



THE SIXTEENTH JUDICIAL DISTRICT
STATE OF COLORADO
BENT COUNTY, CROWLEY COUNTY, AND
OTERO COUNTY

ADMINISTRATIVE ORDER
REGARDING FIREARMS IN JUDICIAL FACILITIES
OF THE SIXTEENTH JUDICIAL DISTRICT:
BENT COUNTY COURTHOUSE

2024-04

The General Assembly has recently enacted SB 24-131, declaring that, consistent with the second amendment, the state may regulate the carrying of firearms in sensitive spaces, including certain government buildings. See Colo. Sess. Laws 2024, ch. 301 at 2044. SB 24-131 adds § 18-12-105.3 to the Colorado Revised Statutes. Section 18-12-105.3(1)(c) forbids a person to knowingly carry a firearm, whether loaded or not loaded, in a courthouse or any other building or portion of a building used for court proceedings and the adjacent parking lot. There are exceptions which permit law enforcement officers, members of the armed forces, security personnel, and certain other personnel to carry firearms in sensitive spaces. See § 18-12-105.3(2).

Under § 18-12-105.3(1)(b), carrying of firearms is also prohibited on the property or in a building where chambers or galleries of a local government's governing body is located, where a meeting of a local government's governing body is being conducted, or in the official office space of an elected member of a local government's governing body or of the chief executive officer. However, a local government may enact an ordinance, regulation or other law which permits the carrying of firearms in the locations listed in § 18-12-105.3(1)(b). See § 18-12-105.3(4)(b).

The Bent County Commissioners have adopted a such a resolution, Resolution No. 2024-15, permitting the lawful possession of firearms in government buildings owned and operated by Bent County, including but not limited to the chambers or galleries where Bent County's governing body are located; any building owned and operated by Bent County in which an official meeting of the Bent County Board of County Commissioners is taking place; and any building in which the official office of any elected member of Bent County's governing body is located.

The Bent County Courthouse is a government building owned and operated by Bent County. Pursuant to § 30-11-104, each county in Colorado must provide and maintain adequate court facilities at its own expense. See *State ex rel. Norton v. Bd. of County Comm'rs of Mesa County*, 897 P.2d 788, 789 (Colo. 1995). The Bent County Courthouse is a shared facility, used for court purposes by the Sixteenth Judicial

District for district and county court proceedings, and used for county purposes by the Bent County Commissioners. The portions of the building used by the County Commissioners for county purposes are subject to Bent County Resolution 2024-15.

The portions of the building used by the Sixteenth Judicial District for court proceedings are sensitive spaces where firearms are prohibited under § 18-12-105.3(1)(c). Section 18-12-105.3(4)(b) does not allow for a local government to enact an ordinance, regulation, or other law permitting a person to carry a firearm in the locations described in § 18-12-105.3(1)(c): a courthouse or any other building or portion of a building used for court proceedings.

Prior to the enactment of SB 24-131, past incidents of violence, or the threat of violence, in courthouses in Colorado necessitated an increase in security measures, including preventing weapons from being brought into court facilities. See Norton, 897 P.2d at 790, and Bd. of County Comm'rs of Weld County v. Nineteenth Judicial District, 895 P.2d 545, 547 (Colo. 1995). Judicial orders preventing weapons in court facilities are authorized by the inherent powers doctrine. See *id.*

A court has inherent power to act in order to efficiently perform its judicial functions, to protect its dignity, independence, and integrity, and to make its lawful actions effective. Peña v. District Court, 681 P.2d 953, 956 (Colo. 1984). This inherent power is derived from the Constitution by virtue of the courts being one of three co-equal branches of government, independent and regardless of any statutory authority. See *id.* at 955-56; Colo. Const. art. III. As part of its inherent power, a court may order security measures so that the court may operate in a safe, secure, orderly, and dignified manner. See Weld County, 895 P.2d at 548-49. The Chief Judge of a judicial district has authority to enter such orders as may be needed to provide for the security and safety of the courts. See Chief Justice Directive 95-01, amended August 2005; Weld County, 895 P.2d at 549; People ex. rel. Sullivan v. Swihart, 897 P.2d 822, 826 (Colo. 1995).

Litigation by its very nature may create strong feelings in participants, which can, unfortunately, be conducive to violence or the threat of violence. The public, litigants, witnesses, victims of crime, jurors, and other participants in the legal system such as judges, magistrates, and court employees are entitled to feel safe and secure in the judicial facilities of all County Courthouses, courtrooms and common areas. People are entitled to come to court to seek resolution of disputes or enforcement of rights knowing that, no matter how high the emotions of the participants or how volatile the subject matter of the conflict, they are personally safe from violence, abuse, or the threat of same. Violence, or the threat of violence in the courts, inhibits the free exercise of the Constitutional rights of our citizens, and bring the courts into disrepute.

An assurance of safety cannot be given if firearms or other deadly weapons are allowed into the judicial facilities of the Sixteenth Judicial District. The efficient, effective, and fair administration of

justice requires that the public have confidence in the safety and security of judicial facilities.

The Chief Judge issues this administrative order pursuant to the inherent power of the court, and as required by § 18-12-105.3:

1. This order prohibits persons from bringing firearms or other deadly weapons, concealed or not concealed, into areas of the Bent County Courthouse designated as a judicial facility. The areas which constitute a "judicial facility" in the Bent County Courthouse are the second and third floors of the building including: the County or District Courtroom, common areas utilized by the Courts and their patrons, the court clerk's office, the probation office, judges' chambers, private offices, and any other area located on the second and third floors in which judicial or judicial related functions occur. "Judicial facility" also includes the building entrances and exits on the second floor utilized by persons doing court business.
2. This order does not apply to: a peace officer carrying a firearm pursuant to the authority granted in C.R.S. § 16-2.5-101(2); a member of the United States Armed Forces or Colorado National Guard when engaged in the lawful discharge of the member's official duties; security personnel employed or retained by any entity that controls or operates a place described in this section and security personnel described in § 24-33.5-216.7(5) while engaged in the security personnel's official duties; law enforcement personnel, defense counsel personnel, and court personnel carrying or possessing a firearm in the performance of their official duties as part of the lawful and common practices of a legal proceeding; and a person who holds a valid permit to carry a concealed handgun or a temporary emergency permit who is carrying a concealed handgun in the adjacent parking area of the Bent County Courthouse. See § 18-12-105.3(2)(a-e).
3. This order does not apply to the parts of Bent County Courthouse utilized for other county operations, which are subject to Bent County Resolution 2024-15. This order does not apply to the first floor (also referred to as the basement level) of the Bent County Courthouse, including the County Commissioners' offices and meeting areas, the offices of the County Administrator, and the separate first floor/basement entrance and exit to these spaces.
4. This order does not apply to the secure storage of a firearm in a vehicle, as required by law, in the adjacent parking area of the Bent County Courthouse. See § 18-12-105.3(5).
5. The Sheriff or his designees shall enforce this order. The Courts of the Sixteenth Judicial District may enforce this order via contempt, or as otherwise allowed by law.

Dated this 2nd day of December 2024.

BY THE COURT:



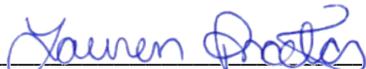
Mark A. MacDonnell
Chief Judge, Sixteenth Judicial District

CERTIFICATE OF MAILING/DELIVERY

I hereby certify that on December 2nd, 2024, a copy of Administrative Order 2024-04 was delivered:

By email to: Curtis Montoya, Court Executive
David Book, Chief Probation Officer
Laurie Halaba, Administrator of Judicial Security
Clerks of Court
Trial Court
Nathan Shultz, Bent County Attorney
Kim MacDonnell, Bent County Commissioner, District 1
Alan Stump, Bent County Commissioner, District 2
Jean Sykes, Bent County Commissioner, District 3
Jake Six, Bent County Sheriff
Bent Administration Email
Jonna Parker, Director of Bent County Dept. of Social Services
Cynthia Sollenbarger, CASA
Ray Torrez, Head Public Defender
Jim Bullock, District Attorney
Cobea Becker
Rebecca Briggs
Aaron Gutierrez
Bernadette Shetrone
Stephen Talbot
Dariel Weaver
Keri Williams
Maralina Schoenfelder

CC: Judge Mark MacDonnell
Judge Samuel Vigil
Judge William Culver
Judge Jeremy Boyce
Judge Lance Clark
Magistrate Rodney Fouracre
Magistrate Deni Eiring

By: 

Lauren Proctor, Judicial Clerk