

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 22-cv-2113

ROCKY MOUNTAIN GUN OWNERS,
NATIONAL ASSOCIATION FOR GUN RIGHTS, and
MARTIN CARTER KEHOE,

Plaintiffs,

v.

BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY,

Defendant.

COMPLAINT

Plaintiffs submit the following Complaint against Board of County Commissioners of Boulder County (the “County”).

I. PARTIES

1. Plaintiff RMGO is a nonprofit membership and donor-supported organization qualified as tax-exempt under 26 U.S.C. § 501(c)(4). RMGO seeks to defend the right of all law-abiding individuals to keep and bear arms. RMGO has members who reside within the County. RMGO represents the interests of its members who reside in the County. Specifically, RMGO represents the interests of those who are affected by the County’s prohibition of commonly used firearms and magazines. In addition to their standing as citizens and taxpayers, those members’ interests include their wish to exercise their constitutionally protected right to keep and bear arms without being subjected to criminal prosecution and to continue to lawfully acquire and/or transfer property that they lawfully obtained. But for the County’s unlawful

prohibition of commonly used arms and their reasonable fear of prosecution for violating these prohibitions, RMGO members would seek to acquire and/or transfer lawful arms for self-defense and other lawful purposes. For purposes of this Complaint, the term “Plaintiffs” is meant to include RMGO in its capacity as a representative of its members.

2. Plaintiff NAGR is a nonprofit membership and donor-supported organization qualified as tax-exempt under 26 U.S.C. § 501(c)(4). NAGR seeks to defend the right of all law-abiding individuals to keep and bear arms. NAGR has members who reside within the County. NAGR represents the interests of its members who reside in the County. Specifically, NAGR represents the interests of those who are affected by the County’s prohibition of commonly used firearms and magazines. In addition to their standing as citizens and taxpayers, those members’ interests include their wish to exercise their constitutionally protected right to keep and bear arms without being subjected to criminal prosecution and to continue to lawfully acquire and/or transfer property that they lawfully obtained. But for the County’s unlawful prohibition of commonly used arms and their reasonable fear of prosecution for violating these prohibitions, NAGR members would seek to acquire and/or transfer lawful arms for self-defense and other lawful purposes. For purposes of this Complaint, the term “Plaintiffs” is meant to include NAGR in its capacity as a representative of its members.

3. Plaintiffs Martin Carter Kehoe is a resident of the County and is a law-abiding citizen of the United States. He currently owns certain semi-automatic firearms that are putatively made illegal by the Ordinance (defined below), and he currently owns magazines capable of holding more than 10 rounds of ammunition. He seeks to acquire additional arms putatively made illegal by the Ordinance and lawfully transfer his property to others. But for the County’s restrictions on commonly used arms, and his reasonable fear of criminal prosecution for

violating these restrictions, he would like to acquire additional arms and/or transfer currently owned arms to others.

4. The County, a subdivision of the State of Colorado, is a body corporate and politic in the State of Colorado empowered to sue and be sued. Its address is 1325 Pearl Street, Boulder, Colorado 80302.

5. Defendant is or will enforce the unconstitutional provisions of the Ordinance against Plaintiffs under color of state law within the meaning of 42 U.S.C. § 1983.

III. JURISDICTION AND VENUE

6. The Court has original jurisdiction of this civil action under 28 U.S.C. § 1331, because the action arises under the Constitution and laws of the United States. The Court also has jurisdiction under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983 since this action seeks to redress the deprivation, under color of the laws, ordinances, regulations, customs and usages of the State, of rights, privileges or immunities secured by the United States.

7. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. §§ 2201 and 2202, respectively, and their claim for attorneys' fees is authorized by 42 U.S.C. § 1988.

8. Venue in this judicial district is proper under 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this district.

IV. GENERAL ALLEGATIONS

9. The Second Amendment to the United States Constitution declares that "the right of the people to keep and bear arms shall not be infringed." U.S. CONST. amend. II; *see also D.C. v. Heller*, 554 U.S. 570 (2008) ("*Heller*"); *McDonald v. County of Chicago*, 561 U.S. 742 (2010)

(“*McDonald*”); and *New York State Rifle & Pistol Ass’n, Inc. v. Bruen*, 2022 WL 2251305 (U.S. June 23, 2022) (“*Bruen*”).

10. The right to keep and bear arms recognized in the Second Amendment is made applicable to the states by the Fourteenth Amendment. *McDonald, supra*.

11. This action challenges the constitutionality of certain provisions of the County’s Ordinance No. 2022-5 (the “Ordinance”). A copy of the Ordinance is attached hereto as Exhibit A. The Ordinance was effective on August 2, 2022.

12. Section 1(a) of the Ordinance defines the terms “assault weapon.”

13. The term “assault weapon” as used in the Ordinance is not a technical term used in the firearms industry or community for firearms commonly available to civilians. Instead, the term is a rhetorically charged political term meant to stir the emotions of the public against those persons who choose to exercise their constitutional right to possess certain semi-automatic firearms that are commonly owned by millions of law-abiding American citizens for lawful purposes. Plaintiffs refuse to adopt the County’s politically charged rhetoric in this Complaint. Therefore, for purposes of this Complaint, the term “Banned Firearm” shall have the same meaning as the term “assault weapon” in Section 1(a) of the Ordinance.

14. Section 2(a) of the Ordinance makes it illegal to manufacture, import, purchase, sell or transfer any Banned Firearm in unincorporated part of the County.

15. Plaintiffs and/or their members desire to acquire more Banned Firearms, transfer their currently owned Banned Firearms to other persons in the County, and bequeath their Banned Firearms to their devisees, all of which are prohibited by the Ordinance.

16. The Second Amendment protects the right of law-abiding citizens to own weapons in common use by law-abiding citizens for lawful purposes. *Heller, supra*, at 627. This issue was

addressed with respect to semi-automatic weapons such as the Banned Firearms made illegal in the Ordinance *Kolbe v. Hogan*, 849 F.3d 114 (4th Cir. 2017), abrogated by *Bruen, supra*. In his dissent (which, after *Bruen*, likely represents the correct interpretation of the law), Judge Traxler stated:

It is beyond any reasonable dispute from the record before us that a statistically significant number of American citizens possess semiautomatic rifles (and magazines holding more than 10 rounds) for lawful purposes. Between 1990 and 2012, more than 8 million AR- and AK- platform semiautomatic rifles alone were manufactured in or imported into the United States. In 2012, semiautomatic sporting rifles accounted for twenty percent of all retail firearms sales. In fact, in 2012, the number of AR- and AK- style weapons manufactured and imported into the United States was more than double the number of the most commonly sold vehicle in the U.S., the Ford F-150. In terms of absolute numbers, these statistics lead to the unavoidable conclusion that popular semiautomatic rifles such as the AR-15 are commonly possessed by American citizens for lawful purposes within the meaning of *Heller*.

Id., 849 F.3d at 153, Traxler, J. dissenting (internal citations and quotation marks omitted).

17. Millions of law-abiding citizens own and use for lawful purposes semi-automatic firearms such as the Banned Firearms. The Ordinance’s prohibition on the acquisition or transfer of the Banned Firearms violates the Second Amendment

18. Section 1(c) of the Ordinance defines the term “large-capacity magazine” to mean any firearm magazine capable of holding more than ten rounds of ammunition.

19. The Ordinance again uses politically charged rhetoric to describe the arms it bans. The Ordinance’s characterization of these magazines as “large capacity” is a misnomer. Magazines capable of holding more than 10 rounds are standard capacity magazines. Plaintiffs refuse to adopt the County’s politically charged rhetoric in this Complaint. Therefore, for purposes of this Complaint, the term “Banned Magazine” shall have the same meaning as the term “large-capacity magazine” in section 1(c) of the Ordinance.

20. Section 2(a) of the Ordinance makes it illegal to manufacture, import, purchase, sell or transfer any Banned Magazine in unincorporated part of the County.

21. In his dissent in *Kolbe v. Hogan*, Judge Traxler also addressed magazines such as the Banned Magazines. He stated:

The record also shows unequivocally that magazines with a capacity of greater than 10 rounds are commonly kept by American citizens, as there are more than 75 million such magazines owned by them in the United States. These magazines are so common that they are standard on many firearms: On a nationwide basis most pistols are manufactured with magazines holding ten to 17 rounds. Even more than 20 years ago, fully 18 percent of all firearms owned by civilians were equipped with magazines holding more than ten rounds.”

Id., 849 F.3d at 154, Traxler, J. dissenting (internal citations and quotation marks omitted).

22. Law-abiding citizens own literally tens of millions of Banned Magazines. The Ordinance’s prohibition on the acquisition, sale or other transfer of the Banned Magazines violates the Second Amendment.

23. On July 22, 2022, this Court entered an order in *Rocky Mountain Gun Owners v. The Town of Superior*, Case No. 22-cv-1685, in which it restrained enforcement of certain provisions of a Town of Superior, Colorado ordinance (the “Superior Order”).

24. In the Superior Order, this Court held there was a strong likely that the plaintiffs in that case would prevail on the merits of their constitutional challenge to the Superior ordinance provisions banning so-called assault weapons and large capacity magazines. Those restrained ordinance provisions are similar to the ordinance provisions challenged in this action.

25. There is an actual and present controversy between the parties. The Ordinance infringes on Plaintiffs’ right to keep and bear arms under the Second Amendment by generally prohibiting the acquisition and transfer of arms that are commonly possessed by millions of Americans for lawful purposes. Defendant denies these contentions. Plaintiffs desire a judicial

declaration that the Ordinance sections identified above, facially and/or as applied to them, violate their constitutional rights. Plaintiffs should not be forced to choose between risking criminal prosecution and exercising their constitutional rights. This is true even if certain provisions of the Ordinance provide affirmative defenses to criminal prosecution. The risk of criminal prosecution on account of exercising a constitutionally protected right unlawfully chills the exercise of that right and thus violates the Constitution even if the criminal defendant ultimately prevails.

26. Plaintiffs are or will be injured by Defendant’s enforcement of the Ordinance sections identified above insofar as those provisions violate Plaintiffs’ rights under the Second Amendment by precluding the acquisition, transfer and use of arms that are “typically possessed by law-abiding citizens for lawful purposes” nationwide. If not enjoined by this Court, Defendant will enforce the Ordinance in derogation of Plaintiffs’ constitutional rights. Plaintiffs have no plain, speedy, and adequate remedy at law. Damages are indeterminate or unascertainable and, in any event, would not fully redress any harm suffered by Plaintiffs because they are unable to engage in constitutionally protected activity due to Defendant’s present or contemplated enforcement of these provisions.

V. FIRST CLAIM FOR RELIEF
Right to Keep and Bear Arms
U.S. Const., amends. II and XIV

27. Paragraphs 1-26 are realleged and incorporated by reference.

28. The Ordinance’s definitions of “assault weapon” and “large capacity magazine” include many firearms and firearms magazines that are “typically possessed by law-abiding citizens for lawful purposes” nationwide. The Ordinance, therefore, generally prohibits residents of the

County, including Plaintiffs, from acquiring and/or transferring arms protected by the Second Amendment. There are significant penalties for violations of the Ordinance.

29. These restrictions infringe on the right of the people of the County, including Plaintiffs, to keep and bear arms as guaranteed by the Second Amendment and made applicable to Colorado and its political subdivisions by the Fourteenth Amendment.

30. The Ordinance's prohibitions extend into Plaintiffs' homes, where Second Amendment protections are at their zenith.

31. Defendant cannot satisfy its burden of justifying these restrictions on the Second Amendment right of the People, including Plaintiffs, to acquire, transfer, and use arms that are in common use by law-abiding adults throughout the United States for the core right of self-defense in the home and other lawful purposes.

VI. PRAYER FOR RELIEF

Plaintiffs pray that the Court:

32. Enter a declaratory judgment pursuant to 28 U.S.C. § 2201 that the Ordinance sections identified herein are unconstitutional on their face or as applied to the extent their prohibitions apply to law-abiding adults seeking to acquire, use, or transfer arms that are in common use by the American public for lawful purposes;

33. Enter preliminary and permanent injunctive relief enjoining Defendant and its officers, agents, and employees from enforcing the unconstitutional Ordinance sections identified above;

34. Award remedies available under 42 U.S.C. § 1983 and all reasonable attorneys' fees, costs, and expenses under 42 U.S.C. § 1988, or any other applicable law; and

35. Grant any such other and further relief as the Court may deem proper.

Respectfully submitted this ___ day of August, 2022.

/s/ Barry K. Arrington

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Martin Carter Kehoe
c/o Plaintiff's counsel

ORDINANCE NO. 2022-5**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO PROHIBITING THE SALE AND PURCHASE OF ASSAULT WEAPONS, LARGE CAPACITY MAGAZINES, AND TRIGGER ACTIVATORS****RECITALS**

A. Gun violence poses a grave public safety threat in Boulder County. According to data from Centers for Disease Control and Prevention, Wide-ranging Online Data for Epidemiologic Research, statewide in Colorado guns are the leading cause of death for children ages one through 17 and cause the deaths of nearly two thirds of women who are killed by intimate partners.

B. Colorado has the 18th-highest gun death rate among the 50 states and saw elevated levels of mass shootings in 2020 and early 2021, when a mass shooter killed 10 people at a King Soopers in Boulder using an assault weapon and large-capacity magazines.

C. Assault weapons are semiautomatic firearms with large ammunition capacities and specific features that are useful in military and criminal applications yet are unnecessary in shooting sports or self-defense. These weapons include semiautomatic assault rifles that can accept large-capacity magazines holding up to 100 rounds, and with features that enhance concealability, control, and the ability to fire many dozens of rounds without pause. They also include assault pistols and high-capacity “combat” shotguns.

D. Assault rifles are semiautomatic versions of firearms. Although these semiautomatic versions of military firearms are marketed to civilians, they are military-grade weapons: the U.S. military has called semiautomatic rifle fire the “most important firing technique during fast-moving, modern combat” and “most accurate technique of placing a large volume of fire.” These rifles fire bullets with a velocity three times greater than 9mm handguns, leaving softball-sized exit wounds much more likely to kill than to incapacitate victims.

E. Perpetrators of the five deadliest shootings in modern U.S. history—Las Vegas, Orlando, Sandy Hook, Sutherland Springs, and El Paso—used assault rifles with military-style features. Colorado’s deadliest mass shooters have also used assault rifles or pistols, including the Aurora movie theater shooter, who used an assault rifle and a 100-round drum magazine; and the King Soopers shooter, who used an AR-style pistol that an expert from the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) described as “made for the military and designed for short-range combat.”

F. Researchers have found that firearm purchasers with criminal histories are more likely to buy assault weapons, and that probability was even higher if purchasers have more serious criminal histories. These weapons are regularly used in violent crime beyond mass shootings, including violence against law enforcement officers.

G. Assault weapons are inappropriate for civilian use due to their unique features that allow shooters to rapidly fire a large number of rounds—more than is ever needed for lawful

self-defense—while maintaining control of the firearm in order to accurately target and kill more victims. Specific features that allow an assault weapon to perform this way are:

- Detachable magazine: Firearms that can accept detachable magazines allow a shooter to attach magazines of any size available for the firearm and quickly reload the weapon with pre-filled magazines. In some cases, magazines can hold as many as 100 rounds, but even smaller detachable magazines can greatly increase firepower.
- Pistol grip: To counteract the movement that occurs during rapid fire, assault weapons are typically equipped with features that allow the shooter to steady the weapon. A pistol grip, not typically found on a sporting rifle or shotgun (which would be fired from the shoulder), allows the shooter to control the firearm more accurately—and lethally—by maneuvering the weapon or shooting from the hip during rapid fire;
- Thumbhole stock: As with a pistol grip, a thumbhole stock allows the shooter to control the firearm during rapid fire;
- Folding or telescoping stock: A folding or telescoping stock folds or collapses to make the weapon easier to conceal and transport;
- Flash Suppressor: A flash suppressor enables a shooter to mask their location by reducing the visible signature of the firearm when it fires; and
- Barrel shroud: As with a pistol grip and thumbhole stock, a barrel shroud allows the shooter to steady the firearm during rapid fire. The shroud encircles the barrel of the firearm and allows the shooter to hold it without getting burned.

H. In addition to military-style assault rifles, gun manufacturers have also begun marketing AK-style and AR-style pistols with the same features that enable a shooter to continue shooting the weapon numerous times without losing control over it. These pistols are also designed to fire rifle rounds capable of penetrating body armor, but which are concealable like handguns.

I. AK-style and AR-style pistols pose a similar if not identical threat to public safety as do short-barreled rifles, because of their short length and ability to fire rifle rounds that can penetrate ballistic resistant vests worn by patrol officers. Because their lethality is on par with highly restricted short-barreled rifles, armor-piercing, concealable firearms have been used in murders across the country, including at the 2021 King Soopers shooting in Boulder and at the 2019 mass shooting in Dayton, Ohio.

J. High-capacity “tactical” or “combat” shotguns are assault weapons modeled after firearms originally used for riot control by foreign law enforcement. After the Armsel Striker, popular in South Africa and marketed in the U.S. as the Street Sweeper, was designated a “destructive device” under the National Firearms Act, gunmakers designed workaround weapons as powerful as the Street Sweeper that inflict catastrophic injuries by

rapidly firing a dozen or more shotgun slugs. These weapons are unfit for lawful sporting or self-defense uses.

K. At the 2017 Mandalay Bay shooting in Las Vegas, Nevada, the shooter modified semiautomatic assault rifles with bump stocks so they could fire at speeds approaching fully automatic machine guns. Bump stocks, as well as binary triggers, burst triggers, rotating trigger cranks, and other after-market rapid-fire trigger activators enable firing many rounds per second and serve no lawful self-defense function.

L. Several years after the Las Vegas shooting drew attention to the dangers of bump stocks that give shooters automatic firepower, the ATF adopted a federal rule effectively banning their possession. However, local action is needed to restrict other rapid-fire trigger activators.

M. Large-capacity magazines are ammunition feeding devices that hold more than 10 rounds and may hold as many as 100 rounds of ammunition. Mass shootings that involve large-capacity magazines result in nearly five times as many people shot compared to mass shootings that do not involve high-capacity magazines. These magazines increase the number of victims injured and killed by enabling shooters to fire more rounds before reloading—a critical moment when criminal shooters can be stopped before they can further increase their death tolls.

N. Large-capacity magazines also make gun violence far more lethal in situations other than mass shootings, including interpersonal gun violence and shootings by organized crime or street groups.

O. The Board of County Commissioners of Boulder County is unaware of any reported incidents in Boulder County or nationally where a civilian who was engaged in self-defense fired more than 10 rounds of a large-capacity magazine to fend off an attack. In *Worman v. Healey*, 922 F.3d 26 (1st Cir. 2019), the court noted that even six expert witnesses could not identify a single example of a self-defense episode in which ten or more shots were fired. Conversely, numerous high-profile mass shootings nationally and within Colorado have been carried out with large-capacity magazines, including the Boulder King Soopers shooting and the Aurora movie theater shooting.

P. In 1994, a federal ban on the manufacture, transfer and possession of assault weapons and the transfer and possession of large-capacity magazines was enacted, but the law included a 10-year sunset provision. In 2004, Congress allowed the law to expire.

Q. Studies show that the federal assault weapon ban resulted in a marked decrease in the use of assault weapons and large-capacity magazines in crime.

R. State-level prohibitions on large-capacity magazines have been shown to reduce the frequency and lethality of the deadliest mass shootings—strong evidence that regional and local legislation can be effective. A peer-reviewed study published in the *American Journal of Public Health* found that “states without an LCM ban experienced significantly more high-fatality mass shootings and a higher death rate from such incidents,” seeing more than double the number of such shootings and three times the number of deaths from high-

fatality mass shootings, as compared to states that ban large-capacity magazines.

S. Survey data and gun-industry supplied statistics suggest that, at most, only a small fraction of U.S. gun owners possess semiautomatic assault rifles and private ownership of these weapons is concentrated in the hands of super-owners who have 10 or more firearms.

T. The nation has a historical tradition of regulating weapons that are unusual and dangerous, and this tradition supports the adoption of regulations that prohibit the carrying of dangerous and unusual weapons. *N.Y. State Rifle & Pistol Ass'n v. Bruen*, 142 S.Ct. 2111 (2022); *Dist. of Columbia v. Heller*, 554 U.S. 570 (2008).

U. Because assault weapons, trigger activators, and large-capacity magazines are designed for and have repeatedly been used to inflict mass casualties and enable other violent crimes, and the fact that these weapons and accessories are ill-suited to and unnecessary for responsible self-defense, and are not chosen or used by most law-abiding gun owners for this purpose, the Board of County Commissioners of Boulder County finds that it is in the best interests of the health, safety, and welfare of Boulder County residents to prohibit the sale, manufacture, and transfer of assault weapons, rapid-fire trigger activators, and large-capacity magazines.

V. 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.

W. 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.

BE IT ORDAINED, by the Board of County Commissioners of Boulder County, the following:

SECTION 1. DEFINITIONS

- (a) “Assault weapon” means any:
 - (1) Semiautomatic center-fire rifle that has the capacity to accept a detachable magazine and has one or more of the following characteristics:
 - (i) A pistol grip or thumbhole stock;
 - (ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (iii) A folding or telescoping stock;
 - (iv) A flash suppressor;

- (v) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel.
- (2) Semiautomatic center-fire pistol that has the capacity to accept a detachable ammunition feeding device and any one of the following:
 - (i) A threaded barrel;
 - (ii) A second pistol grip, or second other feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (iii) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned, but excluding a slide that encloses the barrel;
 - (iv) A flash suppressor;
 - (v) The capacity to accept a detachable ammunition feeding device at some location outside of the pistol grip;
 - (vi) A manufactured weight of 50 ounces or more when unloaded; or
 - (vii) A buffer tube, arm brace, or other part that protrudes horizontally behind the pistol grip.
- (3) Semiautomatic center-fire pistol with a fixed magazine that has the capacity to accept more than 10 rounds.
- (4) Semiautomatic shotgun that has one or more of the following features:
 - (i) A pistol grip or thumbhole stock;
 - (ii) Any feature capable of functioning as a protruding grip that can be held by the non-trigger hand;
 - (iii) A folding or telescoping stock;
 - (iv) A fixed magazine capacity in excess of 5 rounds; or
 - (v) An ability to accept a detachable magazine.
- (5) Any firearm that has been modified to be operable as an assault weapon as defined herein;
- (6) Any part or combination of parts designed or intended to convert a firearm into an assault weapon, including any combination of parts from which an assault weapon

may be readily assembled if those parts are in the possession or under the control of the same person.

- (b) “Assault weapon” does not include any firearm that has been made permanently inoperable, an antique firearm manufactured before 1899, or a replica of an antique firearm.
- (c) “Large-capacity magazine” or “LCD” means any ammunition feeding device with the capacity to accept more than 10 rounds, but shall not be construed to include any of the following:
 - (1) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds.
 - (2) A .22 caliber tube ammunition feeding device.
 - (3) A tubular magazine that is contained in a lever-action firearm.
- (d) “Rapid-fire trigger activator” means any device, including a removable manual or power-driven activating device, constructed so that, when installed in or attached to a semiautomatic firearm:
 - (1) the rate at which the trigger is activated substantially increases; or
 - (2) the rate of fire substantially increases.

SECTION 2. PROHIBITION ON SELLING AND PURCHASING ASSAULT WEAPONS, LARGE-CAPACITY MAGAZINES, OR RAPID-FIRE TRIGGER ACTIVATORS

- (a) No person, corporation or other entity in unincorporated Boulder County may manufacture, import, purchase, sell or transfer any assault weapon, large-capacity magazine, or rapid-fire trigger activator.
- (b) Section (a) shall not apply to:
 - (1) Any government officer, agent, or employee, member of the armed forces of the United States, or peace officer, to the extent that such person is otherwise authorized to acquire or possess an assault weapon and/or large-capacity magazine, and does so while acting within the scope of his or her duties; or
 - (2) The manufacture of an assault weapon or large-capacity magazine for the purpose of sale to any branch of the armed forces of the United States, or to a law enforcement agency in unincorporated Boulder County for use by that agency or its employees, provided the manufacturer is properly licensed under federal, state and local laws.
 - (3) The sale or transfer of an assault weapon or large-capacity magazine by a dealer that is properly licensed under federal, state and local laws to any

branch of the armed forces of the United States, or to a law enforcement agency in unincorporated Boulder County for use by that agency or its employees for law enforcement purposes.

- (4) The transfer of an assault weapon to a licensed gunsmith for the purpose of lawful repair.
- (5) The transfer of an assault weapon, large-capacity magazine, or trigger activator to the Boulder County Sheriff's Office for the purpose of surrendering the weapon, LCD or trigger activator.

SECTION 3. VIOLATIONS AND PENALTIES

Any violation of this ordinance by a person who knew or reasonably should have known that their conduct was prohibited is a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars, by incarceration of up to one year in jail, or by both such fine and incarceration.

SECTION 4. 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.

SECTION 5. 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 the county due in part to the need to control the activity subject to this ordinance as soon as possible.

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

THE BOARD OF 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. 2022-5, entitled “**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BOULDER COUNTY, COLORADO PROHIBITING THE SALE AND PURCHASE OF ASSAULT WEAPONS, LARGE CAPACITY MAGAZINES, AND TRIGGER ACTIVATORS**” 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 2022-5 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 with amendments 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