

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

REENGROSSED

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

LLS NO. 02-1028.01 Julie Pelegrin

HOUSE BILL 02-1410

HOUSE SPONSORSHIP

Tochtrop, White, Johnson, Alexander, Berry, Cloer, Dean, Kester, Lee, Miller, Snook, Stengel, Swenson, Tapia, and Webster

SENATE SPONSORSHIP

Chlouber, Matsunaka, Entz, Epps, Evans, Hagedorn, Isgar, McElhany, Nichol, Owen, and Teck

House Committees

Civil Justice & Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PERMITS THAT AUTHORIZE CARRYING OF CONCEALED**
102 **HANDGUNS IN AREAS OTHER THAN PUBLIC KINDERGARTEN**
103 **THROUGHTWELFTH-GRADE SCHOOL ENVIRONMENTS ISSUED TO**
104 **PERSONS WITH HANDGUN TRAINING WHO PASS BACKGROUND**
105 **CHECKS THAT INCLUDE FINGERPRINTING TO ENSURE SUCH**
106 **PERSONS ARE NOT A DANGER, AND, IN CONNECTION THEREWITH,**
107 **IDENTIFYING THE ISSUANCE OF PERMITS THAT AUTHORIZE**
108 **CARRYING OF CONCEALED HANDGUNS AS AN ISSUE OF**
109 **STATEWIDE CONCERN AND MAKING AN APPROPRIATION.**

Bill Summary

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

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
Amended 3rd Reading
April 23, 2002

HOUSE
Amended 2nd Reading
April 22, 2002

adopted.)

Authorization for permits. Specifies that the issuance of any permit to carry a concealed handgun ("permit") is a matter of statewide concern. Assigns responsibility for issuing permits to county sheriffs and the official having the duties of a sheriff in any city and county.

Qualifications to receive permits. Specifies the qualifications for receiving a permit, including:

- Residency;
- Age;
- Ability to possess a firearm under state and federal law;
- Whether the applicant uses alcoholic beverages illegally or excessively;
- Whether the applicant is an unlawful user of or addicted to a controlled substance;
- Whether the applicant is the subject of a permanent restraining order or of a temporary or criminal restraining order in effect at the time of application;
- Competence with a handgun.

Allows a sheriff to deny the issuance of a permit if the sheriff has documentary evidence that the person would be a danger to self or others.

Use of permits. Specifies the minimum contents of the permit and how the permit may be used. Directs the sheriffs to ensure all permits contain the same items of information and are the same size and color. Identifies conditions under which a handgun is not considered concealed.

Submittal of applications. Specifies the documents, including an application, a permit fee, and, in some circumstances, a photograph, that an applicant must submit to a sheriff to apply for a permit. Instructs the sheriff to witness the applicant's signature on the permit application, to verify the applicant's identity, to take two full sets of the applicant's fingerprints, which must be sent to the Colorado bureau of investigation ("CBI"), and to determine whether the applicant meets the requirements for obtaining a permit. Requires the CBI to destroy the fingerprints immediately upon determining whether the applicant meets the permit requirements. Specifies the procedures for denying a permit, including judicial review of the denial. Specifies that the sheriff bears the burden of proving by a preponderance of the evidence that he or she appropriately denied the permit. Directs the sheriff to establish the amount of the new and renewal permit fees based on the actual costs of issuing and renewing the permits, and sets caps on the fee amounts. Requires each sheriff to submit an annual report to the general assembly containing information concerning permit applications and the number of permits issued, but not including the names of permit applicants.

Emergency permits. Establishes procedures for sheriffs to issue emergency permits to any person who the sheriff determines is in

immediate danger. Allows a sheriff to issue an emergency permit to a person 18 years of age or older.

Maintaining and renewing permits. Specifies conditions under which a permit may become invalid or may be suspended. Establishes procedures for renewing a permit, including the documents to be filed and the fee to be paid.

Exemptions. Exempts peace officers, level I and level Ia, and comparable federal officers from the permit requirement. Exempts peace officers, level II, while on duty, from the requirement to obtain a permit. Exempts a law enforcement officer from another state from the permit requirement so long as the officer's state would exempt Colorado law enforcement officers. Exempts certain retired peace officers.

Reciprocity. Recognizes as valid in this state any permit issued by another state that recognizes the validity of Colorado permits.

Carrying restrictions. Specifies that a permit does not authorize a permittee to carry a concealed handgun in areas where carrying is prohibited by federal law or on public elementary or secondary school grounds, with some exceptions. Clarifies the rights of private property owners to restrict the carrying of handguns on private property.

Immunity. Grants civil immunity to the CBI, local law enforcement agencies, and employees of said entities for the good faith implementation of the act. Grants civil immunity in suits for damages arising from issuance or denial of a permit to persons who provide information concerning an applicant.

Existing permits. Provides that permits issued prior to July 1, 2002, shall expire on June 30, 2003, or the date specified in the permit, whichever occurs first. Specifies procedures for renewing the permits.

Makes conforming amendments.

Makes an appropriation.

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

2 **SECTION 1.** Article 12 of title 18, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW PART to read:

4 **PART 2**

5 **PERMITS TO CARRY CONCEALED HANDGUNS**

6 **18-12-201. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY FINDS THAT:

8 (a) THERE EXISTS A WIDESPREAD INCONSISTENCY AMONG

1 JURISDICTIONS WITHIN THE STATE WITH REGARD TO THE ISSUANCE OF
2 PERMITS TO CARRY CONCEALED HANDGUNS;

3 (b) TO SOME DEGREE, THIS INCONSISTENCY AMONG JURISDICTIONS
4 ARISES FROM INCONSISTENCY WITH REGARD TO THE CRITERIA FOR
5 ISSUANCE OF PERMITS TO CARRY CONCEALED HANDGUNS;

6 (c) THIS INCONSISTENCY TOO OFTEN RESULTS IN THE ARBITRARY
7 AND CAPRICIOUS DENIAL OF PERMITS TO CARRY CONCEALED HANDGUNS
8 BASED ON THE JURISDICTION OF RESIDENCE RATHER THAN THE
9 QUALIFICATIONS FOR OBTAINING A PERMIT; AND

10 (d) THE CRITERIA AND PROCEDURES FOR THE ISSUANCE OF PERMITS
11 TO CARRY CONCEALED HANDGUNS SHOULD BE CONSISTENT THROUGHOUT
12 THE STATE TO ENSURE THE CONSISTENT IMPLEMENTATION OF STATE LAW.

13 (2) BASED ON THE FINDINGS SPECIFIED IN SUBSECTION (1) OF THIS
14 SECTION, THE GENERAL ASSEMBLY HEREBY CONCLUDES THAT:

15 (a) THE ISSUANCE OF PERMITS TO CARRY CONCEALED HANDGUNS
16 IS A MATTER OF STATEWIDE CONCERN;

17 (b) IT IS NECESSARY TO PROVIDE STATEWIDE UNIFORM STANDARDS
18 FOR ISSUING PERMITS TO CARRY CONCEALED HANDGUNS FOR
19 SELF-DEFENSE; AND

20 (c) IT IS NECESSARY THAT THE STATE OCCUPY THE FIELD OF
21 REGULATION OF THE BEARING OF CONCEALED HANDGUNS FOR
22 SELF-DEFENSE TO ENSURE THAT NO HONEST, LAW-ABIDING PERSON WHO
23 QUALIFIES FOR A PERMIT UNDER THE PROVISIONS OF THIS PART 2 IS
24 SUBJECTIVELY OR ARBITRARILY DENIED THE ABILITY TO CARRY A
25 CONCEALED HANDGUN.

26 (3) IN ACCORDANCE WITH THE FINDINGS AND CONCLUSIONS
27 SPECIFIED IN SUBSECTIONS (1) AND (2) OF THIS SECTION, THE GENERAL

1 ASSEMBLY HEREBY INSTRUCTS EACH SHERIFF TO IMPLEMENT AND
2 ADMINISTER THE PROVISIONS OF THIS PART 2. THE GENERAL ASSEMBLY
3 DOES NOT DELEGATE TO THE SHERIFFS THE AUTHORITY TO REGULATE OR
4 RESTRICT THE ISSUANCE OF PERMITS PROVIDED FOR IN THIS PART 2
5 BEYOND THE PROVISIONS OF THIS PART 2. ANY ACTION OR RULE THAT
6 ENCUMBERS THE PERMIT PROCESS BY PLACING BURDENS ON THE
7 APPLICANT BEYOND THOSE SWORN STATEMENTS AND SPECIFIED
8 DOCUMENTS DETAILED IN THIS PART 2 OR THAT CREATES RESTRICTIONS
9 BEYOND THOSE SPECIFIED IN THIS PART 2 IS IN CONFLICT WITH THE INTENT
10 OF THIS PART 2 AND IS PROHIBITED.

11 **18-12-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "BUREAU" MEANS THE COLORADO BUREAU OF INVESTIGATION
14 WITHIN THE DEPARTMENT OF PUBLIC SAFETY.

15 (2) "HANDGUN" MEANS A HANDGUN AS DEFINED IN SECTION
16 18-12-101 (1) (e.5); EXCEPT THAT THE TERM DOES NOT INCLUDE A
17 MACHINE GUN AS DEFINED IN SECTION 18-12-101 (1) (g).

18 (3) "HANDGUN TRAINING CLASS" MEANS ANY HANDGUN SAFETY OR
19 TRAINING CLASS OR COURSE THAT:

20 (a) IS OFFERED BY A LAW ENFORCEMENT AGENCY OR BY A JUNIOR
21 COLLEGE, COLLEGE, OR UNIVERSITY OR BY A PRIVATE OR PUBLIC
22 INSTITUTION, ORGANIZATION, OR HANDGUN TRAINING SCHOOL; AND

23 (b) USES INSTRUCTORS OR CURRICULUM CERTIFIED BY THE
24 NATIONAL RIFLE ASSOCIATION OR BY THE PEACE OFFICERS STANDARDS
25 AND TRAINING BOARD; AND

26 (c) INCLUDES TRAINING IN THE SAFE HANDLING AND STORAGE OF
27 HANDGUNS, HANDGUN CARE AND MAINTENANCE, AND THE LAWFUL USE OF

1 DEADLY PHYSICAL FORCE.

2 (4) "LAWFUL USE OF DEADLY PHYSICAL FORCE" MEANS THE USE OF
3 DEADLY PHYSICAL FORCE, AS THAT TERM IS DEFINED IN SECTION 18-1-901
4 (3) (d), BY PERSONS USING HANDGUNS IN CIRCUMSTANCES UNDER WHICH
5 FORCE IS JUSTIFIED PURSUANT TO THE PROVISIONS OF PART 7 OF ARTICLE
6 1 OF THIS TITLE.

7 (5) "PERMIT" MEANS A PERMIT TO CARRY A CONCEALED HANDGUN
8 ISSUED PURSUANT TO THE PROVISIONS OF THIS PART 2; EXCEPT THAT
9 "PERMIT" DOES NOT INCLUDE A TEMPORARY EMERGENCY PERMIT ISSUED
10 PURSUANT TO SECTION 18-12-208.

11 (6) "SHERIFF" MEANS THE SHERIFF OF A COUNTY, OR HIS OR HER
12 DESIGNEE, OR THE OFFICIAL WHO HAS THE DUTIES OF A SHERIFF IN A CITY
13 AND COUNTY, OR HIS OR HER DESIGNEE.

14 (7) "TRAINING CERTIFICATE" MEANS A CERTIFICATE, AFFIDAVIT, OR
15 OTHER DOCUMENT ISSUED BY THE INSTRUCTOR, SCHOOL, CLUB, OR
16 ORGANIZATION THAT CONDUCTS A HANDGUN TRAINING CLASS THAT
17 EVIDENCES AN APPLICANT'S SUCCESSFUL COMPLETION OF THE CLASS
18 REQUIREMENTS.

19 **18-12-203. Criteria for obtaining a permit.** (1) EFFECTIVE
20 JULY 1, 2002, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A
21 SHERIFF SHALL ISSUE A PERMIT TO CARRY A CONCEALED HANDGUN TO ANY
22 APPLICANT WHO:

23 (a) IS A LEGAL RESIDENT OF THE STATE OF COLORADO. FOR
24 PURPOSES OF THIS PART 2, ANY PERSON WHO IS A MEMBER OF THE ARMED
25 FORCES AND IS STATIONED PURSUANT TO PERMANENT DUTY STATION
26 ORDERS AT A MILITARY INSTALLATION IN THIS STATE, AND ANY MEMBER
27 OF SUCH PERSON'S IMMEDIATE FAMILY LIVING IN COLORADO, SHALL BE

1 DEEMED TO BE A LEGAL RESIDENT OF THE STATE OF COLORADO.

2 (b) IS TWENTY-ONE YEARS OF AGE OR OLDER;

3 (c) IS NOT INELIGIBLE TO POSSESS A FIREARM PURSUANT TO
4 SECTION 18-12-108 OR ANY FEDERAL LAW;

5 (d) HAS NOT BEEN CONVICTED OF PERJURY UNDER SECTION
6 18-8-503, IN RELATION TO INFORMATION PROVIDED OR DELIBERATELY
7 OMITTED ON A PERMIT APPLICATION SUBMITTED PURSUANT TO THIS PART
8 2;

9 (e) (I) DOES NOT CHRONICALLY AND HABITUALLY USE ALCOHOLIC
10 BEVERAGES TO THE EXTENT THAT THE APPLICANT'S NORMAL FACULTIES
11 ARE IMPAIRED. IT SHALL BE PRESUMED THAT AN APPLICANT CHRONICALLY
12 AND HABITUALLY USES ALCOHOLIC BEVERAGES TO THE EXTENT THAT THE
13 APPLICANT'S NORMAL FACULTIES ARE IMPAIRED IF THE APPLICANT HAS
14 EVER BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO SECTION 25-1-310
15 OR 25-1-311, C.R.S., OR IF, WITHIN THE TEN-YEAR PERIOD IMMEDIATELY
16 PRECEDING THE DATE ON WHICH THE PERMIT APPLICATION IS SUBMITTED,
17 THE APPLICANT:

18 (A) HAS BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO
19 SECTION 25-1-308 OR 25-1-309, C.R.S.; OR

20 (B) HAS HAD TWO OR MORE ALCOHOL-RELATED CONVICTIONS
21 UNDER SECTION 42-4-1301 (1) OR (2), C.R.S., OR ANY LAW OF ANOTHER
22 STATE THAT HAS SIMILAR ELEMENTS, OR REVOCATIONS RELATED TO
23 MISDEMEANOR, ALCOHOL-RELATED CONVICTIONS UNDER SECTION
24 42-2-126, C.R.S., OR ANY LAW OF ANOTHER STATE THAT HAS SIMILAR
25 ELEMENTS.

26 (II) THE PROHIBITION SPECIFIED IN THIS PARAGRAPH (e) SHALL NOT
27 APPLY TO ANY APPLICANT WHO PROVIDES AN AFFIDAVIT, SIGNED BY A

1 PROFESSIONAL COUNSELOR WHO IS LICENSED PURSUANT TO ARTICLE 43 OF
2 TITLE 12, C.R.S., AND SPECIALIZES IN ALCOHOL ADDICTION, STATING THAT
3 THE APPLICANT HAS BEEN EVALUATED BY THE COUNSELOR AND HAS BEEN
4 DETERMINED TO BE A RECOVERING ALCOHOLIC WHO HAS REFRAINED FROM
5 USING ALCOHOL FOR AT LEAST THREE YEARS.

6 (f) IS NOT AN UNLAWFUL USER OF OR ADDICTED TO ANY
7 CONTROLLED SUBSTANCE AS DEFINED IN SECTION 18-18-102 (5).
8 WHETHER AN APPLICANT IS AN UNLAWFUL USER OF OR ADDICTED TO ANY
9 CONTROLLED SUBSTANCE SHALL BE DETERMINED AS PROVIDED IN FEDERAL
10 LAW AND REGULATIONS.

11 (g) IS NOT SUBJECT TO:

12 (I) A RESTRAINING ORDER ISSUED PURSUANT TO SECTION
13 18-1-1001 OR SECTION 19-2-707, C.R.S., THAT IS IN EFFECT AT THE TIME
14 THE APPLICATION IS SUBMITTED; OR

15 (II) A PERMANENT RESTRAINING ORDER ISSUED PURSUANT TO
16 ARTICLE 14 OF TITLE 13, C.R.S.; OR

17 (III) A TEMPORARY RESTRAINING ORDER ISSUED PURSUANT TO
18 ARTICLE 14 OF TITLE 13, C.R.S., THAT IS IN EFFECT AT THE TIME THE
19 APPLICATION IS SUBMITTED;

20 (h) DEMONSTRATES COMPETENCE WITH A HANDGUN BY
21 SUBMITTING EITHER:

22 (I) A CERTIFICATE SHOWING HONORABLE DISCHARGE FROM
23 MILITARY SERVICE THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED
24 WITHIN FIVE YEARS PRIOR TO THE DATE ON WHICH THE PERMIT
25 APPLICATION IS SUBMITTED;

26 (II) A CERTIFICATE SHOWING RETIREMENT FROM A LAW
27 ENFORCEMENT AGENCY THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED

1 WITHIN FIVE YEARS PRIOR TO SAID RETIREMENT; OR

2 (III) A TRAINING CERTIFICATE FROM A HANDGUN TRAINING CLASS
3 OBTAINED WITHIN FIVE YEARS PRIOR TO THE DATE ON WHICH THE PERMIT
4 APPLICATION IS SUBMITTED. THE APPLICANT SHALL SUBMIT THE ORIGINAL
5 TRAINING CERTIFICATE OR A PHOTOCOPY THEREOF THAT IS CERTIFIED BY
6 A NOTARY PUBLIC AS TO ITS AUTHENTICITY.

7 (2) REGARDLESS OF WHETHER AN APPLICANT MEETS THE CRITERIA
8 SPECIFIED IN SUBSECTION (1) OF THIS SECTION, IF THE SHERIFF HAS A
9 REASONABLE BELIEF THAT DOCUMENTED PREVIOUS BEHAVIOR BY THE
10 APPLICANT MAKES IT LIKELY THE APPLICANT WILL PRESENT A DANGER TO
11 SELF OR OTHERS IF THE APPLICANT RECEIVES A PERMIT TO CARRY A
12 CONCEALED HANDGUN, THE SHERIFF MAY DENY THE PERMIT.

13 (3) THE SHERIFF SHALL DENY, REVOKE, OR REFUSE TO RENEW A
14 PERMIT IF AN APPLICANT OR A PERMITTEE FAILS TO MEET ANY OF THE
15 CRITERIA LISTED IN SUBSECTION (1) OF THIS SECTION AND MAY DENY,
16 REVOKE, OR REFUSE TO RENEW A PERMIT ON THE GROUNDS SPECIFIED IN
17 SUBSECTION (2) OF THIS SECTION. FOLLOWING ISSUANCE OF A PERMIT, IF
18 THE ISSUING SHERIFF HAS REASON TO BELIEVE THAT A PERMITTEE NO
19 LONGER MEETS THE CRITERIA SPECIFIED IN SUBSECTION (1) OF THIS
20 SECTION OR THAT THE PERMITTEE PRESENTS A DANGER AS DESCRIBED IN
21 SUBSECTION (2) OF THIS SECTION, THE SHERIFF SHALL SUSPEND THE PERMIT
22 UNTIL SUCH TIME AS THE MATTER IS RESOLVED AND THE ISSUING SHERIFF
23 DETERMINES THAT THE PERMITTEE IS ELIGIBLE TO POSSESS A PERMIT AS
24 PROVIDED IN THIS SECTION. **IF THE SHERIFF SUSPENDS OR REVOKES A**
25 **PERMIT, THE PERMIT HOLDER MAY SEEK A REVIEW OF THE DECISION TO**
26 **SUSPEND OR REVOKE BY THE SHERIFF AND MAY SUBMIT ADDITIONAL**
27 **INFORMATION FOR THE RECORD. THE PERMIT HOLDER MAY ALSO SEEK**

1 JUDICIAL REVIEW PURSUANT TO RULE 106 OF THE COLORADO RULES OF
2 CIVIL PROCEDURE EITHER IN LIEU OF OR SUBSEQUENT TO THE SHERIFF'S
3 REVIEW.

4 **18-12-204. Contents of permits - validity - carrying**
5 **requirements - use in purchase.** (1) (a) EACH PERMIT SHALL BEAR A
6 COLOR PHOTOGRAPH OF THE PERMITTEE AND SHALL DISPLAY THE
7 SIGNATURE OF THE SHERIFF WHO ISSUES THE PERMIT. IN ADDITION, THE
8 SHERIFFS OF THIS STATE SHALL ENSURE THAT ALL PERMITS ISSUED
9 PURSUANT TO THIS ARTICLE CONTAIN THE SAME ITEMS OF INFORMATION
10 AND ARE THE SAME SIZE AND THE SAME COLOR.

11 (b) A PERMIT IS VALID FOR A PERIOD OF FIVE YEARS AFTER THE
12 DATE OF ISSUANCE AND MAY BE RENEWED AS PROVIDED IN SECTION
13 18-12-210. A PERMIT ISSUED PURSUANT TO THIS PART 2 IS EFFECTIVE IN
14 ALL AREAS OF THE STATE, EXCEPT AS OTHERWISE PROVIDED IN SECTION
15 18-12-213.

16 (2) ANY PERMITTEE, IN COMPLIANCE WITH THE TERMS OF A
17 PERMIT, MAY CARRY A CONCEALED HANDGUN AS ALLOWED BY THE
18 PROVISIONS OF SECTION 18-12-105 (2) (c). THE PERMITTEE SHALL CARRY
19 THE PERMIT, TOGETHER WITH VALID PHOTO IDENTIFICATION, AT ALL TIMES
20 DURING WHICH THE PERMITTEE IS IN ACTUAL POSSESSION OF A CONCEALED
21 HANDGUN AND SHALL PRODUCE BOTH DOCUMENTS UPON DEMAND BY A
22 LAW ENFORCEMENT OFFICER. FAILURE TO PRODUCE A PERMIT UPON
23 DEMAND BY A LAW ENFORCEMENT OFFICER RAISES A REBUTTABLE
24 PRESUMPTION THAT THE PERSON DOES NOT HAVE A PERMIT. FAILURE TO
25 CARRY AND PRODUCE A PERMIT AND PHOTO IDENTIFICATION UPON DEMAND
26 AS REQUIRED IN THIS SUBSECTION (2) IS A CLASS 1 PETTY OFFENSE. A
27 CHARGE OF FAILURE TO CARRY AND PRODUCE A PERMIT AND PHOTO

1 IDENTIFICATION UPON DEMAND PURSUANT TO THIS SUBSECTION (2) SHALL
2 BE DISMISSED BY THE COURT IF, AT OR BEFORE THE PERMITTEE'S
3 SCHEDULED COURT APPEARANCE, THE PERMITTEE EXHIBITS TO THE COURT
4 A VALID PERMIT AND VALID PHOTO IDENTIFICATION ISSUED TO THE
5 **PERMITTEE PRIOR TO THE DATE ON WHICH THE PERMITTEE WAS CHARGED**
6 **WITH FAILURE TO CARRY AND PRODUCE THE PERMIT.**

7 (3) (a) ANY PERSON WHO MAY LAWFULLY POSSESS A HANDGUN
8 MAY CARRY A HANDGUN UNDER THE FOLLOWING CIRCUMSTANCES
9 WITHOUT OBTAINING A **PERMIT AND THE HANDGUN SHALL NOT BE**
10 **CONSIDERED CONCEALED:**

11 (I) THE HANDGUN IS IN THE POSSESSION OF A PERSON WHO IS IN A
12 PRIVATE AUTOMOBILE OR IN SOME OTHER PRIVATE MEANS OF
13 CONVEYANCE AND WHO CARRIES THE HANDGUN FOR ANY LEGAL USE,
14 INCLUDING SELF-DEFENSE; [REDACTED]

15 (II) THE HANDGUN IS IN THE POSSESSION OF A PERSON WHO IS
16 TRANSPORTING THE HANDGUN DIRECTLY TO OR FROM ANY LEGAL
17 ACTIVITY, INCLUDING BUT NOT LIMITED TO PURCHASING OR SELLING THE
18 HANDGUN, TARGET SHOOTING, OR **HUNTING; OR**

19 (III) **THE HANDGUN IS IN THE POSSESSION OF A PERSON WHO IS**
20 **LEGALLY ENGAGED IN HUNTING ACTIVITIES ON UNDEVELOPED REAL**
21 **PROPERTY WITHIN THE STATE.**

22 (b) THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT BE
23 CONSTRUED TO AUTHORIZE THE CARRYING OF A HANDGUN IN VIOLATION
24 OF THE PROVISIONS OF SECTION 18-12-105 OR 18-12-105.5.

25 **18-12-205. Sheriff - application - procedure - background**
26 **check.** (1) (a) TO OBTAIN A PERMIT, A PERSON SHALL SUBMIT A PERMIT
27 APPLICATION ON A STATEWIDE STANDARDIZED FORM DEVELOPED BY THE

1 SHERIFFS AND AVAILABLE FROM THE SHERIFF OF ANY COUNTY OR CITY AND
2 COUNTY. THE PERMIT APPLICATION FORM SHALL SOLICIT ONLY THE
3 FOLLOWING INFORMATION FROM THE APPLICANT:

4 (I) THE APPLICANT'S FULL NAME, DATE OF BIRTH, AND ADDRESS;

5 (II) THE APPLICANT'S BIRTH NAME, IF DIFFERENT FROM THE NAME
6 PROVIDED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), AND
7 ANY OTHER NAMES THE APPLICANT MAY HAVE USED OR BY WHICH THE
8 APPLICANT MAY HAVE BEEN KNOWN;

9 (III) THE APPLICANT'S HOME ADDRESS OR ADDRESSES FOR THE
10 TEN-YEAR PERIOD IMMEDIATELY PRECEDING SUBMITTAL OF THE
11 APPLICATION;

12 (IV) WHETHER THE APPLICANT IS A RESIDENT OF THIS STATE AS OF
13 THE DATE OF APPLICATION AND WHETHER THE APPLICANT HAS A VALID
14 DRIVER'S LICENSE OR OTHER STATE-ISSUED PHOTO IDENTIFICATION OR
15 MILITARY ORDER PROVING SUCH RESIDENCE; AND

16 (V) WHETHER THE APPLICANT MEETS THE CRITERIA FOR
17 OBTAINING A PERMIT SPECIFIED IN SECTION 18-12-203 (1).

18 (b) THE PERMIT APPLICATION FORM SHALL NOT REQUIRE ANY
19 WAIVER OR RELEASE BY THE APPLICANT OF ANY RIGHT OR PRIVILEGE,
20 INCLUDING BUT NOT LIMITED TO THE WAIVER OR RELEASE OF ANY
21 PRIVILEGED OR CONFIDENTIAL INFORMATION CONTAINED IN MEDICAL
22 RECORDS.

23 (2) (a) AN APPLICANT SHALL COMPLETE THE PERMIT APPLICATION
24 FORM AND RETURN IT, IN PERSON, TO THE SHERIFF OF THE COUNTY OR CITY
25 AND COUNTY IN WHICH THE APPLICANT RESIDES OR TO THE SHERIFF OF THE
26 COUNTY OR CITY AND COUNTY IN WHICH THE APPLICANT MAINTAINS A
27 SECONDARY RESIDENCE OR OWNS OR LEASES REAL PROPERTY USED BY THE

1 APPLICANT IN A BUSINESS. THE APPLICANT SHALL SIGN THE COMPLETED
2 PERMIT APPLICATION FORM IN PERSON BEFORE THE SHERIFF. THE
3 SIGNATURE SHALL BE GIVEN VOLUNTARILY UPON A SWORN OATH THAT THE
4 APPLICANT KNOWS THE CONTENTS OF THE PERMIT APPLICATION AND THAT
5 THE INFORMATION CONTAINED IN THE PERMIT APPLICATION IS TRUE AND
6 CORRECT. ANY APPLICANT WHO KNOWINGLY AND INTENTIONALLY MAKES
7 ANY FALSE OR MISLEADING STATEMENT ON A PERMIT APPLICATION OR
8 DELIBERATELY OMITTS ANY MATERIAL INFORMATION REQUESTED ON THE
9 APPLICATION COMMITS PERJURY AS DEFINED IN SECTION 18-8-503. UPON
10 CONVICTION, SAID APPLICANT SHALL BE PUNISHED AS PROVIDED IN
11 SECTION 18-1-106. IN ADDITION, SAID APPLICANT SHALL BE DENIED THE
12 RIGHT TO OBTAIN OR POSSESS A PERMIT, AND THE SHERIFF SHALL REVOKE
13 SAID APPLICANT'S PERMIT IF ISSUED PRIOR TO CONVICTION.

14 (b) THE APPLICANT SHALL ALSO SUBMIT TO THE SHERIFF A PERMIT
15 FEE NOT TO EXCEED ONE HUNDRED DOLLARS FOR PROCESSING THE PERMIT
16 APPLICATION. THE SHERIFF SHALL SET THE AMOUNT OF THE PERMIT FEE AS
17 PROVIDED IN SUBSECTION (5) OF THIS SECTION. IN ADDITION, THE
18 APPLICANT SHALL SUBMIT AN AMOUNT SPECIFIED BY THE DIRECTOR,
19 PURSUANT TO SECTION 24-72-306, C.R.S., FOR PROCESSING THE
20 APPLICANT'S FINGERPRINTS THROUGH THE BUREAU AND THROUGH THE
21 FEDERAL BUREAU OF INVESTIGATION. THE APPLICANT SHALL PAY THE
22 AMOUNT FOR PROCESSING FINGERPRINTS IN THE FORM OF A MONEY ORDER
23 OR A CASHIER'S CHECK MADE PAYABLE TO THE BUREAU. NEITHER THE
24 PERMIT FEE NOR THE FINGERPRINT PROCESSING FEE SHALL BE REFUNDABLE
25 IN THE EVENT THE SHERIFF DENIES THE APPLICANT'S PERMIT APPLICATION
26 OR SUSPENDS OR REVOKES THE PERMIT SUBSEQUENT TO ISSUANCE.

27 (3) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (2) OF

1 THIS SECTION, THE APPLICANT, WHEN SUBMITTING THE COMPLETED PERMIT
2 APPLICATION, SHALL SUBMIT THE FOLLOWING ITEMS TO THE SHERIFF:

3 (a) DOCUMENTARY EVIDENCE DEMONSTRATING COMPETENCE WITH
4 A HANDGUN AS SPECIFIED IN SECTION 18-12-203 (1) (h); AND

5 (b) A FULL FRONTAL VIEW COLOR PHOTOGRAPH OF THE APPLICANT
6 TAKEN WITHIN THE THIRTY DAYS IMMEDIATELY PRECEDING SUBMITTAL OF
7 THE PERMIT APPLICATION; EXCEPT THAT THE APPLICANT NEED NOT SUBMIT
8 A PHOTOGRAPH IF THE SHERIFF PHOTOGRAPHS THE APPLICANT FOR
9 PURPOSES OF ISSUING A PERMIT. ANY PHOTOGRAPH SUBMITTED SHALL
10 SHOW THE APPLICANT'S FULL HEAD, INCLUDING HAIR AND FACIAL
11 FEATURES, AND THE DEPICTION OF THE APPLICANT'S HEAD SHALL MEASURE
12 ONE AND ONE-EIGHTH INCHES WIDE AND ONE AND ONE-FOURTH INCHES
13 HIGH.

14 (4) (a) THE SHERIFF SHALL WITNESS THE APPLICANT'S SIGNATURE
15 ON THE PERMIT APPLICATION AS PROVIDED IN SUBSECTION (2) OF THIS
16 SECTION AND VERIFY THAT THE PERSON MAKING APPLICATION FOR A
17 PERMIT IS THE SAME PERSON WHO APPEARS IN ANY PHOTOGRAPH
18 SUBMITTED AND THE SAME PERSON WHO SIGNED THE PERMIT APPLICATION
19 FORM. TO VERIFY THE APPLICANT'S IDENTITY, THE APPLICANT SHALL
20 PRESENT TO THE SHERIFF THE APPLICANT'S VALID COLORADO DRIVER'S
21 LICENSE OR VALID COLORADO OR MILITARY PHOTO IDENTIFICATION.

22 (b) AFTER VERIFYING THE APPLICANT'S IDENTITY, THE SHERIFF
23 SHALL TAKE TWO COMPLETE SETS OF THE APPLICANT'S FINGERPRINTS. THE
24 SHERIFF SHALL SUBMIT BOTH SETS OF FINGERPRINTS TO THE BUREAU, AND
25 THE SHERIFF SHALL NOT RETAIN A SET OF THE APPLICANT'S FINGERPRINTS.

26 (c) AFTER RECEIPT OF A PERMIT APPLICATION AND THE ITEMS
27 SPECIFIED IN THIS SECTION, THE SHERIFF SHALL VERIFY THAT THE

1 APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) AND
2 IS NOT A DANGER AS DESCRIBED IN SECTION 18-12-203 (2). SUCH
3 VERIFICATION AT A MINIMUM SHALL INCLUDE REQUESTING THE BUREAU TO
4 CONDUCT A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND
5 CHECK SYSTEM AND A SEARCH OF THE STATE INTEGRATED CRIMINAL
6 JUSTICE INFORMATION SYSTEM TO DETERMINE WHETHER THE APPLICANT
7 MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1). IN ADDITION,
8 THE SHERIFF SHALL CONSULT WITH OTHER LOCAL LAW ENFORCEMENT
9 **AGENCIES INCLUDING ANY MUNICIPAL POLICE DEPARTMENT IN** THE
10 JURISDICTION IN WHICH THE APPLICANT RESIDES.

11 (5) THE SHERIFF IN EACH COUNTY OR CITY AND COUNTY IN THE
12 STATE SHALL ESTABLISH THE AMOUNT OF THE NEW AND RENEWAL PERMIT
13 FEES WITHIN HIS OR HER JURISDICTION. THE AMOUNT OF THE NEW AND
14 RENEWAL PERMIT FEES SHALL COMPLY WITH THE LIMITS SPECIFIED IN
15 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND SECTION
16 18-12-210 (1), RESPECTIVELY. THE FEE AMOUNTS SHALL REFLECT THE
17 ACTUAL DIRECT AND INDIRECT COSTS TO THE SHERIFF OF PROCESSING
18 PERMIT APPLICATIONS AND RENEWAL APPLICATIONS PURSUANT TO THIS
19 PART 2.

20 **18-12-206. Sheriff - issuance or denial of permits.** (1) WITHIN
21 NINETY DAYS AFTER THE DATE OF RECEIPT OF THE ITEMS SPECIFIED IN
22 SECTION 18-12-205, THE SHERIFF SHALL:

23 (a) APPROVE THE PERMIT APPLICATION AND ISSUE THE PERMIT; OR

24 (b) DENY THE PERMIT APPLICATION BASED SOLELY ON THE
25 GROUND THAT THE APPLICANT FAILS TO QUALIFY UNDER THE CRITERIA
26 LISTED IN SECTION 18-12-203 (1) OR THAT THE APPLICANT WOULD BE A
27 DANGER AS DESCRIBED IN SECTION 18-12-203 (2). IF THE SHERIFF DENIES

1 THE PERMIT APPLICATION, HE OR SHE SHALL NOTIFY THE APPLICANT IN
2 WRITING, STATING THE GROUNDS FOR DENIAL AND INFORMING THE
3 APPLICANT OF THE RIGHT TO SEEK A SECOND REVIEW OF THE APPLICATION
4 BY THE SHERIFF AND TO SUBMIT ADDITIONAL INFORMATION FOR THE
5 RECORD. THE APPLICANT MAY ALSO SEEK JUDICIAL REVIEW PURSUANT TO
6 RULE 106 OF THE COLORADO RULES OF CIVIL PROCEDURE EITHER IN LIEU
7 OF OR SUBSEQUENT TO THE SHERIFF'S SECOND REVIEW.
8 NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AT
9 SUCH JUDICIAL REVIEW THE SHERIFF SHALL HAVE THE BURDEN OF PROVING
10 BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICANT FAILED TO
11 QUALIFY FOR A PERMIT UNDER THE CRITERIA LISTED IN SECTION 18-12-203
12 (1) OR WOULD BE A DANGER AS DESCRIBED IN SECTION 18-12-203 (2).

13 (2) IF THE SHERIFF DOES NOT RECEIVE THE RESULTS OF THE
14 FINGERPRINT CHECKS CONDUCTED BY THE BUREAU AND BY THE FEDERAL
15 BUREAU OF INVESTIGATION WITHIN NINETY DAYS AFTER RECEIVING A
16 PERMIT APPLICATION, THE SHERIFF SHALL DETERMINE WHETHER TO GRANT
17 OR DENY THE PERMIT APPLICATION WITHOUT CONSIDERING SUCH
18 INFORMATION. IF, UPON RECEIPT OF SUCH INFORMATION, THE SHERIFF
19 FINDS THAT THE PERMIT WAS ISSUED OR DENIED ERRONEOUSLY, BASED ON
20 THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) AND (2), THE SHERIFF
21 SHALL EITHER REVOKE OR ISSUE THE PERMIT, WHICHEVER IS APPROPRIATE.

22 (3) EACH SHERIFF SHALL MAINTAIN A LIST OF THE PERSONS TO
23 WHOM HE OR SHE ISSUES PERMITS PURSUANT TO THIS PART 2. UPON
24 REQUEST BY ANOTHER CRIMINAL JUSTICE AGENCY **FOR LAW ENFORCEMENT**
25 **PURPOSES,** A SHERIFF SHALL PROVIDE INFORMATION TO
26 SUCH CRIMINAL JUSTICE AGENCY IDENTIFYING PERSONS HOLDING PERMITS
27 ISSUED BY THE SHERIFF.

1 (4) EACH SHERIFF SHALL ANNUALLY PREPARE A REPORT
2 SPECIFYING, AT A MINIMUM, THE NUMBER OF PERMIT APPLICATIONS
3 RECEIVED DURING THE YEAR FOR WHICH THE REPORT WAS PREPARED, THE
4 NUMBER OF PERMITS ISSUED DURING SUCH YEAR, THE NUMBER OF PERMITS
5 DENIED DURING SUCH YEAR, AND THE REASONS FOR DENIAL. THE REPORT
6 SHALL NOT INCLUDE THE NAME OF ANY PERSON WHO APPLIES FOR A
7 PERMIT, REGARDLESS OF WHETHER THE PERSON RECEIVES OR IS DENIED A
8 PERMIT. EACH SHERIFF SHALL SUBMIT THE REPORT ON OR BEFORE MARCH
9 1, 2003, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, TO THE
10 MEMBERS OF THE GENERAL ASSEMBLY. IN ADDITION, EACH SHERIFF SHALL
11 PROVIDE A COPY OF THE ANNUAL REPORT PREPARED PURSUANT TO THIS
12 SUBSECTION (4) TO ANY MEMBER OF THE PUBLIC UPON REQUEST.

13 **18-12-207. Colorado bureau of investigation - duties.**

14 (1) UPON RECEIPT OF A PERMIT APPLICANT'S FINGERPRINTS FROM A
15 SHERIFF PURSUANT TO SECTION 18-12-205 (4) OR UPON A SHERIFF'S
16 REQUEST PURSUANT TO SECTION 18-12-210 (1), THE BUREAU SHALL
17 PROCESS THE FULL SET OF FINGERPRINTS TO OBTAIN ANY AVAILABLE STATE
18 CRIMINAL JUSTICE INFORMATION OR FEDERAL INFORMATION PURSUANT TO
19 SECTION 16-21-103 (5), C.R.S., AND SHALL REPORT ANY INFORMATION
20 RECEIVED TO THE SHERIFF. IN ADDITION, WITHIN TEN DAYS AFTER
21 RECEIVING THE FINGERPRINTS, THE BUREAU SHALL FORWARD ONE SET OF
22 THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR
23 PROCESSING TO OBTAIN ANY AVAILABLE STATE CRIMINAL JUSTICE
24 INFORMATION OR FEDERAL INFORMATION.

25 (2) THE BUREAU SHALL USE THE FINGERPRINTS RECEIVED
26 PURSUANT TO THIS PART 2 SOLELY FOR THE PURPOSES OF:

27 (a) OBTAINING INFORMATION FOR THE ISSUANCE OR RENEWAL OF

1 PERMITS; AND

2 (b) NOTIFYING AN ISSUING SHERIFF THAT A PERMIT HOLDER HAS
3 BEEN ARRESTED FOR OR CHARGED WITH AN OFFENSE THAT WOULD
4 REQUIRE REVOCATION OR SUSPENSION OF THE PERMIT OR THAT A PERMIT
5 HOLDER HAS BEEN CONVICTED OF SUCH AN OFFENSE.

6 **18-12-208. Issuance by sheriffs of temporary emergency**
7 **permits.** (1) NOTWITHSTANDING ANY PROVISIONS OF THIS PART 2 TO THE
8 CONTRARY, A SHERIFF, AS PROVIDED IN THIS SECTION, SHALL ISSUE A
9 TEMPORARY EMERGENCY PERMIT TO CARRY A CONCEALED HANDGUN TO
10 ANY PERSON WHO THE SHERIFF HAS REASON TO BELIEVE MAY BE IN
11 IMMEDIATE DANGER.

12 (2) TO RECEIVE A TEMPORARY EMERGENCY PERMIT, A PERSON
13 SHALL SUBMIT TO THE SHERIFF OF THE COUNTY OR CITY AND COUNTY IN
14 WHICH THE PERSON RESIDES OR IN WHICH THE CIRCUMSTANCES GIVING
15 RISE TO THE EMERGENCY EXIST THE ITEMS SPECIFIED IN SECTION
16 18-12-205; EXCEPT THAT AN APPLICANT FOR A TEMPORARY EMERGENCY
17 PERMIT NEED NOT SUBMIT DOCUMENTARY EVIDENCE DEMONSTRATING
18 COMPETENCE WITH A HANDGUN AS REQUIRED UNDER SECTION 18-12-205
19 (3)(a), AND THE APPLICANT SHALL SUBMIT A TEMPORARY PERMIT FEE NOT
20 TO EXCEED TWENTY-FIVE DOLLARS, AS SET BY THE SHERIFF. UPON
21 RECEIPT OF SAID DOCUMENTS, THE SHERIFF SHALL REQUEST THAT THE
22 BUREAU CONDUCT A COMPUTER RECORDS CHECK OF THE BUREAU FILES
23 AND A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
24 SYSTEM. THE SHERIFF SHALL ISSUE A TEMPORARY EMERGENCY PERMIT TO
25 THE APPLICANT IF THE SHERIFF DETERMINES THE PERSON MAY BE IN
26 IMMEDIATE DANGER AND THE COMPUTER RECORDS CHECK SHOWS THAT
27 THE APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203;

1 EXCEPT THAT THE APPLICANT NEED NOT DEMONSTRATE COMPETENCE WITH
2 A HANDGUN AND THE APPLICANT MAY BE EIGHTEEN YEARS OF AGE OR
3 OLDER. ANY TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO THIS
4 SECTION SHALL BE VALID FOR A PERIOD OF NINETY DAYS AFTER THE DATE
5 OF ISSUANCE AND MAY BE RENEWED BY THE ISSUING SHERIFF ONCE WITHIN
6 TEN DAYS AFTER EXPIRATION FOR AN ADDITIONAL PERIOD OF NINETY
7 DAYS.

8 **18-12-209. Maintenance of permit - address change - invalidity**
9 **of permit.** (1) WITHIN THIRTY DAYS AFTER A PERMITTEE CHANGES THE
10 ADDRESS SPECIFIED ON HIS OR HER PERMIT OR WITHIN THREE BUSINESS
11 DAYS AFTER HIS OR HER PERMIT IS LOST, STOLEN, OR DESTROYED, THE
12 PERMITTEE SHALL NOTIFY THE ISSUING SHERIFF OF THE CHANGE OF
13 ADDRESS OR PERMIT LOSS, THEFT, OR DESTRUCTION. FAILURE TO NOTIFY
14 THE SHERIFF PURSUANT TO THIS SUBSECTION (1) IS A CLASS 1 PETTY
15 OFFENSE.

16 (2) IF A PERMIT IS LOST, STOLEN, OR DESTROYED, THE PERMIT IS
17 AUTOMATICALLY INVALID. THE PERSON TO WHOM THE PERMIT WAS ISSUED
18 MAY OBTAIN A DUPLICATE OR SUBSTITUTE THEREFOR UPON PAYMENT OF
19 FIFTEEN DOLLARS TO THE ISSUING SHERIFF AND UPON SUBMISSION OF A
20 NOTARIZED STATEMENT TO THE ISSUING SHERIFF THAT THE PERMIT HAS
21 BEEN LOST, STOLEN, OR DESTROYED.

22 **18-12-210. Renewal of permits.** (1) WITHIN NINETY DAYS PRIOR
23 TO EXPIRATION OF A PERMIT, THE PERMITTEE MAY OBTAIN A RENEWAL
24 FORM FROM THE ISSUING SHERIFF AND RENEW THE PERMIT BY SUBMITTING
25 TO THE ISSUING SHERIFF A COMPLETED RENEWAL FORM, A NOTARIZED
26 AFFIDAVIT STATING THAT THE PERMITTEE REMAINS QUALIFIED PURSUANT
27 TO THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) (a) TO (1) (g), **AND**

1 THE REQUIRED RENEWAL FEE NOT TO EXCEED FIFTY DOLLARS, AS SET BY
2 THE SHERIFF PURSUANT TO SECTION 18-12-205 (5).

3 THE SHERIFF SHALL VERIFY PURSUANT TO SECTION 18-12-205 (4) (c)
4 THAT THE PERMITTEE MEETS THE CRITERIA SPECIFIED IN SECTION
5 18-12-203 (1) (a) TO (1) (g) AND IS NOT A DANGER AS DESCRIBED IN
6 SECTION 18-12-203 (2) AND SHALL EITHER RENEW OR DENY THE RENEWAL
7 OF THE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF SECTION
8 18-12-206 (1). **IF THE SHERIFF DENIES RENEWAL OF A PERMIT, THE PERMIT
9 HOLDER MAY SEEK A SECOND REVIEW OF THE RENEWAL APPLICATION BY
10 THE SHERIFF AND MAY SUBMIT ADDITIONAL INFORMATION FOR THE
11 RECORD. THE PERMIT HOLDER MAY ALSO SEEK JUDICIAL REVIEW
12 PURSUANT TO RULE 106 OF THE COLORADO RULES OF CIVIL PROCEDURE
13 EITHER IN LIEU OF OR SUBSEQUENT TO THE SHERIFF'S SECOND REVIEW.**

14 (2) A PERMITTEE WHO FAILS TO FILE A RENEWAL FORM ON OR
15 BEFORE THE PERMIT EXPIRATION DATE MAY RENEW THE PERMIT BY PAYING
16 A LATE FEE OF FIFTEEN DOLLARS IN ADDITION TO THE RENEWAL FEE
17 ESTABLISHED PURSUANT TO SUBSECTION (1) OF THIS SECTION. NO PERMIT
18 SHALL BE RENEWED SIX MONTHS OR MORE AFTER ITS EXPIRATION DATE,
19 AND THE PERMIT SHALL BE DEEMED TO HAVE PERMANENTLY EXPIRED. A
20 PERSON WHOSE PERMIT HAS PERMANENTLY EXPIRED MAY REAPPLY FOR A
21 PERMIT, BUT THE PERSON SHALL SUBMIT AN APPLICATION FOR A PERMIT
22 AND THE FEE REQUIRED PURSUANT TO SECTION 18-12-205. A PERSON WHO
23 KNOWINGLY AND INTENTIONALLY FILES FALSE OR MISLEADING
24 INFORMATION OR DELIBERATELY OMITTS MATERIAL INFORMATION
25 REQUIRED UNDER THIS SECTION IS SUBJECT TO CRIMINAL PROSECUTION FOR
26 PERJURY UNDER SECTION 18-8-503.

27 **18-12-211. Exemption.** (1) THIS PART 2 SHALL NOT APPLY TO

1 PEACE OFFICERS, LEVELS I AND Ia, AS DEFINED IN SECTION 18-1-901 (3) (I)
2 (I) AND (3) (I) (II), AND FEDERAL OFFICERS WHOSE DUTIES ARE
3 COMPARABLE TO THOSE PERFORMED BY PEACE OFFICERS, LEVELS I AND Ia.
4 IN ADDITION, THIS PART 2 SHALL NOT APPLY TO PEACE OFFICERS, LEVEL II,
5 AS DEFINED IN SECTION 18-1-901 (3) (I) (III), WHILE ON DUTY.

6 (2) THIS PART 2 SHALL NOT APPLY TO LAW ENFORCEMENT
7 OFFICERS EMPLOYED BY JURISDICTIONS OUTSIDE THIS STATE, SO LONG AS
8 THE FOREIGN EMPLOYING JURISDICTION EXEMPTS PEACE OFFICERS
9 EMPLOYED BY JURISDICTIONS WITHIN COLORADO FROM ANY CONCEALED
10 HANDGUN OR CONCEALED WEAPONS LAWS IN EFFECT IN THE FOREIGN
11 EMPLOYING JURISDICTION.

12 (3) THIS PART 2 SHALL NOT APPLY TO ANY RETIRED PEACE OFFICER,
13 LEVEL I OR Ia, AS DEFINED IN SECTION 18-1-901 (3) (I) (I) AND (3) (I) (II),
14 WITHIN THE FIRST FIVE YEARS AFTER RETIREMENT SO LONG AS THE
15 RETIRED PEACE OFFICER HAS A LETTER SIGNED BY HIS OR HER LAST
16 COMMANDING OFFICER ATTESTING THAT THE RETIRED OFFICER MEETS THE
17 CRITERIA SPECIFIED IN SECTION 18-12-203 (1).

18 (4) THIS PART 2 SHALL NOT APPLY TO ANY PERSON EMPLOYED BY
19 A SCHOOL DISTRICT AS A SCHOOL SECURITY OFFICER WHILE SUCH PERSON
20 IS ON DUTY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
21 CONTRARY, ANY PERSON EMPLOYED BY A SCHOOL DISTRICT AS A SCHOOL
22 SECURITY OFFICER MAY CARRY A CONCEALED HANDGUN ONTO THE REAL
23 PROPERTY, OR INTO ANY IMPROVEMENT ERECTED THEREON, OF ANY
24 PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL WHILE SUCH
25 PERSON IS ON DUTY.

26 **18-12-212. Reciprocity.** ANY PERMIT TO CARRY A CONCEALED
27 HANDGUN OR A CONCEALED WEAPON THAT IS ISSUED TO A PERSON

1 **TWENTY-ONE YEARS OF AGE OR OLDER** BY A STATE THAT RECOGNIZES THE
2 VALIDITY OF PERMITS ISSUED PURSUANT TO THIS PART 2 SHALL BE VALID
3 IN THIS STATE IN ALL RESPECTS AS A PERMIT ISSUED PURSUANT TO THIS
4 PART 2.

5 **18-12-213. Authority granted by permit - carrying restrictions.**

6 (1) (a) A PERMIT TO CARRY A CONCEALED HANDGUN AUTHORIZES THE
7 PERMIT HOLDER TO CARRY A CONCEALED HANDGUN IN ALL AREAS OF THE
8 STATE, EXCEPT AS SPECIFICALLY LIMITED IN THIS SECTION. A PERMIT DOES
9 NOT AUTHORIZE THE PERMIT HOLDER TO USE A HANDGUN IN A MANNER
10 THAT WOULD VIOLATE ANY PROVISION OF STATE LAW.

11 (b) A PEACE OFFICER MAY TEMPORARILY DISARM ANY PERMIT
12 HOLDER, INCIDENT TO A LAWFUL STOP OF THE PERMIT HOLDER. THE PEACE
13 OFFICER SHALL RETURN THE HANDGUN TO THE PERMIT HOLDER PRIOR TO
14 DISCHARGING THE PERMIT HOLDER FROM THE SCENE.

15 (2) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
16 AUTHORIZE ANY PERSON TO CARRY A CONCEALED HANDGUN INTO ANY
17 PLACE WHERE THE CARRYING OF FIREARMS IS PROHIBITED BY FEDERAL
18 LAW.

19 (3) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
20 AUTHORIZE A PERSON TO CARRY A CONCEALED HANDGUN ONTO THE REAL
21 PROPERTY, OR INTO ANY IMPROVEMENTS ERECTED THEREON, OF ANY
22 PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL; EXCEPT
23 THAT:

24 (a) A PERMITTEE MAY HAVE A HANDGUN ON THE REAL PROPERTY
25 OF SAID PUBLIC SCHOOL SO LONG AS THE HANDGUN REMAINS IN HIS OR HER
26 VEHICLE AND, IF THE PERMITTEE IS NOT IN THE VEHICLE, THE HANDGUN IS
27 IN A LOCKED COMPARTMENT WITHIN THE VEHICLE.

1 (b) A PERMITTEE MAY CARRY A CONCEALED HANDGUN ON ANY
2 UNDEVELOPED REAL PROPERTY OWNED BY A SCHOOL DISTRICT THAT IS
3 USED FOR HUNTING OR OTHER SHOOTING SPORTS.

4 (4) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO LIMIT,
5 RESTRICT, OR PROHIBIT IN ANY MANNER THE EXISTING RIGHTS OF ANY
6 INDIVIDUAL, PRIVATE PROPERTY OWNER, PRIVATE TENANT, PRIVATE
7 EMPLOYER, OR PRIVATE BUSINESS ENTITY TO CONTROL THE POSSESSION OF
8 HANDGUNS ON ANY PROPERTY OWNED OR CONTROLLED BY THE
9 INDIVIDUAL, PRIVATE PROPERTY OWNER, PRIVATE TENANT, PRIVATE
10 EMPLOYER, OR PRIVATE BUSINESS ENTITY.

11 **18-12-214. Immunity.** (1) THE BUREAU AND ANY LOCAL LAW
12 ENFORCEMENT AGENCY AND ANY INDIVIDUAL EMPLOYED BY THE BUREAU
13 OR A LOCAL LAW ENFORCEMENT AGENCY SHALL NOT BE LIABLE FOR ANY
14 DAMAGES THAT MAY RESULT FROM GOOD FAITH COMPLIANCE WITH THE
15 PROVISIONS OF THIS PART 2.

16 (2) ANY LAW ENFORCEMENT OFFICER OR AGENCY, ANY MEDICAL
17 PERSONNEL, AND ANY ORGANIZATION THAT OFFERS HANDGUN TRAINING
18 CLASSES AND ITS PERSONNEL WHO IN GOOD FAITH PROVIDE INFORMATION
19 REGARDING AN APPLICANT SHALL NOT BE LIABLE FOR ANY DAMAGES THAT
20 MAY RESULT FROM ISSUANCE OR DENIAL OF A PERMIT.

21 **18-12-215. Permits issued prior to July 1, 2002.** (1) ANY
22 PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT EXISTED PRIOR
23 TO JULY 1, 2002, SHALL PERMANENTLY EXPIRE ON JUNE 30, 2003, OR ON
24 ANY EXPIRATION DATE SPECIFIED ON THE PERMIT, WHICHEVER OCCURS
25 FIRST. ANY PERSON WHO SUBMITTED A FULL SET OF FINGERPRINTS TO
26 OBTAIN A PERMIT PRIOR TO JULY 1, 2002, UPON EXPIRATION OF SAID
27 PERMIT, MAY APPLY FOR RENEWAL OF SAID PERMIT AS PROVIDED IN THIS

1 PART 2. ANY PERSON WHO DID NOT SUBMIT A FULL SET OF FINGERPRINTS
2 TO OBTAIN A PERMIT PRIOR TO JULY 1, 2002, UPON EXPIRATION OF SAID
3 PERMIT, MAY APPLY FOR A NEW PERMIT AS PROVIDED IN THIS PART 2.

4 (2) WITHIN NINETY DAYS PRIOR TO THE EXPIRATION OF ANY
5 PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT EXISTED PRIOR
6 TO JULY 1, 2002, THE ISSUING AUTHORITY SHALL SEND A NOTICE OF
7 EXPIRATION TO THE PERMIT HOLDER TO NOTIFY THE PERMIT HOLDER OF
8 THE PERMIT EXPIRATION AS PROVIDED IN SUBSECTION (1) OF THIS SECTION
9 AND OF HIS OR HER ABILITY TO RENEW THE PERMIT OR OBTAIN A NEW
10 PERMIT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

11 **SECTION 2. Repeal.** 18-12-105.1, Colorado Revised Statutes,
12 is repealed.

13 **SECTION 3.** 18-12-105 (2) (c), Colorado Revised Statutes, is
14 amended to read:

15 **18-12-105. Unlawfully carrying a concealed weapon - unlawful**
16 **possession of weapons.** (2) It shall not be an offense if the defendant
17 was:

18 (c) A person who, ~~prior to~~ AT the time of carrying a concealed
19 weapon, ~~has been issued a~~ HELD A VALID written permit TO CARRY A
20 CONCEALED WEAPON ISSUED pursuant to section 18-12-105.1, ~~to carry the~~
21 ~~weapon by the chief of police of a city or city and county, or the sheriff~~
22 ~~of a county~~ AS IT EXISTED PRIOR TO JULY 1, 2002, OR, IF THE WEAPON
23 INVOLVED WAS A HANDGUN, HELD A VALID PERMIT TO CARRY A
24 CONCEALED HANDGUN ISSUED PURSUANT TO PART 2 OF THIS ARTICLE;
25 EXCEPT THAT IT SHALL BE AN OFFENSE UNDER THIS SECTION IF THE PERSON
26 WAS CARRYING A CONCEALED HANDGUN IN VIOLATION OF THE PROVISIONS
27 OF SECTION 18-12-213; or

1 **SECTION 4.** 18-12-105.5 (3) (d), Colorado Revised Statutes, is
2 amended, and the said 18-12-105.5 (3) is further amended BY THE
3 ADDITION OF A NEW PARAGRAPH, to read:

4 **18-12-105.5. Unlawfully carrying a weapon - unlawful**
5 **possession of weapons - school, college, or university grounds.** (3) It
6 shall not be an offense under this section if:

7 (d) The person, ~~prior to~~ AT the time of carrying a concealed
8 weapon, ~~has been issued a~~ HELD A VALID written permit TO CARRY A
9 CONCEALED WEAPON ISSUED pursuant to section 18-12-105.1, ~~to carry the~~
10 ~~weapon by the chief of police of a city or city and county or the sheriff~~
11 ~~of a county~~ AS SAID SECTION EXISTED PRIOR TO JULY 1, 2002, AND THE
12 PERSON WAS CARRYING THE CONCEALED WEAPON ON THE REAL ESTATE,
13 OR IN AN IMPROVEMENT ERECTED THEREON, OF A PRIVATE ELEMENTARY,
14 MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL, A PUBLIC OR PRIVATE
15 VOCATIONAL SCHOOL, OR A PUBLIC OR PRIVATE COLLEGE, UNIVERSITY, OR
16 SEMINARY OR ON UNDEVELOPED REAL PROPERTY OWNED BY A SCHOOL
17 DISTRICT THAT IS USED FOR HUNTING OR OTHER SHOOTING SPORTS; or

18 (d.5) THE WEAPON INVOLVED WAS A HANDGUN, AND THE PERSON
19 WAS CARRYING THE HANDGUN ON THE REAL ESTATE, OR IN AN
20 IMPROVEMENT ERECTED THEREON, OF A PRIVATE ELEMENTARY, MIDDLE,
21 JUNIOR HIGH, OR HIGH SCHOOL, A PUBLIC OR PRIVATE VOCATIONAL
22 SCHOOL, OR A PUBLIC OR PRIVATE COLLEGE, UNIVERSITY, OR SEMINARY OR
23 ON UNDEVELOPED REAL PROPERTY OWNED BY A SCHOOL DISTRICT THAT IS
24 USED FOR HUNTING OR OTHER SHOOTING SPORTS, AND THE PERSON HELD
25 A VALID PERMIT TO CARRY A CONCEALED HANDGUN ISSUED PURSUANT TO
26 PART 2 OF THIS ARTICLE; OR

27 **SECTION 5.** 18-12-106 (1) (d), Colorado Revised Statutes, is

1 amended to read:

2 **18-12-106. Prohibited use of weapons.** (1) A person commits
3 a class 2 misdemeanor if:

4 (d) ~~He~~ THE PERSON has in his OR HER possession a firearm while
5 ~~he~~ THE PERSON is under the influence of intoxicating liquor or of a
6 controlled substance, as defined in section 12-22-303 (7), C.R.S.
7 Possession of a permit issued under section 18-12-105.1, AS IT EXISTED
8 PRIOR TO JULY 1, 2002, OR POSSESSION OF A PERMIT ISSUED PURSUANT TO
9 PART 2 OF THIS ARTICLE is no defense to a violation of this subsection (1).

10 **SECTION 6.** 19-2-517 (1) (a) (II) (B), Colorado Revised
11 Statutes, is amended to read:

12 **19-2-517. Direct filing - repeal.** (1) (a) A juvenile may be
13 charged by the direct filing of an information in the district court or by
14 indictment only when:

15 (II) The juvenile is fourteen years of age or older and:

16 (B) Is alleged to have committed a felony offense described in
17 PART 1 OF article 12 of title 18, C.R.S., except for the possession of a
18 handgun by a juvenile, as set forth in section 18-12-108.5, C.R.S.; or

19 **SECTION 7.** 24-33.5-412 (1) (o), Colorado Revised Statutes, is
20 amended to read:

21 **24-33.5-412. Functions of bureau - legislative review.** (1) The
22 bureau has the following authority:

23 (o) ~~When requested by a police chief or sheriff, to conduct a~~
24 ~~criminal history check of an applicant for a permit to carry a concealed~~
25 ~~weapon, including processing of fingerprints, as provided in section~~
26 ~~18-12-105.1 (2), C.R.S.;~~ TO CARRY OUT THE DUTIES SET FORTH IN PART
27 2 OF ARTICLE 12 OF TITLE 18, C.R.S.;

1 **SECTION 8.** 30-10-523, Colorado Revised Statutes, is amended
2 to read:

3 **30-10-523. Sheriff - permits for concealed handguns.** The
4 sheriff of each county ~~may~~ AND THE OFFICIAL WHO HAS THE DUTIES OF A
5 SHERIFF IN EACH CITY AND COUNTY SHALL issue written permits to carry
6 concealed weapons. ~~Any such permit shall be issued in accordance with~~
7 ~~section 18-12-105.1, C.R.S.~~ HANDGUNS AS PROVIDED IN PART 2 OF
8 ARTICLE 12 OF TITLE 18, C.R.S.

9 **SECTION 9. Repeal.** 31-4-112.1, Colorado Revised Statutes, is
10 repealed as follows:

11 **31-4-112.1. Chief of police - permits for concealed handguns.**
12 ~~The chief of police of a city or city and county may issue written permits~~
13 ~~to carry concealed weapons. Any such permit shall be issued in~~
14 ~~accordance with section 18-12-105.1, C.R.S.~~

15 **SECTION 10. Appropriation.** In addition to any other
16 appropriation, there is hereby appropriated, out of any moneys collected
17 pursuant to section 18-12-205 (2) (b), Colorado Revised Statutes, to the
18 department of public safety for allocation to the Colorado bureau of
19 investigation, for the fiscal year beginning July 1, 2002, the sum of
20 **seven hundred eighty-five thousand two hundred seventy-one dollars**
21 **(\$785,271) and 3.4 FTE, or so much thereof as may be necessary, for**
22 **implementation of this act. Of said sum, three hundred sixty thousand six**
23 **hundred seventy-one dollars (\$360,671) shall be from cash funds from**
24 **fingerprint and name check processing fees, and four hundred**
25 **twenty-four thousand six hundred dollars (\$424,600) shall be from cash**
26 **funds exempt.**

27 **SECTION 11. Effective date - applicability.** This act shall take

1 effect July 1, 2002, and shall apply to offenses committed on or after said
2 date.

3 **SECTION 12. Safety clause.** The general assembly hereby
4 finds, determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.