



Written by [Bob Adelman](#) on April 11, 2013

Colorado Sheriffs to File Lawsuit Against State's New Gun Laws

Thirty-seven of Colorado's 62 county sheriffs are [in the process of filing a lawsuit](#) to block implementation and enforcement of the state's new gun laws, which are scheduled to go into effect on July 1. Weld County Sheriff John Cooke is the de facto spokesman for the plaintiffs, who claim that the new laws violate the Constitution's Second and 14th Amendments.



However, the County Sheriffs of Colorado association will not be joining Cooke as a plaintiff, according to Executive Director Chris Olson: "The Board of Directors made a decision that this was not something that the association should join in." This decision was made despite the fact that the association published a [position paper](#) during the national and local debates, in which it discouraged new legislation that "may limit Second Amendment rights." According to that paper,

We believe the Second Amendment is no less important [than] the other nine Amendments contained in the Bill of Rights.

The paper opposed a ban on so-called "assault weapons," on any person's right to sell firearms privately to another person, any limitation on magazine capacity, or the creation of a state-wide database for concealed carry permit holders. It urged legislators to go slow in enacting new laws following the shooting in Newtown, Connecticut: "We urge our elected state elected officials not to make decisions during this grieving period because it would likely lead to policies that are unenforceable and possibly unconstitutional, while punished law-abiding citizens and doing nothing to reduce violent crime."

A glimpse into the possible arguments to be brought to light in the lawsuit was provided by Dave Kopel, the lawyer likely to direct the plaintiff's case. Kopel, an adjunct professor of advanced constitutional law at Denver University and research director at Denver's Independence Institute, said in an article entitled "[Turning Gun Owners Into Felons](#)" in *National Review* on April 5 that the new restrictions are so onerous that all gun owners will soon be guilty of felonies. Although the article was primarily directed toward efforts to blunt federal efforts to pass universal background checks, Kopel's arguments might just appear in the Colorado lawsuit. Wrote Kopel:

[The legislation being considered in Congress] would turn almost every gun owner into a felon.... The language under consideration applies not only to sales but also to "transfers" which are defined to include innocent activities such as letting your spouse borrow your gun for a few hours.



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To make his point, Kopel paints a picture of a woman who bought a rifle when she was 25 years old. Looking back years later, she remembers times when she loaned the gun to a friend, or took it over to a neighbor's house because he wanted to learn more about guns, or when she took it on a camping trip and let her niece do some plinking with it. She remembers teaching a class to some young people on gun safety and bringing the rifle to class to let her students become familiar with it. She remembers her time as a Boy Scout den mother when she taught the boys how to handle and shoot the rifle. As Kopel writes:

Every one of [these] activities would be a federal felony, subject to precisely the same punishment a person would receive if [she] had knowingly sold a firearm to a convicted felon.

This is not "gun control" in the constitutionally legitimate sense: reasonable laws that protect public safety without interfering with the responsible ownership and use of firearms.

It is likely that Kopel will invoke the [Heller case](#) and the [McDonald case](#), wherein the Supreme Court acknowledged that the rights guaranteed in the Second Amendment are meant to apply to individual citizens living in the several states. It isn't clear whether the lawsuit will be filed in state court or in federal court. What is clear is that this will be a long journey beginning with the first step: the Colorado sheriffs protesting by legal means the unconstitutional incursion of the state legislature into Colorado citizens' rights to keep and bear arms.

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