

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 01-0376.01 Stephen Miller

HOUSE BILL 01-1190

HOUSE SPONSORSHIP

Lee, Fritz, Fairbank, Hoppe, Johnson, Miller, Nunez, and Spence

SENATE SPONSORSHIP

Chlouber, and Teck

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE RELEASE OF INFORMATION THAT IDENTIFIES**
102 **PERSONS WHO HOLD PERMITS TO CARRY CONCEALED WEAPONS.**

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 by custodians of criminal justice records, except under specified circumstances. Includes all 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. Permits a criminal justice records custodian to use his or her discretion whether to delete information identifying a person as holding a concealed weapon permit from any

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
2nd Reading Unamended
February 16, 2001

criminal justice record prior to releasing the record. Imposes requirements upon a criminal justice records custodian concerning confidentiality and notice depending upon the custodian's decision whether to delete such identifying information from a criminal justice record prior to releasing such record. Prohibits the custodian from deleting such identifying information under certain circumstances.

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

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

4 **18-12-105.1. Permits for concealed weapons - liability - release**
5 **of information.** (3) EXCEPT AS PROVIDED IN SECTION 24-72-304 (4.5),
6 C.R.S., INFORMATION THAT IDENTIFIES ANY PERSON WHO RECEIVES A
7 PERMIT PURSUANT TO THIS SECTION SHALL BE KEPT CONFIDENTIAL BY ANY
8 CUSTODIAN, AS DEFINED IN SECTION 24-72-302 (5), C.R.S., OF ANY RECORD
9 CONTAINING SUCH INFORMATION. FOR PURPOSES OF THIS SUBSECTION (3),
10 "INFORMATION THAT IDENTIFIES ANY PERSON" INCLUDES, BUT IS NOT
11 LIMITED TO, ADDRESS, TELEPHONE NUMBER, DRIVER'S LICENSE NUMBER,
12 COLORADO IDENTIFICATION NUMBER, SOCIAL SECURITY NUMBER,
13 PHOTOGRAPHS, FINGERPRINT CARDS, OR ANY OTHER INFORMATION THAT
14 IDENTIFIES OR THAT COULD LEAD TO THE IDENTIFICATION OF ANY PERSON
15 WHO IS ISSUED A PERMIT TO CARRY A CONCEALED WEAPON UNDER THIS
16 SECTION.

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

19 **24-72-302. Definitions.** As used in this part 3, unless the context
20 otherwise requires:

21 (4) "Criminal justice records" means all books, papers, cards,
22 photographs, tapes, recordings, or other documentary materials, regardless

1 of form or characteristics, that are made, maintained, or kept by any
2 criminal justice agency in the state for use in the exercise of functions
3 required or authorized by law or administrative rule, including but not
4 limited to:

5 (a) The results of chemical blood testing to determine genetic
6 markers conducted pursuant to sections 16-11-102.3, 16-11-104,
7 16-11-204.3, 16-11-308 (4.5), 17-2-201 (5) (h) and (5) (i), and
8 17-22.5-202 (3) (b.5) (II) and (3.5), C.R.S.;

9 (b) ANY DOCUMENTARY MATERIALS AND RECORDS CONCERNING
10 PERMITS TO CARRY CONCEALED WEAPONS ISSUED PURSUANT TO SECTION
11 18-12-105.1, C.R.S. PURSUANT TO SECTION 24-72-202 (6) (b) (I), AND
12 NOTWITHSTANDING ANY PROVISION TO THE CONTRARY IN SECTION
13 24-72-204 (2) (a) (I), ANY MATERIALS AND RECORDS CONCERNING PERMITS
14 TO CARRY CONCEALED WEAPONS ARE EXCLUSIVELY CRIMINAL JUSTICE
15 RECORDS AND ARE NOT SUBJECT TO THE PROVISIONS OF PART 2 OF THIS
16 ARTICLE, COMMONLY KNOWN AS THE "OPEN RECORDS LAW".

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

19 **24-72-304. Inspection of criminal justice records.**
20 (4.5) (a) (I) (A) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS
21 SUBSECTION (4.5), A CUSTODIAN MAY EXERCISE DISCRETION IN
22 DETERMINING WHETHER TO DELETE INFORMATION THAT IDENTIFIES A
23 PERSON AS HOLDING A CONCEALED WEAPON PERMIT ISSUED PURSUANT TO
24 SECTION 18-12-105.1, C.R.S., FROM ANY CRIMINAL JUSTICE RECORD PRIOR
25 TO THE RELEASE OF SUCH RECORD TO ANY INDIVIDUAL OR AGENCY.

26 (B) FOR PURPOSES OF THIS SUBSECTION (4.5), "INFORMATION THAT
27 IDENTIFIES A PERSON" OR "IDENTIFYING INFORMATION" INCLUDES, BUT IS

1 NOT LIMITED TO, NAME, ADDRESS, TELEPHONE NUMBER, DRIVER'S LICENSE
2 NUMBER, COLORADO IDENTIFICATION NUMBER, SOCIAL SECURITY NUMBER,
3 PHOTOGRAPHS, FINGERPRINT CARDS, OR ANY OTHER INFORMATION THAT
4 IDENTIFIES OR THAT COULD LEAD TO THE IDENTIFICATION OF ANY PERSON
5 WHO IS ISSUED A PERMIT TO CARRY A CONCEALED WEAPON UNDER SECTION
6 18-12-105.1, C.R.S.

7 (II) IF A CUSTODIAN, PURSUANT TO SUBPARAGRAPH (I) OF THIS
8 PARAGRAPH (a), DECIDES TO DELETE THE IDENTIFYING INFORMATION, THEN
9 SUCH INFORMATION SHALL BE KEPT CONFIDENTIAL BY THE CUSTODIAN,
10 AND SUCH INFORMATION SHALL NOT BE OPEN FOR INSPECTION UNDER THIS
11 PART 3.

12 (III) IF A CUSTODIAN, PURSUANT TO SUBPARAGRAPH (I) OF THIS
13 PARAGRAPH (a), DECIDES NOT TO DELETE THE IDENTIFYING INFORMATION
14 FROM A CRIMINAL JUSTICE RECORD PRIOR TO THE RELEASE OF SUCH
15 RECORD, THE CUSTODIAN SHALL SEND WRITTEN NOTICE OF THE DECISION
16 TO THE PERSON HOLDING THE CONCEALED WEAPON PERMIT. SUCH NOTICE
17 SHALL BE EFFECTIVE UPON MAILING BY REGISTERED MAIL OR UPON
18 PERSONAL SERVICE. NO CUSTODIAN MAY RELEASE A CRIMINAL JUSTICE
19 RECORD CONTAINING INFORMATION THAT IDENTIFIES A CONCEALED
20 WEAPON PERMIT HOLDER UNTIL AFTER TEN DAYS FOLLOWING THE
21 EFFECTIVE DATE OF THE NOTICE.

22 (b) A CUSTODIAN MAY NOT DELETE INFORMATION THAT IDENTIFIES
23 A PERSON AS HOLDING A CONCEALED WEAPON PERMIT ISSUED PURSUANT TO
24 SECTION 18-12-105.1, C.R.S., FROM ANY CRIMINAL JUSTICE RECORD PRIOR
25 TO THE RELEASE OF SUCH RECORD IF:

26 (I) THE RECORD IS RELEASED TO A CRIMINAL JUSTICE AGENCY; OR

27 (II) THE PERSON IDENTIFIED AS A CONCEALED WEAPON PERMIT

1 HOLDER IN THE RECORD IS CONVICTED OF A CRIME INVOLVING THE ILLEGAL
2 USE OF A FIREARM, AS DEFINED IN SECTION 18-1-901 (3) (h), C.R.S.

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