

## Second Regular Session

### Sixty-second General Assembly

LLS NO. 00-0846.01 Julie Pelegrin

SENATE BILL 00-152

## STATE OF COLORADO

BY SENATORS Tebedo, Andrews, Epps, Hillman, Musgrave, and Owen;  
also REPRESENTATIVES Dean and Alexander.

### A BILL FOR AN ACT

101 CONCERNING UNIFORM STATEWIDE CRITERIA FOR ISSUING PERMITS TO  
102 CARRY 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.)*

Recognizes the need for statewide standards for the issuance of concealed handgun permits. Declares the issue of concealed handgun permits to be a matter of statewide concern.

Requires any police chief and any sheriff who chooses to issue permits to carry concealed handguns to establish a concealed handgun permit program for issuing permits within their jurisdictions. Instructs the police chiefs and sheriffs, to the extent it is fiscally practicable, to adopt standardized applications for permits to carry concealed handguns and standardized permits.

Authorizes each police chief and sheriff to issue a concealed handgun permit to anyone who is at least 21 years of age, is a Colorado resident, and meets specified firearms training requirements, so long as the applicant can legally possess a firearm under federal law and has not been convicted of or adjudicated for a felony or certain misdemeanors and the applicant is not subject to unresolved criminal proceedings, chronically or habitually using alcohol or controlled substances, a danger due to mental problems, or otherwise a danger to self or others.

Specifies that any concealed handgun permit issued by this state, or by another state pursuant to a comparable statute, is valid in all areas of this state. Requires a permittee to carry the permit, and a valid photo identification if the permit does not include a picture, on his or her person whenever the permittee is carrying a concealed handgun. Creates a rebuttable presumption that a person does not have a permit to carry a

concealed handgun if he or she fails to produce the permit and photo identification, if necessary, upon request of a peace officer.

Requires the police chief or sheriff to conduct a criminal background check, including a fingerprint check and a check of the national instant criminal background check system. Allows the police chief or sheriff to request a waiver of medical records confidentiality only to the extent necessary to determine whether the person has been committed. Requires the police chief or sheriff to deny a permit if the applicant does not qualify as provided in the act. Identifies procedures for appealing denial of a permit. Requires the police chief or sheriff to revoke a permit if the permittee ceases to meet the qualifications for a permit.

Specifies that permits are valid for 4 years and may be renewed for subsequent 4-year periods. Authorizes the police chiefs and sheriffs to set the amount of permit issuance and renewal fees within specified limits.

Directs that each program for issuing concealed handgun permits include a procedure for issuance of temporary, emergency permits to persons who are in immediate danger. Requires any person applying for a temporary emergency permit to meet all of the criteria for issuance of a permit, except the training requirements. Limits the term of emergency concealed handgun permits to 180 days.

Provides immunity from liability for police chiefs and sheriffs, and their employees, from any damages arising from unlawful acts committed by a permit holder if the permit was issued in good faith compliance with the act.

Requires each police chief and sheriff to maintain a list of permittees. Specifies that the list shall be available to law enforcement agencies, but shall not be available to the public.

Makes conforming amendments.

---

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 to read:

4 **18-12-105.1. Permits for concealed handguns - liability.**

5 (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT ESTABLISHMENT OF  
6 UNIFORM CRITERIA FOR THE ISSUANCE OF PERMITS TO CARRY CONCEALED  
7 HANDGUNS WILL INCREASE THE LEVEL OF CONSISTENCY AMONG

1 JURISDICTIONS AND INCREASE EACH CITIZEN’S ABILITY TO UNDERSTAND  
2 THE LAW CONCERNING CARRYING OF CONCEALED HANDGUNS FOR SELF  
3 DEFENSE AS HE OR SHE TRAVELS AMONG JURISDICTIONS THROUGHOUT THE  
4 STATE.

5 (b) THE GENERAL ASSEMBLY THEREFORE FINDS AND DECLARES  
6 THAT THE ISSUANCE OF PERMITS TO CARRY CONCEALED HANDGUNS IS A  
7 MATTER OF STATEWIDE CONCERN AND THAT IT IS NECESSARY TO OCCUPY  
8 THE FIELD OF REGULATION WITH REGARD TO THE ISSUANCE OF SUCH  
9 PERMITS FOR SELF DEFENSE AND ESTABLISH STATEWIDE STANDARDS FOR  
10 THE ISSUANCE OF SUCH PERMITS.

11 (2) (a) Pursuant to the grant of authority in sections 30-10-523  
12 and 31-4-112.1, C.R.S., ~~the~~ ANY chief of police of a city or of a city and  
13 county, OR HIS OR HER DESIGNEE, or ~~the~~ sheriff of a county, ~~may~~ OR HIS  
14 OR HER DESIGNEE, WHO CHOOSES TO ISSUE CONCEALED HANDGUN PERMITS  
15 SHALL ESTABLISH, ADMINISTER, AND PROVIDE OVERSIGHT FOR A  
16 CONCEALED HANDGUN PERMIT PROGRAM WITHIN THE POLICE CHIEF’S OR  
17 SHERIFF’S JURISDICTION, AS PROVIDED IN THIS SECTION. EACH CONCEALED  
18 HANDGUN PERMIT PROGRAM SHALL INCLUDE PROCESSING APPLICATIONS,  
19 CONDUCTING BACKGROUND CHECKS, ISSUING PERMITS, RENEWING  
20 PERMITS, REVOKING PERMITS, DENYING PERMITS, AND REVIEWING  
21 APPEALS.

22 (b) THE POLICE CHIEFS AND SHERIFFS THROUGHOUT THE STATE  
23 SHALL AGREE, SUBJECT TO FISCAL RESTRAINTS, ON A STANDARD  
24 APPLICATION FORM THAT A PERSON SHALL SUBMIT TO APPLY FOR A PERMIT  
25 TO CARRY A CONCEALED HANDGUN PURSUANT TO THIS SECTION AND A  
26 STANDARD FORM FOR SUCH PERMITS.

1 (c) EACH POLICE CHIEF AND SHERIFF MAY issue written permits to  
2 carry concealed ~~weapons~~ HANDGUNS TO ANY PERSON WHO IS AT LEAST  
3 TWENTY-ONE YEARS OF AGE AT THE TIME OF APPLICATION, WHO IS A  
4 RESIDENT OF THE STATE OF COLORADO AND OF THE COUNTY OR THE CITY  
5 AND COUNTY IN WHICH THE APPLICATION IS SUBMITTED, AND WHO  
6 DEMONSTRATES COMPLETION OF FIREARMS TRAINING, AS SPECIFIED IN  
7 SUBSECTION (3) OF THIS SECTION, UNLESS THE POLICE CHIEF OR SHERIFF TO  
8 WHOM THE APPLICATION IS MADE DETERMINES THAT ANY OF THE  
9 FOLLOWING CIRCUMSTANCES EXIST:

10 (I) IT IS UNLAWFUL FOR THE APPLICANT TO POSSESS A FIREARM  
11 UNDER 18 U.S.C. SEC. 922 (g) OR (n);

12 (II) THE APPLICANT HAS BEEN CONVICTED OF A FELONY, ANY  
13 MISDEMEANOR CRIME AGAINST A PERSON, ANY CRIME INVOLVING  
14 DOMESTIC VIOLENCE, ANY WEAPONS OFFENSE AS SET FORTH IN THIS  
15 ARTICLE, OR ANY SIMILAR CRIME ARISING UNDER ANY MUNICIPAL  
16 ORDINANCE OR ARISING UNDER THE LAWS OF THIS STATE, ANY OTHER  
17 STATE, OR THE UNITED STATES;

18 (III) THE APPLICANT HAS ANY UNRESOLVED FELONY CHARGES,  
19 MISDEMEANOR CHARGES FOR CRIMES AGAINST A PERSON, CHARGES  
20 INVOLVING DOMESTIC VIOLENCE, WEAPONS OFFENSE CHARGES AS SET  
21 FORTH IN THIS ARTICLE, OR CHARGES FOR ANY WEAPONS OFFENSE ARISING  
22 UNDER ANY MUNICIPAL ORDINANCE OR ARISING UNDER THE LAWS OF THIS  
23 STATE, ANOTHER STATE, OR THE UNITED STATES;

24 (IV) THE APPLICANT HAS BEEN ADJUDICATED A JUVENILE  
25 DELINQUENT PURSUANT TO ARTICLE 2 OF TITLE 19, C.R.S., FOR AN ACT  
26 THAT, IF THE APPLICANT HAD BEEN AN ADULT AT THE TIME OF

1 COMMISSION, WOULD HAVE CONSTITUTED A FELONY, A MISDEMEANOR  
2 CRIME AGAINST A PERSON, A CRIME INVOLVING DOMESTIC VIOLENCE, A  
3 WEAPONS OFFENSE AS SET FORTH IN THIS ARTICLE, OR ANY WEAPONS  
4 OFFENSE ARISING UNDER ANY MUNICIPAL ORDINANCE OR ARISING UNDER  
5 THE LAWS OF THIS STATE, ANOTHER STATE, OR THE UNITED STATES;

6 (V) THE APPLICANT CHRONICALLY OR HABITUALLY USES  
7 ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES TO THE EXTENT  
8 THAT THE APPLICANT'S NORMAL FACULTIES ARE IMPAIRED. IN  
9 DETERMINING WHETHER THE APPLICANT CHRONICALLY OR HABITUALLY  
10 USES ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES IT SHALL BE  
11 PRESUMED THAT:

12 (A) THE APPLICANT CHRONICALLY OR HABITUALLY USES  
13 ALCOHOLIC BEVERAGES TO THE EXTENT THAT THE APPLICANT'S NORMAL  
14 FACULTIES ARE IMPAIRED IF THE APPLICANT HAS BEEN COMMITTED AS AN  
15 ALCOHOLIC PURSUANT TO SECTION 25-1-308, 25-1-309, 25-1-310, OR  
16 25-1-311, C.R.S., OR HAS HAD TWO OR MORE ALCOHOL-RELATED  
17 CONVICTIONS OR REVOCATIONS UNDER SECTION 42-4-1301 (1) OR (2) OR  
18 42-2-126, C.R.S., OR SIMILAR LAWS OF ANY OTHER STATE, WITHIN THE  
19 TEN-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH THE  
20 APPLICATION IS SUBMITTED OR IF THE APPLICANT GIVES BEHAVIORAL  
21 INDICATIONS THAT WOULD REASONABLY LEAD THE POLICE CHIEF OR  
22 SHERIFF TO BELIEVE THAT THE APPLICANT ABUSED ALCOHOL;

23 (B) THE APPLICANT CHRONICALLY OR HABITUALLY ABUSES  
24 CONTROLLED SUBSTANCES IF THE APPLICANT HAS BEEN COMMITTED FOR  
25 THE ABUSE OF A CONTROLLED SUBSTANCE PURSUANT TO SECTION  
26 25-1-1104, 25-1-1105, 25-1-1106, OR 25-1-1107, C.R.S., OR SIMILAR

1 LAWS OF ANY OTHER STATE, OR HAS BEEN FOUND GUILTY OF A VIOLATION  
2 OF THE LAWS OF ANY STATE RELATING TO CONTROLLED SUBSTANCES  
3 WITHIN THE TEN-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE ON  
4 WHICH THE APPLICATION IS SUBMITTED OR IF THE APPLICANT GIVES  
5 BEHAVIORAL INDICATIONS THAT WOULD REASONABLY LEAD THE POLICE  
6 CHIEF OR SHERIFF TO BELIEVE THAT THE APPLICANT ABUSED CONTROLLED  
7 SUBSTANCES;

8 (VI) THE APPLICANT HAS BEEN COMMITTED TO A MENTAL  
9 INSTITUTION PURSUANT TO SECTION 27-10-106 OR 27-10-107, C.R.S., OR  
10 PURSUANT TO SIMILAR LAWS OF ANOTHER STATE, UNLESS THE APPLICANT  
11 POSSESSES A CERTIFICATE FROM A PSYCHIATRIST LICENSED IN THIS STATE  
12 STATING THAT SUBSEQUENT TO RELEASE FROM COMMITMENT AND FOR THE  
13 TEN-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH THE  
14 APPLICATION IS SUBMITTED, THE APPLICANT HAS NOT EXHIBITED A  
15 CONDITION THAT WOULD POSE A RISK TO PUBLIC SAFETY; OR

16 (VII) THE POLICE CHIEF OR SHERIFF HAS A REASONABLE BELIEF  
17 THAT DOCUMENTED PREVIOUS BEHAVIOR BY THE APPLICANT, IN THE  
18 OPINION OF THE POLICE CHIEF OR SHERIFF, MAKES IT LIKELY THE  
19 APPLICANT WILL PRESENT A DANGER TO SELF OR OTHERS IF THE APPLICANT  
20 RECEIVES A PERMIT TO CARRY A CONCEALED HANDGUN.

21 ~~(d) A chief of police or sheriff who receives an application for a~~  
22 ~~permit for a concealed weapon from a person who does not reside within~~  
23 ~~the confines of his jurisdiction shall consult the chief of police or sheriff~~  
24 ~~of the jurisdiction in which the applicant resides prior to issuing said~~  
25 ~~permit. The chief of police or sheriff of the jurisdiction in which the~~  
26 ~~application for a permit for a concealed weapon is made shall notify the~~

1 ~~chief of police or sheriff of the jurisdiction in which the applicant resides~~  
2 ~~of the disposition of said application.~~ Any such permit ISSUED PURSUANT  
3 TO THIS SECTION AND ANY PERMIT TO CARRY A CONCEALED HANDGUN  
4 ISSUED BY ANY OTHER STATE PURSUANT TO A LAW SIMILAR TO THIS  
5 SECTION shall be effective in all areas of the state. ANY PERSON WHO  
6 RECEIVES A PERMIT PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL  
7 CARRY THE PERMIT ON HIS OR HER PERSON AT ALL TIMES THAT THE  
8 PERMITTEE IS IN POSSESSION OF A CONCEALED HANDGUN AND, IF THE  
9 PERMIT DOES NOT INCLUDE A PHOTOGRAPH OF THE PERMITTEE, THE  
10 PERMITTEE SHALL ALSO CARRY A VALID PICTURE IDENTIFICATION.  
11 FAILURE TO PRODUCE THE PERMIT, AND PICTURE IDENTIFICATION, WHERE  
12 NECESSARY, UPON REQUEST BY A LAW ENFORCEMENT OFFICER SHALL  
13 RAISE A REBUTTABLE PRESUMPTION THAT THE PERSON DOES NOT HAVE A  
14 PERMIT.

15 (3) EACH APPLICANT FOR A PERMIT TO CARRY A CONCEALED  
16 HANDGUN SHALL DEMONSTRATE THAT HE OR SHE HAS COMPLETED  
17 FIREARMS TRAINING BY SUBMITTING EVIDENCE OF ANY OF THE  
18 FOLLOWING:

19 (a) SUCCESSFUL COMPLETION OF ANY HUNTER EDUCATION OR  
20 HUNTER SAFETY COURSE TAUGHT BY INSTRUCTORS APPROVED BY THE  
21 COLORADO DIVISION OF WILDLIFE IN THE DEPARTMENT OF NATURAL  
22 RESOURCES OR A SIMILAR AGENCY OF ANY OTHER STATE;

23 (b) SUCCESSFUL COMPLETION OF ANY NATIONAL RIFLE  
24 ASSOCIATION FIREARMS SAFETY OR TRAINING COURSE;

25 (c) SUCCESSFUL COMPLETION OF ANY FIREARMS SAFETY OR  
26 TRAINING COURSE OR CLASS AVAILABLE TO THE GENERAL PUBLIC, OFFERED

1 BY A LAW ENFORCEMENT AGENCY, JUNIOR COLLEGE, COLLEGE,  
2 UNIVERSITY, OR PRIVATE FIREARMS TRAINING FACILITY;

3 (d) SUCCESSFUL COMPLETION OF ANY LAW ENFORCEMENT  
4 FIREARMS TRAINING OR SAFETY COURSE OR CLASS CONDUCTED BY A  
5 STATE-CERTIFIED OR NATIONAL RIFLE ASSOCIATION-CERTIFIED FIREARMS  
6 INSTRUCTOR;

7 (e) SUCCESSFUL COMPLETION OF ANY FIREARMS TRAINING OR  
8 SAFETY COURSE OR CLASS CONDUCTED BY A STATE-CERTIFIED OR  
9 NATIONAL RIFLE ASSOCIATION-CERTIFIED FIREARMS INSTRUCTOR;

10 (f) HONORABLE MILITARY SERVICE DISCHARGE. SUCH HONORABLE  
11 DISCHARGE SHALL BE EVIDENCED BY A MILITARY SERVICE DISCHARGE  
12 CERTIFICATE THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED WITHIN  
13 FIVE YEARS PRIOR TO THE DATE ON WHICH THE PERMIT APPLICATION IS  
14 SUBMITTED.

15 ~~(2)~~ (4) (a) A POLICE CHIEF OR sheriff ~~or chief of police~~ WHO  
16 RECEIVES AN APPLICATION FOR A PERMIT TO CARRY A CONCEALED  
17 HANDGUN shall make an inquiry, including a fingerprint check, into the  
18 background of an applicant for a permit to carry a concealed ~~weapon~~  
19 HANDGUN to determine if the applicant ~~would present a danger to others~~  
20 ~~or to himself or herself if the applicant is granted a permit.~~ QUALIFIES  
21 FOR A PERMIT AS PROVIDED IN PARAGRAPH (c) OF SUBSECTION (2) OF THIS  
22 SECTION. TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH (a)  
23 THE POLICE CHIEF OR SHERIFF MAY REQUEST THAT A PERMIT APPLICANT  
24 PROVIDE ACCESS TO JUDICIAL OR MEDICAL RECORDS ONLY TO THE EXTENT  
25 NECESSARY TO DETERMINE WHETHER THE APPLICANT HAS BEEN  
26 COMMITTED:



1 (I) AS AN ALCOHOLIC PURSUANT TO SECTION 25-1-308, 25-1-309,  
2 25-1-310, OR 25-1-311, C.R.S., OR SIMILAR LAWS OF ANY OTHER STATE;

3 (II) FOR THE ABUSE OF A CONTROLLED SUBSTANCE PURSUANT TO  
4 SECTION 25-1-1104, 25-1-1105, 25-1-1106, OR 25-1-1107, C.R.S., OR  
5 SIMILAR LAWS OF ANY OTHER STATE; OR

6 (III) TO A MENTAL INSTITUTION PURSUANT TO SECTION 27-10-106  
7 OR 27-10-107, C.R.S., OR PURSUANT TO SIMILAR LAWS OF ANOTHER  
8 STATE.

9 (b) The POLICE CHIEF OR sheriff, ~~or chief of police shall not be~~  
10 ~~liable for any damages that may result from granting a permit, if the~~  
11 ~~sheriff or chief of police,~~ prior to granting a permit, requests SHALL  
12 REQUEST a criminal history check of the applicant from the Colorado  
13 bureau of investigation, including a request to process the applicant's  
14 fingerprints. The Colorado bureau of investigation, upon request by a  
15 POLICE chief of police or sheriff, shall conduct a criminal history check  
16 of an applicant pursuant to this subsection ~~(2)~~ (4), including but not  
17 limited to processing of fingerprints for state criminal history information  
18 and ~~using fingerprints to access arrest history records that are maintained~~  
19 ~~by the federal bureau of investigation in the United States department of~~  
20 ~~justice.~~ CONDUCTING A SEARCH OF THE NATIONAL INSTANT CRIMINAL  
21 BACKGROUND CHECK SYSTEM TO VERIFY THAT THE APPLICANT MEETS THE  
22 CRITERIA SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (2) OF THIS  
23 SECTION.

24 (5) (a) THE POLICE CHIEF OR SHERIFF SHALL DENY A PERMIT IF THE  
25 APPLICANT DOES NOT MEET THE QUALIFICATIONS SPECIFIED IN SUBSECTION  
26 (2) OF THIS SECTION. IF THE POLICE CHIEF OR SHERIFF DENIES THE PERMIT,

1 HE OR SHE SHALL NOTIFY THE APPLICANT IN WRITING WITHIN FIVE  
2 BUSINESS DAYS AFTER DETERMINING THAT THE APPLICANT DOES NOT MEET  
3 THE QUALIFICATIONS SPECIFIED IN SUBSECTION (2) OF THIS SECTION,  
4 STATING THE GROUNDS FOR DENIAL.

5 (b) ANY APPLICANT WHO SEEKS REVIEW OF A PERMIT DENIAL  
6 SHALL INITIALLY REQUEST A REVIEW BY THE POLICE CHIEF OR SHERIFF  
7 WHO DENIED THE PERMIT. THE REQUEST SHALL BE SUBMITTED IN WRITING  
8 AND MUST BE RECEIVED BY THE POLICE CHIEF OR SHERIFF WITHIN FIVE  
9 BUSINESS DAYS AFTER THE APPLICANT RECEIVED THE NOTICE OF DENIAL.  
10 EACH POLICE CHIEF OF A CITY OR CITY AND COUNTY AND EACH SHERIFF OF  
11 A COUNTY SHALL ADOPT PROCEDURES FOR REVIEW OF A PERMIT DENIAL.  
12 THE APPLICANT SHALL COMPLY WITH THE REVIEW PROCEDURES ADOPTED  
13 BY THE POLICE CHIEF OR SHERIFF PRIOR TO SEEKING JUDICIAL REVIEW OF  
14 THE PERMIT DENIAL.

15 (6) ANY PERMIT TO CARRY A CONCEALED HANDGUN ISSUED  
16 PURSUANT TO THIS SECTION SHALL BE VALID FOR FOUR YEARS FROM THE  
17 DATE OF ISSUANCE. UPON EXPIRATION OF THE PERMIT, THE PERMIT  
18 HOLDER MAY RENEW THE PERMIT BY PAYING THE AMOUNT OF THE  
19 RENEWAL FEE ESTABLISHED BY THE ISSUING POLICE CHIEF OR SHERIFF  
20 PURSUANT TO SUBSECTION (8) OF THIS SECTION. A RENEWED PERMIT  
21 SHALL BE VALID FOR FOUR YEARS. A PERMIT HOLDER MAY CONTINUE  
22 RENEWING HIS OR HER PERMIT SO LONG AS THE PERMIT IS NOT REVOKED,  
23 AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, AND SO LONG AS THE  
24 PERMIT DOES NOT REMAIN EXPIRED FOR LONGER THAN THREE MONTHS.

25 (7) (a) FOLLOWING ISSUANCE OF A PERMIT PURSUANT TO THIS  
26 SECTION, THE ISSUING POLICE CHIEF OR SHERIFF SHALL REVOKE THE

1 PERMIT IF AT ANY TIME THE PERMITTEE CEASES TO QUALIFY FOR A PERMIT  
2 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION. ANY PERMITTEE WHOSE  
3 PERMIT IS REVOKED MAY REQUEST THE REVOKING POLICE CHIEF OR  
4 SHERIFF TO REVIEW THE REVOCATION. ANY REQUEST FOR REVOCATION  
5 REVIEW SHALL BE SUBMITTED IN WRITING AND SHALL BE RECEIVED BY THE  
6 POLICE CHIEF OR SHERIFF WITHIN FIVE BUSINESS DAYS AFTER THE  
7 PERMITTEE RECEIVES NOTICE OF THE REVOCATION. IF UPON REVIEW THE  
8 POLICE CHIEF OR SHERIFF DETERMINES THAT THE PERMIT WAS  
9 ERRONEOUSLY REVOKED, THE PERMIT SHALL BE IMMEDIATELY  
10 REINSTATED.

11 (b) ANY PERSON WHOSE PERMIT TO CARRY A CONCEALED  
12 HANDGUN IS REVOKED AND WHO SEEKS TO OBTAIN A NEW PERMIT SHALL  
13 SUBMIT AN APPLICATION TO THE APPROPRIATE POLICE CHIEF OR SHERIFF,  
14 AS PROVIDED IN THIS SECTION, AS IF APPLYING FOR AN INITIAL PERMIT TO  
15 CARRY A CONCEALED HANDGUN. IN ADDITION, SAID PERSON SHALL  
16 SUBMIT THE AMOUNT OF THE FEE FOR THE INITIAL ISSUANCE OF A PERMIT  
17 ESTABLISHED PURSUANT TO SUBSECTION (8) OF THIS SECTION AND THE  
18 AMOUNT OF THE FEE, PAYABLE TO THE COLORADO BUREAU OF  
19 INVESTIGATION, FOR THE ACTUAL COST OF CONDUCTING THE FINGERPRINT  
20 CHECK.

21 (8) (a) The ACTUAL cost of ~~such check~~ PROCESSING AN  
22 APPLICATION FOR ISSUANCE OR RENEWAL OF A PERMIT AND PERFORMING  
23 ANY BACKGROUND CHECK shall be borne by the applicant.

24 (b) EACH POLICE CHIEF OF A CITY OR A CITY AND COUNTY AND  
25 EACH SHERIFF OF A COUNTY SHALL ESTABLISH A FEE FOR THE INITIAL  
26 ISSUANCE OF A PERMIT TO CARRY A CONCEALED HANDGUN THAT REFLECTS

1 THE ACTUAL COST INCURRED BY THE POLICE CHIEF OR SHERIFF IN  
2 INITIALLY ISSUING THE PERMIT; EXCEPT THAT THE FEE SHALL NOT EXCEED  
3 ONE HUNDRED TWENTY-FIVE DOLLARS. IN ADDITION, THE APPLICANT FOR  
4 AN INITIAL PERMIT SHALL PAY TO THE COLORADO BUREAU OF  
5 INVESTIGATION A FEE FOR THE ACTUAL COST OF CONDUCTING THE  
6 FINGERPRINT CHECK, THE AMOUNT OF WHICH SHALL BE ESTABLISHED BY  
7 THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION.

8 (c) EACH POLICE CHIEF AND SHERIFF MAY ALSO ESTABLISH A FEE  
9 FOR RENEWAL OF A PERMIT TO CARRY A CONCEALED HANDGUN THAT  
10 REFLECTS THE ACTUAL COSTS OF RENEWING A PERMIT; EXCEPT THAT THE  
11 RENEWAL FEE SHALL NOT EXCEED TWENTY DOLLARS PER YEAR.

12 (9) (a) EACH CONCEALED HANDGUN PERMIT PROGRAM  
13 ESTABLISHED BY A POLICE CHIEF OR SHERIFF SHALL INCLUDE PROVISIONS  
14 FOR ISSUING TEMPORARY EMERGENCY PERMITS TO PERSONS WHO THE  
15 POLICE CHIEF OR SHERIFF HAS REASON TO BELIEVE MAY BE IN IMMEDIATE  
16 DANGER. ANY PERSON SEEKING A TEMPORARY EMERGENCY PERMIT SHALL  
17 SUBMIT AN APPLICATION TO THE POLICE CHIEF OR SHERIFF OF THE  
18 JURISDICTION IN WHICH THE PERSON RESIDES. THE PERSON SHALL ALSO  
19 SUBMIT AN APPLICATION FEE IN AN AMOUNT ESTABLISHED BY THE POLICE  
20 CHIEF OR SHERIFF TO REFLECT THE ACTUAL COSTS INCURRED IN ISSUING  
21 THE TEMPORARY EMERGENCY PERMIT.

22 (b) THE POLICE CHIEF OR SHERIFF SHALL ISSUE A TEMPORARY  
23 EMERGENCY PERMIT IF HE OR SHE DETERMINES THAT THE PERSON IS IN  
24 IMMEDIATE DANGER AND IS ELIGIBLE TO RECEIVE A PERMIT AS PROVIDED  
25 IN PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION; EXCEPT THAT THE  
26 PERSON NEED NOT MEET THE FIREARMS TRAINING REQUIREMENTS

1 SPECIFIED IN SUBSECTION (3) OF THIS SECTION. ANY TEMPORARY  
2 EMERGENCY PERMIT ISSUED PURSUANT TO THIS SUBSECTION (9) SHALL BE  
3 VALID FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF  
4 ISSUANCE AND SHALL NOT BE RENEWED.

5 (10) ANY POLICE CHIEF OR SHERIFF, AND ANY INDIVIDUAL  
6 EMPLOYED BY A POLICE CHIEF OR SHERIFF, WHO ISSUES OR RENEWS A  
7 PERMIT TO CARRY A CONCEALED HANDGUN PURSUANT TO THE PROVISIONS  
8 OF THIS SECTION SHALL NOT BE LIABLE FOR THE UNLAWFUL ACTIONS OF  
9 ANY PERSON WHO HAS BEEN GRANTED A PERMIT PURSUANT TO THIS  
10 SECTION IF, PRIOR TO GRANTING OR RENEWING THE PERMIT, THE POLICE  
11 CHIEF OR SHERIFF, OR ANY INDIVIDUAL EMPLOYED BY THE POLICE CHIEF OR  
12 SHERIFF, ACTED IN GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF  
13 THIS SECTION.

14 (11) EACH POLICE CHIEF AND SHERIFF SHALL MAINTAIN RECORDS  
15 OF ALL PERMITS ISSUED PURSUANT TO THIS SECTION BY SUCH POLICE CHIEF  
16 OR SHERIFF. RECORDS MAINTAINED PURSUANT TO THIS SUBSECTION (11)  
17 SHALL BE AVAILABLE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES  
18 THROUGH THE COLORADO CRIME INFORMATION CENTER. THE  
19 INFORMATION MAINTAINED PURSUANT TO THIS SUBSECTION (11) SHALL  
20 NOT BE AVAILABLE TO THE PUBLIC PURSUANT TO PART 2 OF ARTICLE 72 OF  
21 TITLE 24, C.R.S., COMMONLY KNOWN AS THE OPEN RECORDS ACT.

22 **SECTION 2.** 18-12-105 (2) (c), Colorado Revised Statutes, is  
23 amended, and the said 18-12-105 (2) is further amended BY THE  
24 ADDITION OF A NEW PARAGRAPH, to read:

25 **18-12-105. Unlawfully carrying a concealed weapon - unlawful**  
26 **possession of weapons.** (2) It shall be an affirmative defense that the

1 defendant was:

2 (c) A person who, prior to the time of carrying a concealed  
3 weapon, has been issued a written permit pursuant to section  
4 18-12-105.1, AS IT EXISTED PRIOR TO JULY 1, 2000, to carry the weapon  
5 by the chief of police of a city or city and county or the sheriff of a  
6 county; or

7 (c.5) A PERSON WHO, PRIOR TO THE TIME OF CARRYING A  
8 CONCEALED HANDGUN, HAS BEEN ISSUED A WRITTEN PERMIT PURSUANT TO  
9 SECTION 18-12-105.1 TO CARRY THE CONCEALED HANDGUN; OR

10 **SECTION 3.** 18-12-105.5 (3) (d), Colorado Revised Statutes, is  
11 amended, and the said 18-12-105.5 (3) is further amended BY THE  
12 ADDITION OF A NEW PARAGRAPH, to read:

13 **18-12-105.5. Unlawfully carrying a weapon - unlawful**  
14 **possession of weapons - school, college, or university grounds.** (3) It  
15 shall not be an offense under this section if:

16 (d) The person, prior to the time of carrying a concealed weapon,  
17 has been issued a written permit pursuant to section 18-12-105.1, AS IT  
18 EXISTED PRIOR TO JULY 1, 2000, to carry the weapon by the chief of  
19 police of a city or city and county or the sheriff of a county; or

20 (d.5) THE PERSON, PRIOR TO THE TIME OF CARRYING A CONCEALED  
21 HANDGUN, HAS BEEN ISSUED A WRITTEN PERMIT PURSUANT TO SECTION  
22 18-12-105.1 TO CARRY THE CONCEALED HANDGUN; OR

23 **SECTION 4.** 24-33.5-412 (1) (o), Colorado Revised Statutes, is  
24 amended to read:

25 **24-33.5-412. Functions of bureau - legislative review.** (1) The  
26 bureau has the following authority:

1 (o) When requested by a police chief or sheriff, to conduct a  
2 criminal history check of an applicant for a permit to carry a concealed  
3 ~~weapon,~~ HANDGUN, including processing of fingerprints, as provided in  
4 section ~~18-12-105.1 (2)~~ 18-12-105.1 (4), C.R.S.;

5 **SECTION 5.** 30-10-523, Colorado Revised Statutes, is amended  
6 to read:

7 **30-10-523. Sheriff - permits for concealed handguns.** The  
8 sheriff of each county may issue written permits to carry concealed  
9 ~~weapons~~ HANDGUNS. Any such permit shall be issued in accordance with  
10 section 18-12-105.1, C.R.S.

11 **SECTION 6.** 31-4-112.1, Colorado Revised Statutes, is amended  
12 to read:

13 **31-4-112.1. Chief of police - permits for concealed weapons.**  
14 The chief of police of a city or city and county may issue written permits  
15 to carry concealed ~~weapons~~ HANDGUNS. Any such permit shall be issued  
16 in accordance with section 18-12-105.1, C.R.S.

17 **SECTION 7. Effective date - applicability.** (1) This act shall  
18 take effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly that is  
20 allowed for submitting a referendum petition pursuant to article V,  
21 section 1 (3) of the state constitution; except that, if a referendum petition  
22 is filed against this act or an item, section, or part of this act within such  
23 period, then the act, item, section, or part, if approved by the people, shall  
24 take effect on the date of the official declaration of the vote thereon by  
25 proclamation of the governor.

26 (2) The provisions of this act shall apply to applications for

1 permits to carry concealed handguns submitted on or after the applicable  
2 effective date of this act, and sections 2 and 3 of this act shall apply to  
3 offenses committed on or after the applicable effective date of this act.