCAL REGULATION OF FIREARMS”**

WHEREAS, on June 19, 2021, the Governor of the State of Colorado signed into law Senate Bill 21-256 an act CONCERNING PERMITTING REGULATION OF FIREARMS BY LOCAL GOVERNING BODIES.

WHEREAS, the term “local regulation” does not indicate true local control but simply the authority to more strictly regulate or infringe on rights to self-protection; and

WHEREAS, the act specifically strikes former statutory language which recognized that “the bearing of concealed handguns ...is based on a person's constitutional right of self-protection”; and

WHEREAS, this act changes long-standing statute implemented specifically to “eliminate widespread inconsistency among jurisdictions within the state with regard to firearms regulations”; and

WHEREAS, previously the statute had held that “inconsistency among local-government laws regulating lawful firearms possession and ownership has extraterritorial impact on state citizens and the general public by subjecting them to criminal and civil penalties in some jurisdictions for conduct wholly lawful in other jurisdictions”; and

WHEREAS, the legislature’s previously long-held finding that “inconsistency among local governments of laws regulating the possession and ownership of firearms results in persons being treated differently under the law solely on the basis of where they reside, and a person's residence in a particular county or city, or city and county, is not a rational classification when it is the basis for denial of equal treatment under the law” is still valid, yet overturned by this act; and

WHEREAS, among the many new broad authorities granted to counties and municipalities is the power “prohibiting the sale, purchase, transfer, or possession of a firearm”, which would be a clear violation of individual rights expressly protected by the Constitutions of the United States and the State of Colorado; and

WHEREAS, this act now extends the ability to regulate the manner of firearm possession, not only to counties and municipalities, but also to more than 3,000 special districts throughout the state (sixty-one of which exist within the borders of Elbert County); and

WHEREAS, only three of the 65 local government and quasi-governments within Elbert County that have been granted new authority to regulate certain aspects of firearms possession, have established law enforcement capabilities.

THEREFORE, BE IT RESOLVED, THAT THE ELBERT COUNTY BOARD OF COUNTY COMMISSIONERS OF ELBERT COUNTY, COLORADO will:


- (1) Not locally enact any ordinance, regulation, or other measure governing or prohibiting the sale, purchase, transfer, or possession of a firearm, ammunition, or firearm component of accessory that a person may lawfully sell, purchase, transfer, or possess under state or federal law; and
- (2) Actively discourage any governing body within Elbert County from exercising authorities granted by SB21-256 that would lead to a patchwork of regulations related to the possession and ownership of firearms causing confusion on how and where to comply due to inconsistency among local laws regulating the possession and ownership of firearms, and increase the likelihood of citizens being treated differently under the law based on their physical location or place of residence within the county; and
- (3) Call upon the legislators representing Elbert County elected to the Colorado General Assembly to sponsor legislation to repeal SB21-256; and

BE IT FUTHER RESOLVED that use of any county resource to enforce increased local restrictions enacted by any municipal, special district, or other authorized government under the authority of SB21-256 is prohibited.

APPROVED AND ADOPTED on the 28th day of July 2021.

Upon a Motion duly made and seconded, the foregoing resolution was adopted by the following vote:


Chris Richardson, Commissioner AYE


Rick Pettitt, Commissioner AYE


Grant Thayer, Commissioner AYE



ATTEST: DALLAS SCHROEDER
COUNTY CLERK

BY: 
DEPUTY CLERK TO THE BOARD – Amanda Moore

