

CHIEF JUDGE ADMINISTRATIVE ORDER 2003-2

STANDING ORDER REGARDING FIREARMS IN THE COURTS OF THE SEVENTH JUDICIAL DISTRICT

RECITALS

- A. This standing order restates and reaffirms prior orders in the Seventh Judicial District, prohibiting persons from bringing firearms or other deadly weapons, concealed or not concealed, into any County or District Court or Justice Center, including the common areas, and offices. This order also includes the clerk's office, collection, probation department, and private offices of judicial department employees. It does not apply to other parts of Courthouses utilized for other county operations. This order does not apply to the Municipal Courts in this District or to the Office of the District Attorney, which are separate entities and may regulate this conduct themselves in their own areas. It does not apply to any County Sheriff's Office, and its agents, in the discharge of duties pertaining to building security and the transportation of prisoners or to any peace officer in the performance of their lawful duty or appearing in Court to testify in his or her official capacity.
- B. There have been past incidents of violence, or the threat of violence, in courthouses in Colorado. For example, there were very serious incidents, involving serious injury in Arapahoe County and Mesa County. A gun has been brandished by a litigant in Montrose County. There have been threats of violence in this District.
- C. Litigation by its very nature may create strong feelings in participants, which can, unfortunately, be conducive to violence or the threat of violence.
- D. The public – litigants, witnesses, victims of crime, jurors, and other participants in the legal system such as judges, magistrates, and court employees – is entitled to feel safe and secure in the Justice Center and 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, would inhibit the free exercise of the Constitutional rights of our citizens, and bring the courts into disrepute.
- E. This assurance of safety cannot be given if firearms or other deadly weapons are allowed into the Justice Center, County Courthouses or Court facilities.

- F. The efficient, effective, and fair administration of justice requires that the public have confidence in the safety and security of the Justice Center, County Courthouses and Court facilities.
- G. The courts have the inherent power to regulate their own environment to provide for the safe, effective administration of justice, to enable the courts to perform their duties efficiently, and to provide for their dignity, independence, and integrity. This inherent power is derived from the Constitutional exercise of the courts as one of three co-equal branches of government. It is independent of and exists regardless of any statutory authority. See Article III, Colorado Constitution; *Pena v. District Court*, 681 P.2d 953 (Colo. 1984). This inherent power specifically includes the ability to make orders providing for the safety and security of the court. (*Board of County Commissioners v. Weld County v. 19th Judicial District*, 895 P.2d 545 (Colo. 1995)).
- H. 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 court (Chief Justice Directive 95-01; *Board of County Commissioners, supra*; *People ex. rel. Sullivan V. Swihart*, 897 P.2d 822 (Colo. 1995)).
- I. Recent legislation regarding carrying concealed weapons may have created some uncertainty or misunderstanding regarding the power of the courts to prohibit weapons in court. It is beneficial to clarify that the authority of the courts to safeguard the administration of justice, being inherent, derived from the Constitutional existence of the courts, and independent of the other two branches of government, is unaffected and unchanged by such legislation or local rules or ordinances.

ORDER

IT IS THEREFORE ORDERED as follows:

1. The public is prohibited from bringing firearms and other deadly weapons into the courts of the Seventh Judicial District.
2. No person except peace officers in the performance of their lawful duties shall bring firearms or other deadly weapons, concealed or otherwise, as defined by Colorado law, into the County Courthouses or Courts Buildings, Justice Center or in any County and District Courtrooms, offices, common areas or other areas within the Courthouses or other buildings that may necessarily be used as temporary Court facilities in the Seventh Judicial District.
3. No permit authorizing the carrying of concealed weapons shall be construed as abrogating or affecting this order.

4. The Sheriff or his designees shall enforce this order. The Courts of this Judicial District may enforce this order via contempt, or as otherwise allowed by law.

Dated this 13th day of May, 2003, nunc pro tunc April 9, 2003.

BY THE COURT:

J. Steven Patrick
Chief Judge, Seventh Judicial District