

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 07-0656.01 Michael Dohr

HOUSE BILL 07-1174

HOUSE SPONSORSHIP

White,

SENATE SPONSORSHIP

Bacon,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING A REPEAL OF THE PROHIBITION AGAINST A STATEWIDE**
102 **DATABASE FOR PERSONS HOLDING PERMITS TO CARRY**
103 **CONCEALED HANDGUNS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Repeals the sunset on a statewide concealed carry database.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1. 18-12-206 (3) (b), Colorado Revised Statutes, is**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
April 9, 2007

SENATE
Amended 2nd Reading
April 5, 2007

HOUSE
3rd Reading Unamended
February 1, 2007

HOUSE
Amended 2nd Reading
January 31, 2007

1 amended to read:

2 **18-12-206. Sheriff - issuance or denial of permits - report.**

3 (3) (b) (I) Notwithstanding the provisions of paragraph (a) of this
4 subsection (3), on and after July 1, 2007 2011, a sheriff shall not share
5 information from the list of permittees with a law enforcement agency for
6 the purpose of creating a statewide database of permittees, and any law
7 enforcement agency that receives information concerning permittees from
8 a sheriff shall not use the information to create or maintain a statewide
9 database of permittees. Any information concerning a permittee that is
10 included in a statewide database pursuant to paragraph (a) of this
11 subsection (3) shall be removed from the database no later than July 1,
12 2007 2011.

13 (II) PRIOR TO THE REPEAL IN SUBPARAGRAPH (I) OF THIS
14 PARAGRAPH (b), THE STATE AUDITOR'S OFFICE SHALL CONDUCT A
15 PERFORMANCE AUDIT OF THE STATEWIDE DATABASE OF PERMITTEES AS
16 PROVIDED IN SECTION 2-3-118, C.R.S.

17 **SECTION 2.** 18-12-206 (3), Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19 **18-12-206. Sheriff - issuance or denial of permits - report.**

20 (3) (c) EXCEPT FOR SUSPECTED VIOLATIONS OF SECTIONS 18-12-105 AND
21 18-12-105.5, A PEACE OFFICER MAY NOT USE OR SEARCH A DATABASE OF
22 PERMITEES MAINTAINED BY A LAW ENFORCEMENT AGENCY TO ESTABLISH
23 REASONABLE SUSPICION FOR A TRAFFIC STOP, OR WHEN CONTACTING
24 AN INDIVIDUAL, TO JUSTIFY PROBABLE CAUSE FOR A SEARCH OR SEIZURE
25 OF A PERSON OR A PERSON'S VEHICLE OR PROPERTY.

26 **SECTION 3.** Part 1 of article 3 of title 2, Colorado Revised
27 Statutes, is amended BY THE ADDITION OF A NEW SECTION to

1 read:

2 **2-3-118. Performance audit of statewide database of**
3 **permittees - repeal. (1) THE STATE AUDITOR SHALL CONDUCT OR CAUSE**
4 **TO BE CONDUCTED A PERFORMANCE AUDIT OF THE STATEWIDE DATABASE**
5 **OF PERMITTEES IDENTIFIED IN SECTION 18-12-206 (3) (b), C.R.S.,**
6 **MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION IN THE**
7 **DEPARTMENT OF PUBLIC SAFETY. IN ADDITION TO SUCH OTHER ISSUES AS**
8 **MAY BE IDENTIFIED BY THE STATE AUDITOR'S OFFICE, THE AUDIT SHALL**
9 **ADDRESS:**

10 (a) THE ACCURACY OF THE INFORMATION CONTAINED IN THE
11 DATABASE;

12 (b) THE SECURITY OF THE INFORMATION CONTAINED IN THE
13 DATABASE;

14 (c) THE BENEFIT OF THE DATABASE FOR LAW ENFORCEMENT IN THE
15 STATE OF COLORADO; AND

16 (d) THE BENEFIT OF THE DATABASE FOR PUBLIC SAFETY.

17 (2) THE STATE AUDITOR SHALL SUBMIT ITS FINDINGS,
18 CONCLUSIONS, AND RECOMMENDATIONS IN THE FORM OF A WRITTEN
19 REPORT TO THE MEMBERS OF THE LEGISLATIVE AUDIT COMMITTEE OF THE
20 GENERAL ASSEMBLY AND TO THE MEMBERS OF THE JUDICIARY
21 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
22 ANY SUCCESSOR COMMITTEES, AND TO THE EXECUTIVE DIRECTOR OF THE
23 DEPARTMENT OF PUBLIC SAFETY NO LATER THAN JANUARY 1, 2011.

24 (3) THIS SECTION IS REPEALED EFFECTIVE JULY 1, 2011.

25 **SECTION 4. Safety clause.** The general assembly hereby finds,
26 determines, and declares that this act is necessary for the immediate
27 preservation of the public peace, health, and safety.