

Executive Order

Declaring a Disaster Emergency Due to the Gun Violence Risk in Colorado

I. Background and Purpose

I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order declaring a state of disaster emergency due to the gun violence risk in Colorado, enabling State agencies to coordinate for response and mitigation efforts. This includes a total ban on all guns and a comprehensive, mandatory buyback program.

This Executive Order is declared in memory of the children of Colorado who have lost their lives due to gun violence, and in order to prevent further gun violence deaths of Colorado's children. This Executive Order is further declared in recognition of the extreme grief the families of those slain by gun violence in Colorado must endure on a daily basis.

I further declare that as the Governor of this great State of Colorado, I find it unacceptable and inhumane to expect children and teenagers to spend their days fearing for their safety, even in their homes, because of the prevalence of gun violence we now see every day.

Gun violence affects all aspects of normal daily life: attending school, shopping at the grocery store, eating at a restaurant, going to the movies and congregating in places of worship. Our state has a tragic history of mass shootings, including but not limited to Columbine High School, the Aurora Movie Theater, King Soopers, Club Q and Youth with a Mission Center & New Life Church.

In 2021, the most recent year for which finalized mortality data is available, Colorado recorded 1,059 people died from firearms, our highest firearm-related death rate in at least 40 years. Between 1980 and 2018, 23,493 people died from firearm-related injuries in Colorado. Our state recorded 18.2 gun deaths per 100,000 people in 2021, far exceeding any other year since 1981.¹ According to EveryStat.org, from 2012 to 2021 the rate of gun deaths in Colorado increased 42%, compared to a 39% increase nationwide.² In the same period, gun suicides

¹ Source: Colorado Sun, Colorado Department of Public Health and Environment

² Source: EverStat.org (updated: May 2023).

increased 24% and gun homicides increased 126% compared to a 19% increase and 73% increase nationwide, respectively.

While gun deaths are increasing across most age groups in Colorado, people under the age of 45 make up most of those who die by firearm. In 2021, 78 people between the ages of 10-19 died as a result of a gunshot wound³. In 2022, Colorado reached a record 303 firearm incidents in our schools, a 10x increase from 2013.⁴ Guns are the leading cause of death among children and teens in Colorado.⁵

Gun violence also disproportionately impacts Black and Hispanic men. These individuals make up less than 13% of Colorado's population and account for more than 48% of the state's gun homicide victims. Likewise, In Colorado, Black men ages 18-24 are at least 12 times more likely than white men the same age to be killed in a gun homicide.⁶ This fact alone is in direct conflict with our state's commitment to create a *Colorado for All* through policy, legislative priorities, and executive action.⁷

As such, gun violence is a disaster of human origin that must be addressed to ensure the psychosocial and physical safety of our citizenry.

II. Declarations and Directives

The Governor is responsible for meeting the dangers to the State and people presented by disasters pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701, et seq C.R.S. § 24-33.5-704(1). The Colorado Disaster Emergency Act defines a disaster as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural cause or cause of human origin...” C.R.S. § 24-33.5-703(3).

³ Source: Colorado Sun, Colorado Department of Public Health and Environment

⁴ Source: Naval Postgraduate School Center for Homeland Defense and Security and the K-12 School Shooting Database

⁵ Source: EverStat.org (updated: May 2023)

⁶ Source: Giffords Law Center To Prevent Gun Violence

⁷ Source: Giffords Law Center To Prevent Gun Violence

- A. Gun violence in Colorado is a disaster of human origin and constitutes a disaster under C.R.S. § 24-33.5-701, et seq.
- B. In response to the disaster emergency, I hereby ban the use, loading, possession or carrying of all firearms in Colorado, including but not limited to firearms for personal protection, hunting, law enforcement or any otherwise lawful purpose for as long as this Executive Order shall remain in effect. I hereby also suspend C.R.S. § 18-12-105(2).
- C. Pursuant to C.R.S. § 24-33.5-704(7)(h), except for the State buy-back program described below, I suspend the sale of firearms in Colorado for as long as this Executive Order shall remain in effect.
- D. Pursuant to C.R.S. § 24-33.5-704(7)(h), except for the State buy-back program described below, I suspend the sale and transport of firearms, and ammunition and accessories related to the use of firearms, in Colorado for as long as this Executive Order shall remain in effect.
- E. I hereby ban the resale of all firearms collected under the State buy-back program, described below. Nor shall such firearms be transported across State lines into other States, except for purposes of their destruction. Nor shall any firearms be transported into the State of Colorado.
- F. I hereby direct that the State of Colorado, within 30 days of this Executive Order, create a Governor's Expert Gun Violence Disaster Response Committee, in order to implement a Crisis Standards of Care (CSC) plan, to:
 - a. Include but not be limited to directing the office of emergency management to, within 30 days from the date of this Executive Order, create a comprehensive firearm buy-back program that includes policies, plans, and procedures for the repurchase of all firearms present within the State of Colorado. Such buy-back program shall be administered at minimum by each sheriff's office in an unarmed capacity, but may include other unarmed government offices and entities as appropriate and necessary. I also direct that persons in Colorado be permitted to voluntarily submit their unloaded firearms, whether duly licensed or no, to certain offices and authorities to be determined; such persons may or may not receive remuneration, including as part of the buy-back program, without penalty.
 - b. Within 30 days, determine the appropriate penalties for possession, transport or use of an unloaded or loaded firearm, except for transport of firearms for the buy-back program; these may include confiscation of real property or other assets, or criminal citations and fees and fines. Penalties for possessing loaded firearms

shall be more severe. During the 30 days allotted to determine the penalties, there shall be no penalties for possessing an unloaded firearm within a legal residence or place of business; during this period, at no time shall transport of firearms, loaded or unloaded, be permitted except for purposes of the buy-back program.

- c. Activate the State Emergency Operations Plan. All State departments and agencies are authorized to take whatever actions may be required and requested by the Director or his delegate of the Office of Emergency Management pursuant to the Emergency Support Function 5 Annex of the State Emergency Operations Plan, including provision of appropriate staff and equipment as necessary.
- G. I direct the Colorado Department of Revenue to devise a gun compensation schedule for the following classes of firearms: (a) semi-automatic rifles; (b) handguns; (c) rifles and (d) shotguns.
- H. I further verbally authorize deployment and use of the Colorado National Guard in an unarmed capacity for the purpose of assisting with planning and logistics related to the mandatory gun buy-back program. Further, pursuant to C.R.S. § 28-3-104, authorizing deployment and use of the National Guard in an unarmed capacity for the purpose of assisting with planning and logistics related to the mandatory gun buyback program in Colorado is hereby memorialized by this Executive Order and shall have the full force and effect of law as if it were contained within this Executive Order.

III. Duration

This Executive Order shall expire thirty (30) days from [June 5, 2023], unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this [5th] day of June, 2023.

Jared Polis, Governor
