

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.

REVISED

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.

SENATE
Amended 2nd Reading
March 21, 2000

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

HOUSE
3rd Reading Unamended
February 14, 2000

HOUSE
Amended 2nd Reading
February 11, 2000

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.

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

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

13 **24-72-302. Definitions.** As used in this part 3, unless the context
14 otherwise requires:

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

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

24 (b) ANY DOCUMENTARY MATERIALS AND RECORDS CONCERNING
25 PERMITS TO CARRY CONCEALED WEAPONS ISSUED PURSUANT TO SECTION
26 18-12-105.1, C.R.S. PURSUANT TO SECTION 24-72-202 (6) (b) (I), AND

1 NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN SECTION
2 24-72-204 (2) (a) (I), ANY MATERIALS AND RECORDS CONCERNING PERMITS
3 TO CARRY CONCEALED WEAPONS ARE EXCLUSIVELY CRIMINAL JUSTICE
4 RECORDS AND ARE NOT SUBJECT TO THE PROVISIONS OF PART 2 OF ARTICLE
5 72 OF THIS TITLE, COMMONLY KNOWN AS THE "OPEN RECORDS ACT".

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

8 **24-72-304. Inspection of criminal justice records.** (4.5)

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

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

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