

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 02-1028.01 Julie Pelegrin

HOUSE BILL 02-1410

HOUSE SPONSORSHIP

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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.

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.

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

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

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

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

21 **18-12-205. Sheriff - application - procedure - background**
22 **check.** (1) (a) TO OBTAIN A PERMIT, A PERSON SHALL SUBMIT A PERMIT
23 APPLICATION ON A STATEWIDE STANDARDIZED FORM DEVELOPED BY THE
24 SHERIFFS AND AVAILABLE FROM THE SHERIFF OF ANY COUNTY OR CITY AND
25 COUNTY. THE PERMIT APPLICATION FORM SHALL SOLICIT ONLY THE
26 FOLLOWING INFORMATION FROM THE APPLICANT:

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

1 **(II) THE APPLICANT'S BIRTHNAME, IF APPLICABLE, AND ANY OTHER**
2 **NAMES THE APPLICANT MAY HAVE USED OR BY WHICH THE APPLICANT MAY**
3 **HAVE BEEN KNOWN;**

4 **(III) THE APPLICANT'S HOME ADDRESS OR ADDRESSES FOR THE**
5 **TEN-YEAR PERIOD IMMEDIATELY PRECEDING SUBMITTAL OF THE**
6 **APPLICATION;**

7 **(IV) WHETHER THE APPLICANT IS A RESIDENT OF THIS STATE AS OF**
8 **THE DATE OF APPLICATION AND WHETHER THE APPLICANT HAS A VALID**
9 **DRIVER'S LICENSE OR OTHER STATE-ISSUED PHOTO IDENTIFICATION OR**
10 **MILITARY ORDER PROVING SUCH RESIDENCE; AND**

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

13 (b) THE PERMIT APPLICATION FORM SHALL NOT REQUIRE ANY
14 WAIVER OR RELEASE BY THE APPLICANT OF ANY RIGHT OR PRIVILEGE,
15 INCLUDING BUT NOT LIMITED TO THE WAIVER OR RELEASE OF ANY
16 PRIVILEGED OR CONFIDENTIAL INFORMATION CONTAINED IN MEDICAL
17 RECORDS.

18 (2) (a) AN APPLICANT SHALL COMPLETE THE PERMIT APPLICATION
19 FORM AND RETURN IT, IN PERSON, TO THE SHERIFF OF THE COUNTY OR CITY
20 AND COUNTY IN WHICH THE APPLICANT RESIDES OR TO THE SHERIFF OF THE
21 COUNTY OR CITY AND COUNTY IN WHICH THE APPLICANT MAINTAINS A
22 SECONDARY RESIDENCE OR OWNS OR LEASES REAL PROPERTY USED BY THE
23 APPLICANT IN A BUSINESS. THE APPLICANT SHALL SIGN THE COMPLETED
24 PERMIT APPLICATION FORM IN PERSON BEFORE THE SHERIFF. THE
25 SIGNATURE SHALL BE GIVEN VOLUNTARILY UPON A SWORN OATH THAT THE
26 APPLICANT KNOWS THE CONTENTS OF THE PERMIT APPLICATION AND THAT
27 THE INFORMATION CONTAINED IN THE PERMIT APPLICATION IS TRUE AND

1 CORRECT. ANY APPLICANT WHO KNOWINGLY AND INTENTIONALLY MAKES
2 ANY FALSE OR MISLEADING STATEMENT ON A PERMIT APPLICATION OR
3 DELIBERATELY OMITTS ANY MATERIAL INFORMATION REQUESTED ON THE
4 APPLICATION COMMITS PERJURY AS DEFINED IN SECTION 18-8-503. UPON
5 CONVICTION, SAID APPLICANT SHALL BE PUNISHED AS PROVIDED IN
6 SECTION 18-1-106. IN ADDITION, SAID APPLICANT SHALL BE DENIED THE
7 RIGHT TO OBTAIN OR POSSESS A PERMIT, AND THE SHERIFF SHALL REVOKE
8 SAID APPLICANT'S PERMIT IF ISSUED PRIOR TO CONVICTION.

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

22 (3) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (2) OF
23 THIS SECTION, THE APPLICANT, WHEN SUBMITTING THE COMPLETED PERMIT
24 APPLICATION, SHALL SUBMIT THE FOLLOWING ITEMS TO THE SHERIFF:

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

27 (b) A FULL FRONTAL VIEW COLOR PHOTOGRAPH OF THE APPLICANT

1 TAKEN WITHIN THE THIRTY DAYS IMMEDIATELY PRECEDING SUBMITTAL OF
2 THE PERMIT APPLICATION; EXCEPT THAT THE APPLICANT NEED NOT SUBMIT
3 A PHOTOGRAPH IF THE SHERIFF PHOTOGRAPHS THE APPLICANT FOR
4 PURPOSES OF ISSUING A PERMIT. ANY PHOTOGRAPH SUBMITTED SHALL
5 SHOW THE APPLICANT'S FULL HEAD, INCLUDING HAIR AND FACIAL
6 FEATURES, AND THE DEPICTION OF THE APPLICANT'S HEAD SHALL MEASURE
7 ONE AND ONE-EIGHTH INCHES WIDE AND ONE AND ONE-FOURTH INCHES
8 HIGH.

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

17 (b) AFTER VERIFYING THE APPLICANT'S IDENTITY, THE SHERIFF
18 SHALL TAKE TWO COMPLETE SETS OF THE APPLICANT'S FINGERPRINTS. THE
19 SHERIFF SHALL SUBMIT BOTH SETS OF FINGERPRINTS TO THE BUREAU, AND
20 THE SHERIFF SHALL NOT RETAIN A SET OF THE APPLICANT'S FINGERPRINTS.

21 (c) AFTER RECEIPT OF A PERMIT APPLICATION AND THE ITEMS
22 SPECIFIED IN THIS SECTION, THE SHERIFF SHALL VERIFY THAT THE
23 APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) AND
24 IS NOT A DANGER AS DESCRIBED IN SECTION 18-12-203 (2). SUCH
25 VERIFICATION AT A MINIMUM SHALL INCLUDE REQUESTING THE BUREAU TO
26 CONDUCT A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND
27 CHECK SYSTEM AND A SEARCH OF THE STATE INTEGRATED CRIMINAL

1 JUSTICE INFORMATION SYSTEM TO DETERMINE WHETHER THE APPLICANT
2 MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1). IN ADDITION,
3 THE SHERIFF SHALL CONSULT WITH OTHER LOCAL LAW ENFORCEMENT
4 **AGENCIES INCLUDING ANY MUNICIPAL POLICE DEPARTMENT IN THE**
5 JURISDICTION IN WHICH THE APPLICANT RESIDES.

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

15 **18-12-206. Sheriff - issuance or denial of permits.** (1) WITHIN
16 NINETY DAYS AFTER THE DATE OF RECEIPT OF THE ITEMS SPECIFIED IN
17 SECTION 18-12-205, THE SHERIFF SHALL:

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

19 (b) DENY THE PERMIT APPLICATION BASED SOLELY ON THE
20 GROUND THAT THE APPLICANT FAILS TO QUALIFY UNDER THE CRITERIA
21 LISTED IN SECTION 18-12-203 (1) OR THAT THE APPLICANT WOULD BE A
22 DANGER AS DESCRIBED IN SECTION 18-12-203 (2). IF THE SHERIFF DENIES
23 THE PERMIT APPLICATION, HE OR SHE SHALL NOTIFY THE APPLICANT IN
24 WRITING, STATING THE GROUNDS FOR DENIAL AND INFORMING THE
25 **APPLICANT OF THE RIGHT TO SEEK A SECOND REVIEW OF THE APPLICATION**
26 **BY THE SHERIFF AND TO SUBMIT ADDITIONAL INFORMATION FOR THE**
27 **RECORD. THE APPLICANT MAY ALSO SEEK JUDICIAL REVIEW PURSUANT TO**

1 **RULE 106 OF THE COLORADO RULES OF CIVIL PROCEDURE EITHER IN LIEU**
2 **OF OR SUBSEQUENT TO THE SHERIFF'S SECOND REVIEW.**
3 **NOTWITHSTANDING** ANY OTHER PROVISION OF LAW TO THE CONTRARY, AT
4 SUCH **JUDICIAL** REVIEW THE SHERIFF SHALL HAVE THE BURDEN OF PROVING
5 BY A PREPONDERANCE OF THE EVIDENCE THAT THE APPLICANT FAILED TO
6 QUALIFY FOR A PERMIT UNDER THE CRITERIA LISTED IN SECTION 18-12-203
7 (1) OR WOULD BE A DANGER AS DESCRIBED IN SECTION 18-12-203 (2).


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

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

23 (4) EACH SHERIFF SHALL ANNUALLY PREPARE A REPORT
24 SPECIFYING, AT A MINIMUM, THE NUMBER OF PERMIT APPLICATIONS
25 RECEIVED DURING THE YEAR FOR WHICH THE REPORT WAS PREPARED, THE
26 NUMBER OF PERMITS ISSUED DURING SUCH YEAR, THE NUMBER OF PERMITS
27 DENIED DURING SUCH YEAR, AND THE REASONS FOR DENIAL. THE REPORT

1 SHALL NOT INCLUDE THE NAME OF ANY PERSON WHO APPLIES FOR A
2 PERMIT, REGARDLESS OF WHETHER THE PERSON RECEIVES OR IS DENIED A
3 PERMIT. EACH SHERIFF SHALL SUBMIT THE REPORT ON OR BEFORE MARCH
4 1, 2003, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, TO THE
5 MEMBERS OF THE GENERAL ASSEMBLY. IN ADDITION, EACH SHERIFF SHALL
6 PROVIDE A COPY OF THE ANNUAL REPORT PREPARED PURSUANT TO THIS
7 SUBSECTION (4) TO ANY MEMBER OF THE PUBLIC UPON REQUEST.

8 **18-12-207. Colorado bureau of investigation - duties.** UPON
9 RECEIPT OF A PERMIT APPLICANT'S FINGERPRINTS FROM A SHERIFF
10 PURSUANT TO SECTION 18-12-205 (4) OR 18-12-210 (1), THE BUREAU
11 SHALL PROCESS THE FULL SET OF FINGERPRINTS TO OBTAIN ANY
12 AVAILABLE STATE CRIMINAL JUSTICE INFORMATION OR FEDERAL
13 INFORMATION PURSUANT TO SECTION 16-21-103 (5), C.R.S., AND SHALL
14 REPORT ANY INFORMATION RECEIVED TO THE SHERIFF. IN ADDITION,
15 WITHIN TEN DAYS AFTER RECEIVING THE FINGERPRINTS, THE BUREAU
16 SHALL FORWARD ONE SET OF THE FINGERPRINTS TO THE FEDERAL BUREAU
17 OF INVESTIGATION FOR PROCESSING TO OBTAIN ANY AVAILABLE STATE
18 CRIMINAL JUSTICE INFORMATION OR FEDERAL INFORMATION.

19 
20 **18-12-208. Issuance by sheriffs of temporary emergency**
21 **permits.** (1) NOTWITHSTANDING ANY PROVISIONS OF THIS PART 2 TO THE
22 CONTRARY, A SHERIFF, AS PROVIDED IN THIS SECTION, SHALL ISSUE A
23 TEMPORARY EMERGENCY PERMIT TO CARRY A CONCEALED HANDGUN TO
24 ANY PERSON WHO THE SHERIFF HAS REASON TO BELIEVE MAY BE IN
25 IMMEDIATE DANGER.

26 (2) TO RECEIVE A TEMPORARY EMERGENCY PERMIT, A PERSON
27 SHALL SUBMIT TO THE SHERIFF OF THE COUNTY OR CITY AND COUNTY IN

1 WHICH THE PERSON RESIDES OR IN WHICH THE CIRCUMSTANCES GIVING
2 RISE TO THE EMERGENCY EXIST THE ITEMS SPECIFIED IN SECTION
3 18-12-205; EXCEPT THAT AN APPLICANT FOR A TEMPORARY EMERGENCY
4 PERMIT NEED NOT SUBMIT DOCUMENTARY EVIDENCE DEMONSTRATING
5 COMPETENCE WITH A HANDGUN AS REQUIRED UNDER SECTION 18-12-205
6 (3) (a), AND THE APPLICANT SHALL SUBMIT A TEMPORARY PERMIT FEE NOT
7 TO EXCEED TWENTY-FIVE DOLLARS, AS SET BY THE SHERIFF. UPON
8 RECEIPT OF SAID DOCUMENTS, THE SHERIFF SHALL REQUEST THAT THE
9 BUREAU CONDUCT A COMPUTER RECORDS CHECK OF THE BUREAU FILES
10 AND A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
11 SYSTEM. THE SHERIFF SHALL ISSUE A TEMPORARY EMERGENCY PERMIT TO
12 THE APPLICANT IF THE SHERIFF DETERMINES THE PERSON MAY BE IN
13 IMMEDIATE DANGER AND THE COMPUTER RECORDS CHECK SHOWS THAT
14 THE APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203;
15 EXCEPT THAT THE APPLICANT NEED NOT DEMONSTRATE COMPETENCE WITH
16 A HANDGUN AND THE APPLICANT MAY BE EIGHTEEN YEARS OF AGE OR
17 OLDER. ANY TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO THIS
18 SECTION SHALL BE VALID FOR A PERIOD OF NINETY DAYS AFTER THE DATE
19 OF ISSUANCE AND MAY BE RENEWED BY THE ISSUING SHERIFF ONCE WITHIN
20 TEN DAYS AFTER EXPIRATION FOR AN ADDITIONAL PERIOD OF NINETY
21 DAYS.

22 **18-12-209. Maintenance of permit - address change - invalidity**
23 **of permit.** (1) WITHIN THIRTY DAYS AFTER A PERMITTEE CHANGES THE
24 ADDRESS SPECIFIED ON HIS OR HER PERMIT OR WITHIN THREE BUSINESS
25 DAYS AFTER HIS OR HER PERMIT IS LOST, STOLEN, OR DESTROYED, THE
26 PERMITTEE SHALL NOTIFY THE ISSUING SHERIFF OF THE CHANGE OF
27 ADDRESS OR PERMIT LOSS, THEFT, OR DESTRUCTION. FAILURE TO NOTIFY

1 THE SHERIFF PURSUANT TO THIS SUBSECTION (1) IS A CLASS 1 PETTY
2 OFFENSE.

3 (2) IF A PERMIT IS LOST, STOLEN, OR DESTROYED, THE PERMIT IS
4 AUTOMATICALLY INVALID. THE PERSON TO WHOM THE PERMIT WAS ISSUED
5 MAY OBTAIN A DUPLICATE OR SUBSTITUTE THEREFOR UPON PAYMENT OF
6 FIFTEEN DOLLARS TO THE ISSUING SHERIFF AND UPON SUBMISSION OF A
7 NOTARIZED STATEMENT TO THE ISSUING SHERIFF THAT THE PERMIT HAS
8 BEEN LOST, STOLEN, OR DESTROYED.

9 **18-12-210. Renewal of permits.** (1) WITHIN NINETY DAYS PRIOR
10 TO EXPIRATION OF A PERMIT, THE PERMITTEE MAY OBTAIN A RENEWAL
11 FORM FROM THE ISSUING SHERIFF AND RENEW THE PERMIT BY SUBMITTING
12 TO THE ISSUING SHERIFF A COMPLETED RENEWAL FORM, A NOTARIZED
13 AFFIDAVIT STATING THAT THE PERMITTEE REMAINS QUALIFIED PURSUANT
14 TO THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) (a) TO (1) (g), THE
15 REQUIRED RENEWAL FEE NOT TO EXCEED FIFTY DOLLARS, AS SET BY THE
16 SHERIFF PURSUANT TO SECTION 18-12-205 (5), AND THE FINGERPRINT
17 PROCESSING FEE AS REQUIRED IN SECTION 18-12-205 (2) (b). [REDACTED]

18 [REDACTED] THE SHERIFF SHALL VERIFY PURSUANT TO
19 SECTION 18-12-205 (4) (c) THAT THE PERMITTEE MEETS THE CRITERIA
20 SPECIFIED IN SECTION 18-12-203 (1) (a) TO (1) (g) AND IS NOT A DANGER
21 AS DESCRIBED IN SECTION 18-12-203 (2) AND SHALL EITHER RENEW OR
22 DENY THE RENEWAL OF THE PERMIT IN ACCORDANCE WITH THE PROVISIONS
23 OF SECTION 18-12-206 (1). **IF THE SHERIFF DENIES RENEWAL OF A PERMIT,**
24 **THE PERMIT HOLDER MAY SEEK A SECOND REVIEW OF THE RENEWAL**
25 **APPLICATION BY THE SHERIFF AND MAY SUBMIT ADDITIONAL INFORMATION**
26 **FOR THE RECORD. THE PERMIT HOLDER MAY ALSO SEEK JUDICIAL REVIEW**
27 **PURSUANT TO RULE 106 OF THE COLORADO RULES OF CIVIL PROCEDURE**

1 **EITHER IN LIEU OF OR SUBSEQUENT TO THE SHERIFF'S SECOND REVIEW.**

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

15 **18-12-211. Exemption.** (1) THIS PART 2 SHALL NOT APPLY TO
16 PEACE OFFICERS, LEVELS I AND Ia, AS DEFINED IN SECTION 18-1-901 (3) (I)
17 (I) AND (3) (I) (II), AND FEDERAL OFFICERS WHOSE DUTIES ARE
18 COMPARABLE TO THOSE PERFORMED BY PEACE OFFICERS, LEVELS I AND Ia.
19 IN ADDITION, THIS PART 2 SHALL NOT APPLY TO PEACE OFFICERS, LEVEL II,
20 AS DEFINED IN SECTION 18-1-901 (3) (I) (III), WHILE ON DUTY.

21 (2) THIS PART 2 SHALL NOT APPLY TO LAW ENFORCEMENT
22 OFFICERS EMPLOYED BY JURISDICTIONS OUTSIDE THIS STATE, SO LONG AS
23 THE FOREIGN EMPLOYING JURISDICTION EXEMPTS PEACE OFFICERS
24 EMPLOYED BY JURISDICTIONS WITHIN COLORADO FROM ANY CONCEALED
25 HANDGUN OR CONCEALED WEAPONS LAWS IN EFFECT IN THE FOREIGN
26 EMPLOYING JURISDICTION.

27 (3) THIS PART 2 SHALL NOT APPLY TO ANY RETIRED PEACE OFFICER,

1 LEVEL I OR Ia, AS DEFINED IN SECTION 18-1-901 (3) (I) AND (3) (I) (II),
2 WITHIN THE FIRST FIVE YEARS AFTER RETIREMENT SO LONG AS THE
3 RETIRED PEACE OFFICER HAS A LETTER SIGNED BY HIS OR HER LAST
4 COMMANDING OFFICER ATTESTING THAT THE RETIRED OFFICER MEETS THE
5 CRITERIA SPECIFIED IN SECTION 18-12-203 (1).

6 **18-12-212. Reciprocity.** ANY PERMIT TO CARRY A CONCEALED
7 HANDGUN OR A CONCEALED WEAPON THAT IS ISSUED **TO A PERSON**
8 **TWENTY-ONE YEARS OF AGE OR OLDER** BY A STATE THAT RECOGNIZES THE
9 VALIDITY OF PERMITS ISSUED PURSUANT TO THIS PART 2 SHALL BE VALID
10 IN THIS STATE **FOR A PERIOD OF NINETY DAYS** IN ALL RESPECTS AS A PERMIT
11 ISSUED PURSUANT TO THIS PART 2.

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

13 (1) (a) A PERMIT TO CARRY A CONCEALED HANDGUN AUTHORIZES THE
14 PERMIT HOLDER TO CARRY A CONCEALED HANDGUN IN ALL AREAS OF THE
15 STATE, EXCEPT AS SPECIFICALLY LIMITED IN THIS SECTION. A PERMIT DOES
16 NOT AUTHORIZE THE PERMIT HOLDER TO USE A HANDGUN IN A MANNER
17 THAT WOULD VIOLATE ANY PROVISION OF STATE LAW.

18 (b) A PEACE OFFICER MAY TEMPORARILY DISARM ANY PERMIT
19 HOLDER, INCIDENT TO A LAWFUL STOP OF THE PERMIT HOLDER. THE PEACE
20 OFFICER SHALL RETURN THE HANDGUN TO THE PERMIT HOLDER PRIOR TO
21 DISCHARGING THE PERMIT HOLDER FROM THE SCENE.

22 (2) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
23 AUTHORIZE ANY PERSON TO CARRY A CONCEALED HANDGUN INTO ANY
24 PLACE WHERE THE CARRYING OF FIREARMS IS PROHIBITED BY FEDERAL
25 LAW.

26 (3) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
27 AUTHORIZE A PERSON TO CARRY A CONCEALED HANDGUN ONTO THE REAL

1 PROPERTY, OR INTO ANY IMPROVEMENTS ERECTED THEREON, OF ANY
2 PUBLIC ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL; EXCEPT
3 THAT:

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

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

11 (4) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO LIMIT,
12 RESTRICT, OR PROHIBIT IN ANY MANNER THE EXISTING RIGHTS OF ANY
13 INDIVIDUAL, PRIVATE PROPERTY OWNER, PRIVATE TENANT, PRIVATE
14 EMPLOYER, OR PRIVATE BUSINESS ENTITY TO CONTROL THE POSSESSION OF
15 HANDGUNS ON ANY PROPERTY OWNED OR CONTROLLED BY THE
16 INDIVIDUAL, PRIVATE PROPERTY OWNER, PRIVATE TENANT, PRIVATE
17 EMPLOYER, OR PRIVATE BUSINESS ENTITY.

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

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

1 **18-12-215. Permits issued prior to July 1, 2002.** (1) ANY
2 PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT EXISTED PRIOR
3 TO JULY 1, 2002, SHALL PERMANENTLY EXPIRE ON JUNE 30, 2003, OR ON
4 ANY EXPIRATION DATE SPECIFIED ON THE PERMIT, WHICHEVER OCCURS
5 FIRST. ANY PERSON WHO SUBMITTED A FULL SET OF FINGERPRINTS TO
6 OBTAIN A PERMIT PRIOR TO JULY 1, 2002, UPON EXPIRATION OF SAID
7 PERMIT, MAY APPLY FOR RENEWAL OF SAID PERMIT AS PROVIDED IN THIS
8 PART 2. **NOTWITHSTANDING THE PROVISIONS OF SECTION 18-12-210 (1),**
9 **ANY SUCH PERSON NEED NOT SUBMIT NEW FINGERPRINTS FOR THE**
10 **RENEWAL OF SUCH PERMIT IF THE BUREAU HAS ON FILE AT LEAST ONE FULL**
11 **SET OF SUCH PERSON'S FINGERPRINTS.** ANY PERSON WHO DID NOT SUBMIT
12 A FULL SET OF FINGERPRINTS TO OBTAIN A PERMIT PRIOR TO JULY 1, 2002,
13 UPON EXPIRATION OF SAID PERMIT, MAY APPLY FOR A NEW PERMIT AS
14 PROVIDED IN THIS PART 2.

15 (2) WITHIN NINETY DAYS PRIOR TO THE EXPIRATION OF ANY
16 PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT EXISTED PRIOR
17 TO JULY 1, 2002, THE ISSUING AUTHORITY SHALL SEND A NOTICE OF
18 EXPIRATION TO THE PERMIT HOLDER TO NOTIFY THE PERMIT HOLDER OF
19 THE PERMIT EXPIRATION AS PROVIDED IN SUBSECTION (1) OF THIS SECTION
20 AND OF HIS OR HER ABILITY TO RENEW THE PERMIT OR OBTAIN A NEW
21 PERMIT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

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

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

26 **18-12-105. Unlawfully carrying a concealed weapon - unlawful**
27 **possession of weapons.** (2) It shall not be an offense if the defendant

1 was:

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

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

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

18 (d) The person, ~~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 SAID SECTION EXISTED PRIOR TO JULY 1, 2002, AND THE
23 PERSON WAS CARRYING THE CONCEALED WEAPON ON THE REAL ESTATE,
24 OR IN AN IMPROVEMENT ERECTED THEREON, OF A PRIVATE ELEMENTARY,
25 MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL, A PUBLIC OR PRIVATE
26 VOCATIONAL SCHOOL, OR A PUBLIC OR PRIVATE COLLEGE, UNIVERSITY, OR
27 SEMINARY OR ON UNDEVELOPED REAL PROPERTY OWNED BY A SCHOOL

1 DISTRICT THAT IS USED FOR HUNTING OR OTHER SHOOTING SPORTS; or
2 (d.5) THE WEAPON INVOLVED WAS A HANDGUN, AND THE PERSON
3 WAS CARRYING THE HANDGUN ON THE REAL ESTATE, OR IN AN
4 IMPROVEMENT ERECTED THEREON, OF A PRIVATE ELEMENTARY, MIDDLE,
5 JUNIOR HIGH, OR HIGH SCHOOL, A PUBLIC OR PRIVATE VOCATIONAL
6 SCHOOL, OR A PUBLIC OR PRIVATE COLLEGE, UNIVERSITY, OR SEMINARY OR
7 ON UNDEVELOPED REAL PROPERTY OWNED BY A SCHOOL DISTRICT THAT IS
8 USED FOR HUNTING OR OTHER SHOOTING SPORTS, AND THE PERSON HELD
9 A VALID PERMIT TO CARRY A CONCEALED HANDGUN ISSUED PURSUANT TO
10 PART 2 OF THIS ARTICLE; OR

11 **SECTION 5.** 18-12-106 (1) (d), Colorado Revised Statutes, is
12 amended to read:

13 **18-12-106. Prohibited use of weapons.** (1) A person commits
14 a class 2 misdemeanor if:

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

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

23 **19-2-517. Direct filing - repeal.** (1) (a) A juvenile may be
24 charged by the direct filing of an information in the district court or by
25 indictment only when:

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

27 (B) Is alleged to have committed a felony offense described in

1 PART 1 OF article 12 of title 18, C.R.S., except for the possession of a
2 handgun by a juvenile, as set forth in section 18-12-108.5, C.R.S.; or

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

5 **24-33.5-412. Functions of bureau - legislative review.** (1) The
6 bureau has the following authority:

7 (o) ~~When requested by a police chief or sheriff, to conduct a~~
8 ~~criminal history check of an applicant for a permit to carry a concealed~~
9 ~~weapon, including processing of fingerprints, as provided in section~~
10 ~~18-12-105.1(2), C.R.S.;~~ TO CARRY OUT THE DUTIES SET FORTH IN PART
11 2 OF ARTICLE 12 OF TITLE 18, C.R.S.;

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

14 **30-10-523. Sheriff - permits for concealed handguns.** The
15 sheriff of each county ~~may~~ AND THE OFFICIAL WHO HAS THE DUTIES OF A
16 SHERIFF IN EACH CITY AND COUNTY SHALL issue written permits to carry
17 concealed weapons. ~~Any such permit shall be issued in accordance with~~
18 ~~section 18-12-105.1, C.R.S.~~ HANDGUNS AS PROVIDED IN PART 2 OF
19 ARTICLE 12 OF TITLE 18, C.R.S.

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

22 **31-4-112.1. Chief of police - permits for concealed handguns.**
23 ~~The chief of police of a city or city and county may issue written permits~~
24 ~~to carry concealed weapons. Any such permit shall be issued in~~
25 ~~accordance with section 18-12-105.1, C.R.S.~~

26 **SECTION 10. Appropriation.** In addition to any other
27 appropriation, there is hereby appropriated, out of any moneys collected

1 pursuant to section 18-12-205 (2) (b), Colorado Revised Statutes, to the
2 department of public safety for allocation to the Colorado bureau of
3 investigation, for the fiscal year beginning July 1, 2002, the sum of
4 **seven hundred eighty-five thousand two hundred seventy-one dollars**
5 **(\$785,271) and 3.4 FTE, or so much thereof as may be necessary, for**
6 **implementation of this act. Of said sum, three hundred sixty thousand six**
7 **hundred seventy-one dollars (\$360,671) shall be from cash funds from**
8 **fingerprint and name check processing fees, and four hundred twenty-**
9 **four thousand six hundred dollars (\$424,600) shall be from cash funds**
10 **exempt.**

11 **SECTION 11. Effective date - applicability.** This act shall take
12 effect July 1, 2002, and shall apply to offenses committed on or after said
13 date.

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