



HOUSE BILL 00-1114

BY REPRESENTATIVES Lee, Alexander, Clapp, Dean, Decker, Hefley, Hoppe, King, Larson, Lawrence, McKay, Nuñez, Paschall, Pfiffner, Sinclair, Spence, Swenson, and Young;
also SENATORS Chlouber, Andrews, Epps, Evans, Hillman, Lacy, Lamborn, Musgrave, Owen, Tebedo, and Teck.

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

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 18-12-105.1, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-12-105.1. Permits for concealed weapons - liability - confidentiality. (3) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN SECTION 24-72-204 (2) (a) (I), C.R.S., IDENTIFYING INFORMATION CONCERNING ANY PERSON WHO RECEIVES A PERMIT PURSUANT TO THIS SECTION SHALL BE KEPT CONFIDENTIAL BY THE ISSUING LAW ENFORCEMENT AGENCY AND BY ANY CUSTODIAN, AS DEFINED IN SECTION 24-72-302 (5), C.R.S., OF ANY RECORD CONTAINING SUCH INFORMATION; EXCEPT THAT SUCH INFORMATION MAY BE RELEASED TO A CRIMINAL JUSTICE AGENCY AS DEFINED IN SECTION 24-72-302 (3), C.R.S. IDENTIFYING INFORMATION ALSO

MAY BE RELEASED AS SET FORTH IN SECTION 24-72-304 (4.5), C.R.S. FOR PURPOSES OF THIS SUBSECTION (3), "IDENTIFYING INFORMATION" MEANS THE NAME, ADDRESS, AND TELEPHONE NUMBER OF ANY PERSON WHO IS ISSUED A PERMIT TO CARRY A CONCEALED WEAPON UNDER THIS SECTION.

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

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

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

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

(b) ANY DOCUMENTARY MATERIALS AND RECORDS CONCERNING PERMITS TO CARRY CONCEALED WEAPONS ISSUED PURSUANT TO SECTION 18-12-105.1, C.R.S. PURSUANT TO SECTION 24-72-202 (6) (b) (I), AND NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN SECTION 24-72-204 (2) (a) (I), ANY MATERIALS AND RECORDS CONCERNING PERMITS TO CARRY CONCEALED WEAPONS ARE EXCLUSIVELY CRIMINAL JUSTICE RECORDS AND ARE NOT SUBJECT TO THE PROVISIONS OF PART 2 OF ARTICLE 72 OF THIS TITLE, COMMONLY KNOWN AS THE "OPEN RECORDS ACT".

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

24-72-304. Inspection of criminal justice records. (4.5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (4.5), ANY INFORMATION THAT IDENTIFIES A PERSON AS HOLDING A CONCEALED WEAPONS PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, C.R.S., SHALL BE DELETED FROM ANY CRIMINAL JUSTICE RECORD PRIOR TO THE RELEASE OF SUCH RECORD TO ANY INDIVIDUAL OR AGENCY OTHER THAN A CRIMINAL

JUSTICE AGENCY.

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

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

Russell George
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Ray Powers
PRESIDENT OF
THE SENATE

Judith M. Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Patricia K. Dicks
SECRETARY OF
THE SENATE

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO