

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0421.01 Stephen Miller

HOUSE BILL 00-1114

STATE OF COLORADO

BY REPRESENTATIVE Lee;
also SENATOR Chlouber.

REENGROSSED

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT INFORMATION IDENTIFYING PERSONS
102 WHO HOLD PERMITS TO CARRY CONCEALED WEAPONS BE KEPT
103 CONFIDENTIAL.

Bill Summary

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

Requires identifying information concerning concealed weapon permit holders to be kept confidential. Includes materials and records concerning a concealed weapon permit within the definition of "criminal justice records" for purposes of the provisions concerning release of criminal justice records. Requires information identifying a concealed weapon permit holder to be deleted from a criminal justice record prior to release of the record.

1 *Be it enacted by the General Assembly of the State of Colorado:*
2 **SECTION 1.** 18-12-105.1, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:
4 **18-12-105.1. Permits for concealed weapons - liability -**
5 **confidentiality.** (3) NOTWITHSTANDING ANY PROVISION TO THE
6 CONTRARY IN SECTION 24-72-204 (2) (a) (I), C.R.S., IDENTIFYING
7 INFORMATION CONCERNING ANY PERSON WHO RECEIVES A PERMIT

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.

HOUSE
3rd Reading Unamended
February 14, 2000

HOUSE
Amended 2nd Reading
February 11, 2000

1 PURSUANT TO THIS SECTION SHALL BE KEPT CONFIDENTIAL BY THE ISSUING
2 LAW ENFORCEMENT AGENCY; EXCEPT THAT SUCH INFORMATION MAY BE
3 RELEASED TO A CRIMINAL JUSTICE AGENCY AS DEFINED IN SECTION
4 24-72-302 (3), C.R.S. IDENTIFYING INFORMATION ALSO MAY BE RELEASED
5 AS SET FORTH IN SECTION 24-72-304 (4.5), C.R.S. FOR PURPOSES OF THIS
6 SUBSECTION (3), "IDENTIFYING INFORMATION" MEANS THE NAME,
7 ADDRESS, AND TELEPHONE NUMBER OF ANY PERSON WHO IS ISSUED A
8 PERMIT TO CARRY A CONCEALED WEAPON UNDER THIS SECTION.

9 **SECTION 2.** 24-72-302 (4), Colorado Revised Statutes, is
10 amended to read:

11 **24-72-302. Definitions.** As used in this part 3, unless the context
12 otherwise requires:

13 (4) "Criminal justice records" means all books, papers, cards,
14 photographs, tapes, recordings, or other documentary materials,
15 regardless of form or characteristics, which are made, maintained, or kept
16 by any criminal justice agency in the state for use in the exercise of
17 functions required or authorized by law or administrative rule, including
18 but not limited to:

19 (a) The results of chemical testing to determine the genetic
20 markers conducted pursuant to sections 16-11-204.3 and 17-2-201 (5) (h)
21 and (5) (i), C.R.S.; AND

22 (b) ANY DOCUMENTARY MATERIALS AND RECORDS CONCERNING
23 PERMITS TO CARRY CONCEALED WEAPONS ISSUED PURSUANT TO SECTION
24 18-12-105.1, C.R.S. PURSUANT TO SECTION 24-72-202 (6) (b) (I), AND
25 NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN SECTION
26 24-72-204 (2) (a) (I), ANY MATERIALS AND RECORDS CONCERNING PERMITS

1 TO CARRY CONCEALED WEAPONS ARE EXCLUSIVELY CRIMINAL JUSTICE
2 RECORDS AND ARE NOT SUBJECT TO THE PROVISIONS OF PART 2 OF ARTICLE
3 72 OF THIS TITLE, COMMONLY KNOWN AS THE "OPEN RECORDS ACT".

4 **SECTION 3.** 24-72-304, Colorado Revised Statutes, is amended
5 BY THE ADDITION OF A NEW SUBSECTION to read:

6 **24-72-304. Inspection of criminal justice records.** (4.5)

7 (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4.5),
8 ANY INFORMATION THAT IDENTIFIES A PERSON AS HOLDING A CONCEALED
9 WEAPONS PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, C.R.S.,
10 SHALL BE DELETED FROM ANY CRIMINAL JUSTICE RECORD PRIOR TO THE
11 RELEASE OF SUCH RECORD TO ANY INDIVIDUAL OR AGENCY OTHER THAN
12 A CRIMINAL JUSTICE AGENCY.

13 (b) IF A PERSON IS CONVICTED OF A CRIME INVOLVING THE ILLEGAL
14 USE OF A FIREARM, AS DEFINED IN SECTION 18-1-901 (3) (h), C.R.S., ANY
15 INFORMATION THAT IDENTIFIES SUCH PERSON AS HOLDING A CONCEALED
16 WEAPONS PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, C.R.S.,
17 SHALL NOT BE DELETED FROM ANY CRIMINAL JUSTICE RECORD PRIOR TO
18 THE RELEASE OF SUCH RECORD TO ANY INDIVIDUAL OR AGENCY.

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