

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 18-0548.02 Michael Dohr x4347

SENATE BILL 18-032

SENATE SPONSORSHIP

Gardner and Cooke,

HOUSE SPONSORSHIP

Foote and Herod,

Senate Committees
Judiciary

House Committees
Judiciary

HOUSE
3rd Reading Unamended
February 14, 2018

A BILL FOR AN ACT

101 **CONCERNING THE NONSUBSTANTIVE RELOCATION OF LAWS FROM**
102 **TITLE 12, COLORADO REVISED STATUTES, AS PART OF THE**
103 **ORGANIZATIONAL RECODIFICATION OF TITLE 12.**

HOUSE
2nd Reading Unamended
February 13, 2018

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/>.)

SENATE
3rd Reading Unamended
January 23, 2018

Committee on Legal Services. Current law directs the office of legislative legal services to study the organizational recodification of title 12, which relates to professions and occupations. To implement the initial recommendations of the study, **section 1** of the bill relocates article 37.5 of title 12, the "Colorado Parental Notification Act", to a new part in

SENATE
Amended 2nd Reading
January 22, 2018

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

article 22 of title 13. **Section 2** of the bill makes a conforming amendment, and **section 3** repeals the part where the law was previously codified.

Section 4 of the bill relocates article 26 of title 12, firearms dealers, to a new part in article 12 of title 18. **Section 5** of the bill relocates article 26.1 of title 12, gun show background checks, to a new part in article 12 of title 18. **Sections 6 and 7** of the bill make conforming amendments, and **section 8** repeals the part and article where the laws were previously codified.

Section 9 of the bill relocates part 3 of article 55 of title 12, the "Uniform Unsworn Declarations Act", to a new article in title 13. **Section 10** of the bill makes a conforming amendment, and **section 11** repeals the part where the law was previously codified.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add with amended**
3 **and relocated provisions** part 7 to article 22 of title 13 as follows:

4 PART 7

5 COLORADO PARENTAL NOTIFICATION ACT

6 **13-22-701. [Formerly 12-37.5-101] Short title.** ~~This article shall~~
7 ~~be known and may be cited as~~ THE SHORT TITLE OF THIS PART 7 IS the
8 "Colorado Parental Notification Act".

9 **13-22-702. [Formerly 12-37.5-102] Legislative declaration.**

10 (1) The people of the state of Colorado, pursuant to the powers reserved
11 to them in Article V of the Constitution of the state of Colorado, declare
12 that family life and the preservation of the traditional family unit are of
13 vital importance to the continuation of an orderly society; that the rights
14 of parents to rear and nurture their children during their formative years
15 and to be involved in all decisions of importance affecting such minor
16 children should be protected and encouraged, especially as such parental
17 involvement relates to the pregnancy of an unemancipated minor,
18 recognizing that the decision by any such minor to submit to an abortion

1 may have adverse long-term consequences for her.

2 (2) The people of the state of Colorado, being mindful of the
3 limitations imposed upon them at the present time by the federal judiciary
4 in the preservation of the parent-child relationship, hereby enact into law
5 the following provisions.

6 **13-22-703. [Formerly 12-37.5-103] Definitions.** As used in this
7 ~~article~~ PART 7, unless the context otherwise requires:

8 (1) "Minor" means a person under eighteen years of age.

9 (2) "Parent" means the natural or adoptive mother and father of
10 the minor who is pregnant, if they are both living; one parent of the minor
11 if only one is living, or if the other parent cannot be served with notice,
12 as hereinafter provided; or the court-appointed guardian of such minor if
13 she has one or any foster parent to whom the care and custody of such
14 minor shall have been assigned by any agency of the state or county
15 making such placement.

16 (3) "Abortion" for purposes of this ~~article~~ PART 7 means the use
17 of any means to terminate the pregnancy of a minor with knowledge that
18 the termination by those means will, with reasonable likelihood, cause the
19 death of the minor's unborn offspring.

20 (4) "Clergy member" means a priest; a rabbi; a duly ordained,
21 commissioned, or licensed minister of a church; a member of a religious
22 order; or a recognized leader of any religious body.

23 (5) "Medical emergency" means a condition that, on the basis of
24 the physician's good-faith clinical judgment, so complicates the medical
25 condition of a pregnant minor as to necessitate a medical procedure
26 necessary to prevent the pregnant minor's death or for which a delay will
27 create a serious risk of substantial and irreversible impairment of a major

1 bodily function.

2 (6) "Relative of the minor" means a minor's grandparent, adult
3 aunt, or adult uncle, if the minor is not residing with a parent and resides
4 with the grandparent, adult aunt, or adult uncle.

5 **13-22-704. [Formerly 12-37.5-104] Notification concerning**
6 **abortion.** (1) No abortion shall be performed upon an unemancipated
7 minor until at least 48 hours after written notice of the pending abortion
8 has been delivered in the following manner:

9 (a) The notice shall be addressed to the parent at the dwelling
10 house or usual place of abode of the parent. Such notice shall be delivered
11 to the parent by:

12 (I) The attending physician or member of the physician's
13 immediate staff who is over the age of eighteen; or

14 (II) The sheriff of the county where the service of notice is made,
15 or by his deputy; or

16 (III) Any other person over the age of eighteen years who is not
17 related to the minor; or

18 (IV) A clergy member who is over the age of eighteen.

19 (b) Notice delivered by any person other than the attending
20 physician shall be furnished to and delivered by such person in a sealed
21 envelope marked "Personal and Confidential" and its content shall not in
22 any manner be revealed to the person making such delivery.

23 (c) Whenever the parent of the minor includes two persons to be
24 notified as provided in this ~~article~~ PART 7 and such persons reside at the
25 same dwelling house or place of abode, delivery to one such person shall
26 constitute delivery to both, and the 48-hour period shall commence when
27 delivery is made. Should such persons not reside together and delivery of

1 notice can be made to each of them, notice shall be delivered to both
2 parents, unless the minor shall request that only one parent be notified,
3 which request shall be honored and shall be noted by the physician in the
4 minor's medical record. Whenever the parties are separately served with
5 notice, the 48-hour period shall commence upon delivery of the first
6 notice.

7 (d) The person delivering such notice, if other than the physician,
8 shall provide to the physician a written return of service at the earliest
9 practical time, as follows:

10 (I) If served by the sheriff or his deputy, by his certificate with a
11 statement as to date, place, and manner of service and the time such
12 delivery was made.

13 (II) If by any other person, by his affidavit thereof with the same
14 statement.

15 (III) Return of service shall be maintained by the physician.

16 (e) (I) In lieu of personal delivery of the notice, the same may be
17 sent by postpaid certified mail, addressed to the parent at the usual place
18 of abode of the parent, with return receipt requested and delivery
19 restricted to the addressee. Delivery shall be conclusively presumed to
20 occur and the 48-hour time period as provided in this ~~article~~ PART 7 shall
21 commence to run at 12:00 o'clock noon on the next day on which regular
22 mail delivery takes place.

23 (II) Whenever the parent of the minor includes two persons to be
24 notified as provided in this ~~article~~ PART 7 and such persons reside at the
25 same dwelling house or place of abode, notice addressed to one parent
26 and mailed as provided in the foregoing subparagraph shall be deemed to
27 be delivery of notice to both such persons. Should such persons not reside

1 together and notice can be mailed to each of them, such notice shall be
2 separately mailed to both parents unless the minor shall request that only
3 one parent shall be notified, which request shall be honored and shall be
4 noted by the physician in the minor's medical record.

5 (III) Proof of mailing and the delivery or attempted delivery shall
6 be maintained by the physician.

7 (2) (a) Notwithstanding the provisions of subsection (1) of this
8 section, if the minor is residing with a relative of the minor and not a
9 parent, the written notice of the pending abortion shall be provided to
10 either the relative of the minor or a parent.

11 (b) If a minor elects to provide notice to a person specified in
12 ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION,
13 the notice shall be provided in accordance with the provisions of
14 subsection (1) of this section.

15 (3) At the time the physician, licensed health care professional, or
16 staff of the physician or licensed health care professional informs the
17 minor that notice must be provided to the minor's parents prior to
18 performing an abortion, the physician, licensed health care professional,
19 or the staff of the physician or licensed health care professional must
20 inform the minor under what circumstances the minor has the right to
21 have only one parent notified.

22 **13-22-705. [Formerly 12-37.5-105] No notice required - when.**

23 (1) No notice shall be required pursuant to this ~~article~~ PART 7 if:

24 (a) The person or persons who may receive notice pursuant to
25 ~~section 12-37.5-104 (1)~~ SECTION 13-22-704(1) certify in writing that they
26 have been notified; or

27 ~~(a.5)~~ (b) The person whom the minor elects to notify pursuant to

1 ~~section 12-37.5-104 (2)~~ SECTION 13-22-704 (2) certifies in writing that he
2 or she has been notified; or

3 ~~(b)~~ (c) The pregnant minor declares that she is a victim of child
4 abuse or neglect by the acts or omissions of the person who would be
5 entitled to notice, as such acts or omissions are defined in "The Child
6 Protection Act of 1987", as set forth in ~~title 19, article 3, of the Colorado~~
7 ~~Revised Statutes~~ ARTICLE 3 OF TITLE 19, and any amendments thereto, and
8 the attending physician has reported such child abuse or neglect as
9 required by the said act. When reporting such child abuse or neglect, the
10 physician shall not reveal that he or she learned of the abuse or neglect as
11 the result of the minor seeking an abortion.

12 ~~(c)~~ (d) The attending physician certifies in the pregnant minor's
13 medical record that a medical emergency exists and there is insufficient
14 time to provide notice pursuant to ~~section 12-37.5-104~~ SECTION
15 13-22-704; or

16 ~~(d)~~ (e) A valid court order is issued pursuant to ~~section~~
17 ~~12-37.5-107~~ SECTION 13-22-707.

18 **13-22-706. [Formerly 12-37.5-106] Penalties - damages -**
19 **defenses.** (1) Any person who performs or attempts to perform an
20 abortion in willful violation of this ~~article:~~ PART 7

21 ~~(a) (Deleted by amendment, L. 2003, p. 2364, § 7, effective June~~
22 ~~3, 2003.)~~

23 ~~(b)~~ shall be liable for damages proximately caused thereby.

24 (2) It shall be an affirmative defense to any civil proceedings if
25 the person establishes that:

26 (a) The person relied upon facts or information sufficient to
27 convince a reasonable, careful and prudent person that the representations

1 of the pregnant minor regarding information necessary to comply with
2 this ~~article~~ PART 7 were bona fide and true; or

3 (b) The abortion was performed to prevent the imminent death of
4 the minor child and there was insufficient time to provide the required
5 notice.

6 (3) Any person who counsels, advises, encourages or conspires to
7 induce or persuade any pregnant minor to furnish any physician with false
8 information, whether oral or written, concerning the minor's age, marital
9 status, or any other fact or circumstance to induce or attempt to induce the
10 physician to perform an abortion upon such minor without providing
11 written notice as required by this ~~article~~ PART 7 commits a class 5 felony
12 and shall be punished as provided in section 18-1.3-401. C.R.S.

13 **13-22-707. [Formerly 12-37.5-107] Judicial bypass.**

14 ~~(1) (Deleted by amendment, L. 2003, p. 2364, § 8, effective June 3,~~
15 ~~2003.)~~

16 ~~(2)~~ (1) (a) If any pregnant minor elects not to allow the
17 notification required pursuant to ~~section 12-37.5-104~~ SECTION 13-22-704,
18 any judge of a court of competent jurisdiction shall, upon petition filed by
19 or on behalf of such minor, enter an order dispensing with the notice
20 requirements of this ~~article~~ PART 7 if the judge determines that the giving
21 of such notice will not be in the best interest of the minor, or if the court
22 finds, by clear and convincing evidence, that the minor is sufficiently
23 mature to decide whether to have an abortion. Any such order shall
24 include specific factual findings and legal conclusions in support thereof
25 and a certified copy of such order shall be provided to the attending
26 physician of said minor and the provisions of ~~section 12-37.5-104 (1)~~
27 SECTION 13-22-704 (1) and ~~section 12-37.5-106~~ SECTION 13-22-706 shall

1 not apply to the physician with respect to such minor.

2 (b) The court, in its discretion, may appoint a guardian ad litem
3 for the minor and also an attorney if said minor is not represented by
4 counsel.

5 (c) Court proceedings under this ~~subsection (2)~~ SUBSECTION (1)
6 shall be confidential and shall be given precedence over other pending
7 matters so that the court may reach a decision promptly without delay in
8 order to serve the best interests of the minor. Court proceedings under this
9 ~~subsection (2)~~ SUBSECTION (1) shall be heard and decided as soon as
10 practicable but in no event later than four days after the petition is filed.

11 (d) Notwithstanding any other provision of law, an expedited
12 confidential appeal to the court of appeals shall be available to a minor
13 for whom the court denies an order dispensing with the notice
14 requirements of this ~~article~~ PART 7. Any such appeal shall be heard and
15 decided no later than five days after the appeal is filed. An order
16 dispensing with the notice requirements of this ~~article~~ PART 7 shall not be
17 subject to appeal.

18 (e) Notwithstanding any provision of law to the contrary, the
19 minor is not required to pay a filing fee related to an action or appeal filed
20 pursuant to this ~~subsection (2)~~ SUBSECTION (1).

21 (f) If either the district court or the court of appeals fails to act
22 within the time periods required by this ~~subsection (2)~~ SUBSECTION (1),
23 the court in which the proceeding is pending shall immediately issue an
24 order dispensing with the notice requirements of this ~~article~~ PART 7.

25 (g) The Colorado supreme court shall issue rules governing the
26 judicial bypass procedure, including rules that ensure that the
27 confidentiality of minors filing bypass petitions will be protected. The

1 Colorado supreme court shall also promulgate a form petition that may be
2 used to initiate a bypass proceeding. The Colorado supreme court shall
3 promulgate the rules and form governing the judicial bypass procedure by
4 August 1, 2003. Physicians shall not be required to comply with this
5 ~~article~~ PART 7 until forty-five days after the Colorado supreme court
6 publishes final rules and a final form.

7 **13-22-708. [Formerly 12-37.5-108] Limitations.** (1) This ~~article~~
8 PART 7 shall in no way be construed so as to:

- 9 (a) Require any minor to submit to an abortion; or
- 10 (b) Prevent any minor from withdrawing her consent previously
11 given to have an abortion; or
- 12 (c) Permit anything less than fully informed consent before
13 submitting to an abortion.

14 (2) This ~~article~~ PART 7 shall in no way be construed as either
15 ratifying, granting or otherwise establishing an abortion right for minors
16 independently of any other regulation, statute or court decision which may
17 now or hereafter limit or abridge access to abortion by minors.

18 **SECTION 2.** In Colorado Revised Statutes, 25-1-1202, **amend**
19 (1)(p) as follows:

20 **25-1-1202. Index of statutory sections regarding medical**
21 **record confidentiality and health information.** (1) Statutory provisions
22 concerning policies, procedures, and references to the release, sharing,
23 and use of medical records and health information include the following:

- 24 (p) ~~Section 12-37.5-104, C.R.S.~~ SECTION 13-22-704, concerning
25 reporting requirements by physicians related to abortions for minors;

26 **SECTION 3. Repeal of provisions being relocated in this act.**
27 In Colorado Revised Statutes, **repeal** article 37.5 of title 12.

1 **SECTION 4.** In Colorado Revised Statutes, **add with amended**
2 **and relocated provisions** part 4 of article 12 to title 18 as follows:

3 PART 4
4 FIREARMS - DEALERS

5 **18-12-401. [Formerly 12-26-101] Definitions.** As used in this
6 ~~article~~ PART 4, unless the context otherwise requires:

7 (1)(a) "Firearms" means a pistol, revolver, or other weapon of any
8 description, loaded or unloaded, from which any shot, bullet, or other
9 missile can be discharged, the length of the barrel of which, not including
10 any revolving, detachable, or magazine breech, does not exceed twelve
11 inches.

12 (b) "Firearms" does not include firearms, as defined in ~~paragraph~~
13 ~~(a) of this subsection~~ ~~(1)~~ SUBSECTION (1)(a) OF THIS SECTION, for which
14 ammunition is not sold or which there is reasonable ground for believing
15 are not capable of being effectually used.

16 **18-12-402. [Formerly 12-26-102] Retail dealers - record -**
17 **inspection.** Every individual, firm, or corporation engaged, within this
18 state, in the retail sale, rental, or exchange of firearms, pistols, or
19 revolvers shall keep a record of each pistol or revolver sold, rented, or
20 exchanged at retail. The record ~~shall~~ MUST be made at the time of the
21 transaction in a book kept for that purpose and ~~shall~~ MUST include the
22 name of the person to whom the pistol or revolver is sold or rented or
23 with whom exchanged; his OR HER age, occupation, residence, and, if
24 residing in a city, the street and number therein where he OR SHE resides;
25 the make, caliber, and finish of said pistol or revolver, together with its
26 number and serial letter, if any; the date of the sale, rental, or exchange
27 of said pistol or revolver; and the name of the employee or other person

1 making such sale, rental, or exchange. The record book shall be open at
2 all times to the inspection of any duly authorized police officer.

3 **18-12-403. [Formerly 12-26-103] Record - failure to make -**
4 **penalty.** Every individual, firm, or corporation who fails to keep the
5 record provided for in ~~section 12-26-102~~ SECTION 18-12-402 or who
6 refuses to exhibit such record when requested by a police officer and any
7 purchaser, lessee, or exchanger of a pistol or revolver who, in connection
8 with the making of such record, gives false information is guilty of a
9 misdemeanor and, upon conviction thereof, shall be punished by a fine of
10 not less than twenty-five dollars nor more than one hundred dollars, or by
11 imprisonment in the county jail for not more than one year, or by both
12 such fine and imprisonment.

13 **18-12-404. [Formerly 12-26-104] Jurisdiction - county courts.**
14 County courts, within their respective counties, have jurisdiction to hear
15 and determine all cases arising under the provisions of this ~~article~~ PART
16 4, and appeal from judgment ~~shall be~~ IS to the district courts in the
17 respective counties in the same manner as is now provided by law for
18 appeals from judgments of the county courts in the cases of
19 misdemeanors.

20 **SECTION 5.** In Colorado Revised Statutes, **add with amended**
21 **and relocated provisions** part 5 of article 12 to title 18 as follows:

22 PART 5

23 BACKGROUND CHECKS - GUN SHOWS

24 **18-12-501. [Formerly 12-26.1-101] Background checks at gun**
25 **shows - penalty.** (1) Before a gun show vendor transfers or attempts to
26 transfer a firearm at a gun show, he or she shall:

27 (a) Require that a background check, in accordance with section

1 24-33.5-424, ~~C.R.S.~~, be conducted of the prospective transferee; and

2 (b) Obtain approval of a transfer from the Colorado bureau of
3 investigation after a background check has been requested by a licensed
4 gun dealer, in accordance with section 24-33.5-424. ~~C.R.S.~~

5 (2) A gun show promoter shall arrange for the services of one or
6 more licensed gun dealers on the premises of the gun show to obtain the
7 background checks required by this ~~article~~ PART 5.

8 (3) If any part of a firearm transaction takes place at a gun show,
9 no firearm shall be transferred unless a background check has been
10 obtained by a licensed gun dealer.

11 (4) Any person violating the provisions of this section commits a
12 class 1 misdemeanor and shall be punished as provided in section
13 18-1.3-501. ~~C.R.S.~~

14 **18-12-502. [Formerly 12-26.1-102] Records - penalty.** (1) A
15 licensed gun dealer who obtains a background check on a prospective
16 transferee shall record the transfer, as provided in ~~section 12-26-102,~~
17 ~~C.R.S.~~ SECTION 18-12-402, and retain the records, as provided in ~~section~~
18 ~~12-26-103, C.R.S.~~ SECTION 18-12-403, in the same manner as when
19 conducting a sale, rental, or exchange at retail.

20 (2) Any individual who gives false information in connection with
21 the making of such records commits a class 1 misdemeanor and shall be
22 punished as provided in section 18-1.3-501. ~~C.R.S.~~

23 **18-12-503. [Formerly 12-26.1-103] Fees imposed by licensed**
24 **gun dealers.** For each background check conducted at a gun show, a
25 licensed gun dealer may charge a fee not to exceed ten dollars.

26 **18-12-504. [Formerly 12-26.1-104] Posted notice - penalty.**
27 (1) A gun show promoter shall post prominently a notice, in a form to be

1 prescribed by the executive director of the department of public safety or
2 his or her designee, setting forth the requirement for a background check
3 as provided in this ~~article~~ PART 5.

4 (2) Any person violating the provisions of this section commits a
5 class 1 misdemeanor and shall be punished as provided in section
6 18-1.3-501. ~~C.R.S.~~

7 **18-12-505. [Formerly 12-26.1-105] Exemption.** The provisions
8 of this ~~article~~ PART 5 shall not apply to the transfer of an antique firearm,
9 as defined in 18 U.S.C. sec. 921(a)(16), as amended, or a curio or relic,
10 as defined in 27 CFR sec. 178.11, as amended.

11 **18-12-506. [Formerly 12-26.1-106] Definitions.** As used in this
12 ~~article~~ PART 5, unless the context otherwise requires:

13 (1) "Collection" means a trade, barter, or in-kind exchange for one
14 or more firearms.

15 (2) "Firearm" means any handgun, automatic, revolver, pistol,
16 rifle, shotgun, or other instrument or device capable or intended to be
17 capable of discharging bullets, cartridges, or other explosive charges.

18 (3) "Gun show" means the entire premises provided for an event
19 or function, including but not limited to parking areas for the event or
20 function, that is sponsored to facilitate, in whole or in part, the purchase,
21 sale, offer for sale, or collection of firearms at which:

22 (a) Twenty-five or more firearms are offered or exhibited for sale,
23 transfer, or exchange; or

24 (b) Not less than three gun show vendors exhibit, sell, offer for
25 sale, transfer, or exchange firearms.

26 (4) "Gun show promoter" means a person who organizes or
27 operates a gun show.

1 (5) "Gun show vendor" means any person who exhibits, sells,
2 offers for sale, transfers, or exchanges, any firearm at a gun show,
3 regardless of whether the person arranges with a gun show promoter for
4 a fixed location from which to exhibit, sell, offer for sale, transfer, or
5 exchange any firearm.

6 (6) "Licensed gun dealer" means any person who is a licensed
7 importer, licensed manufacturer, or dealer licensed pursuant to 18 U.S.C.
8 sec. 923, as amended, as a federally licensed firearms dealer.

9 **18-12-507. [Formerly 12-26.1-107] Appropriation.** The general
10 assembly shall appropriate funds necessary to implement this ~~article~~ PART
11 5.

12 **18-12-508. [Formerly 12-26.1-108] Effective date.** This ~~article~~
13 PART 5 shall take effect March 31, 2001.

14 **SECTION 6.** In Colorado Revised Statutes, 18-12-112, **amend**
15 (1)(a) introductory portion and (2)(b) as follows:

16 **18-12-112. Private firearms transfers - background check**
17 **required - penalty - definitions.** (1) (a) On and after July 1, 2013, except
18 as described in subsection (6) of this section, before any person who is
19 not a licensed gun dealer, as defined in ~~section 12-26.1-106 (6), C.R.S.~~
20 SECTION 18-12-506 (6), transfers or attempts to transfer possession of a
21 firearm to a transferee, he or she shall:

22 (2) (b) A licensed gun dealer who obtains a background check on
23 a prospective transferee shall record the transfer, as provided in ~~section~~
24 ~~12-26-102, C.R.S.~~ SECTION 18-12-402, and retain the records, as provided
25 in ~~section 12-26-103, C.R.S.~~ SECTION 18-12-403, in the same manner as
26 when conducting a sale, rental, or exchange at retail. The licensed gun
27 dealer shall comply with all state and federal laws, including 18 U.S.C.

1 sec. 922, as if he or she were transferring the firearm from his or her
2 inventory to the prospective transferee.

3 **SECTION 7.** In Colorado Revised Statutes, 18-12-302, **amend**
4 (3)(a) introductory portion as follows:

5 **18-12-302. Large-capacity magazines prohibited - penalties -**
6 **exceptions.** (3) The offense described in subsection (1) of this section
7 shall not apply to:

8 (a) An entity, or any employee thereof engaged in his or her
9 employment duties, that manufactures large-capacity magazines within
10 Colorado exclusively for transfer to, or any licensed gun dealer, as
11 defined in ~~section 12-26.1-106 (6), C.R.S.~~ SECTION 18-12-506 (6), or any
12 employee thereof engaged in his or her official employment duties, that
13 sells large-capacity magazines exclusively to:

14 **SECTION 8. Repeal of provisions being relocated in this act.**
15 In Colorado Revised Statutes, **repeal** articles 26 and 26.1 of title 12.

16 **SECTION 9.** In Colorado Revised Statutes, **add with amended**
17 **and relocated provisions** article 27 to title 13 as follows:

18 **ARTICLE 27**

19 **Uniform Unsworn Declarations Act**

20 **13-27-101. [Formerly 12-55-301] Short title.** The short title of
21 this ~~part 3~~ ARTICLE 27 is the "Uniform Unsworn Declarations Act".

22 **13-27-102. [Formerly 12-55-302] Definitions.** In this ~~part 3~~
23 ARTICLE 27:

24 (1) "Boundaries of the United States" means the geographic
25 boundaries of the United States, Puerto Rico, the United States Virgin
26 Islands, and any territory or insular possession subject to the jurisdiction
27 of the United States.

1 (2) "Law" includes the federal or a state constitution, a federal or
2 state statute, a judicial decision or order, a rule of court, an executive
3 order, and an administrative rule, regulation, or order.

4 (3) "Record" means information that is inscribed on a tangible
5 medium or that is stored in an electronic or other medium and is
6 retrievable in perceivable form.

7 (4) "Sign" means, with present intent to authenticate or adopt a
8 record:

9 (a) To execute or adopt a tangible symbol; or

10 (b) To attach to or logically associate with the record an electronic
11 symbol, sound, or process.

12 (5) "State" means a state of the United States, the District of
13 Columbia, Puerto Rico, the United States Virgin Islands, or any territory
14 or insular possession subject to the jurisdiction of the United States.

15 (6) "Sworn declaration" means a declaration in a signed record
16 given under oath. The term includes a sworn statement, verification,
17 certificate, and affidavit.

18 (7) "Unsworn declaration" means a declaration in a signed record
19 that is not given under oath, but is given under penalty of perjury.

20 **13-27-103. [Formerly 12-55-303] Applicability.** This ~~part 3~~
21 ARTICLE 27 applies to an unsworn declaration by a declarant who at the
22 time of making the declaration is physically located within or outside the
23 boundaries of the United States whether or not the location is subject to
24 the jurisdiction of the United States.

25 **13-27-104. [Formerly 12-55-304] Validity of unsworn**
26 **declaration.** ~~(a)~~ (1) Except as otherwise provided in ~~subsection (b)~~
27 SUBSECTION (2) of this section, if a law of this state requires or permits

1 use of a sworn declaration in a court proceeding, an unsworn declaration
2 meeting the requirements of this ~~part 3~~ ARTICLE 27 has the same effect as
3 a sworn declaration.

4 ~~(b)~~ (2) This ~~part 3~~ ARTICLE 27 does not apply to:

5 ~~(1)~~ (a) A deposition;

6 ~~(2)~~ (b) An oath of office;

7 ~~(3)~~ (c) An oath required to be given before a specified official
8 other than a notary public;

9 ~~(4)~~ (d) A declaration to be recorded pursuant to article 35 of title
10 38 ~~C.R.S.~~, for the purposes of conveying and recording title to real
11 property or a declaration required to be recorded for purposes of
12 registering title to real property pursuant to article 36 of title 38; ~~C.R.S.~~;
13 or

14 ~~(5)~~ (e) An oath required by section 15-11-504 ~~C.R.S.~~, for a
15 self-proved will.

16 **13-27-105. [Formerly 12-55-305] Required medium.** If a law of
17 this state requires that a sworn declaration be presented in a particular
18 medium, an unsworn declaration must be presented in that medium.

19 **13-27-106. [Formerly 12-55-306] Form of unsworn declaration.**
20 An unsworn declaration under this ~~part 3~~ ARTICLE 27 must be in
21 substantially the following form:

22 I declare under penalty of perjury under the law of
23 Colorado that the foregoing is true and correct.

24 Executed on the _____ day of _____, _____,
25 (date) (month) (year)

26 at _____
27 (city or other location, and state or country)

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(printed name)

(signature)

13-27-107. [Formerly 12-55-307] Uniformity of application and construction. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

13-27-108. [Formerly 12-55-308] Relation to "Electronic Signatures in Global and National Commerce Act". This ~~part 3~~ ARTICLE 27 modifies, limits, and supersedes the federal "Electronic Signatures in Global and National Commerce Act", 15 U.S.C. sec. 7001, et seq., but does not modify, limit, or supersede section 101 (c) of that act, 15 U.S.C. sec. 7001 (c), or authorize electronic delivery of any of the notices described in section 103 (b) of that act, 15 U.S.C. sec. 7003 (b).

SECTION 10. In Colorado Revised Statutes, 18-8-501, **amend** (2)(a)(IV) as follows:

18-8-501. Definitions. The definitions in sections 18-8-101 and 18-8-301 are applicable to this part 5, and, in addition to those definitions:

(2) (a) "Oath" includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated. For the purposes of this section, written statements shall also be treated as if made under oath if:

(IV) The statement meets the requirements for an unsworn declaration under the "Uniform Unsworn Declarations Act", ~~part 3 of article 55 of title 12~~ ARTICLE 27 OF TITLE 13.

1 **SECTION 11. Repeal of relocated provisions in this act.** In
2 Colorado Revised Statutes, **repeal** part 3 of article 55 of title 12.

3 **SECTION 12. Act subject to petition - effective date.** This act
4 takes effect October 1, 2018; except that, if a referendum petition is filed
5 pursuant to section 1 (3) of article V of the state constitution against this
6 act or an item, section, or part of this act within the ninety-day period
7 after final adjournment of the general assembly, then the act, item,
8 section, or part will not take effect unless approved by the people at the
9 general election to be held in November 2018 and, in such case, will take
10 effect on the date of the official declaration of the vote thereon by the
11 governor.