

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

2nd PREAMENDED

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

LLS NO. 03-0275.01 Julie Pelegrin

SENATE BILL 03-024

SENATE SPONSORSHIP

Chlouber

HOUSE SPONSORSHIP

White, and Rose

Senate Committees

State Veterans & Military Affairs
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PERMITS THAT AUTHORIZE PERSONS WHO DEMONSTRATE**
102 **COMPETENCE WITH HANDGUNS TO CARRY CONCEALED**
103 **HANDGUNS IN ALL STATUTORILY AUTHORIZED AREAS OF THE**
104 **STATE, AND, IN CONNECTION THEREWITH, IDENTIFYING THE**
105 **CARRYING OF CONCEALED HANDGUNS AS AN ISSUE OF**
106 **STATEWIDE CONCERN, CREATING STATEWIDE STANDARDS FOR**
107 **ISSUANCE OF PERMITS TO CARRY CONCEALED HANDGUNS, AND**
108 **MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

Bill Summary

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

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.*

Authorization for permits. Specifies that the issuance and use of a 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 a 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 giving notice of the right to request a second review by the sheriff, to seek judicial review, and to submit additional information for the record. 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.

Judicial review. Establishes procedures for judicial review of a sheriff's denial of, suspension of, revocation of, or refusal to renew a permit. Allows for judicial review either following or in lieu of a second review by the sheriff. Specifies that the sheriff bears the burden of

proving by a preponderance of the evidence that he or she appropriately denied, suspended, revoked, or refused to renew the permit. Directs the reviewing court to award attorney fees to the prevailing party on review.

Emergency permits. Establishes procedures for a sheriff to issue an emergency permit to a person whom the sheriff determines is in immediate danger. Allows a sheriff to issue an emergency permit to a person 18 years of age or older. Makes the emergency permit valid for 90 days. Allows renewal of an emergency permit for one additional 90-day period; except that, if the permittee is younger than 21 years of age, allows renewal for repeated 90-day periods until the permittee reaches 21 years of age.

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 a law enforcement officer from another state from the permit requirement so long as the officer's state exempts Colorado law enforcement officers. Allows certain retired peace officers automatically to qualify for a permit within the first 5 years after retirement.

Reciprocity. Recognizes as valid in this state a permit issued to a person at least 21 years of age by another state that recognizes the validity of Colorado permits.

Carrying restrictions. States that a permit authorizes the permittee to carry a concealed handgun in all areas of the state, except as restricted by state law. Prohibits a local government from adopting a resolution or ordinance restricting the carrying of a concealed handgun that would conflict with the state law. Specifies that a permit does not authorize a permittee to carry a concealed handgun in areas where carrying is prohibited by federal law, in secure public buildings, or on public elementary or secondary school grounds, with some exceptions. Clarifies the rights of private property owners to control their 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 the effective date of the act shall expire on June 30, 2005, or on the date specified in the permit, whichever occurs first. Specifies procedures for renewing existing permits.

Makes conforming amendments.

Makes an appropriation.

1 STATE INTEREST IN ENSURING THAT NO CITIZEN IS ARBITRARILY DENIED A
2 CONCEALED HANDGUN PERMIT AND IN ENSURING THAT THE LAWS
3 CONTROLLING THE USE OF THE PERMIT ARE CONSISTENT THROUGHOUT THE
4 STATE.

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

7 (a) THE PERMITTING AND CARRYING OF CONCEALED HANDGUNS IS
8 A MATTER OF STATEWIDE CONCERN; AND

9 (b) IT IS NECESSARY TO PROVIDE STATEWIDE UNIFORM STANDARDS
10 FOR ISSUING PERMITS TO CARRY CONCEALED HANDGUNS FOR
11 SELF-DEFENSE.

12 (3) IN ACCORDANCE WITH THE FINDINGS AND CONCLUSIONS
13 SPECIFIED IN SUBSECTIONS (1) AND (2) OF THIS SECTION, THE GENERAL
14 ASSEMBLY HEREBY INSTRUCTS EACH SHERIFF TO IMPLEMENT AND
15 ADMINISTER THE PROVISIONS OF THIS PART 2. THE GENERAL ASSEMBLY
16 DOES NOT DELEGATE TO THE SHERIFFS THE AUTHORITY TO REGULATE OR
17 RESTRICT THE ISSUANCE OF PERMITS PROVIDED FOR IN THIS PART 2
18 BEYOND THE PROVISIONS OF THIS PART 2. AN ACTION OR RULE THAT
19 ENCUMBERS THE PERMIT PROCESS BY PLACING BURDENS ON THE
20 APPLICANT BEYOND THOSE SWORN STATEMENTS AND SPECIFIED
21 DOCUMENTS DETAILED IN THIS PART 2 OR THAT CREATES RESTRICTIONS
22 BEYOND THOSE SPECIFIED IN THIS PART 2 IS IN CONFLICT WITH THE INTENT
23 OF THIS PART 2 AND IS PROHIBITED.

24 **18-12-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "BUREAU" MEANS THE COLORADO BUREAU OF INVESTIGATION
27 WITHIN THE DEPARTMENT OF PUBLIC SAFETY.

1 (2) "CERTIFIED INSTRUCTOR" MEANS AN INSTRUCTOR FOR A
2 FIREARMS SAFETY COURSE WHO IS CERTIFIED AS A FIREARMS INSTRUCTOR
3 BY:

4 (a) A COUNTY, MUNICIPAL, STATE, OR FEDERAL LAW
5 ENFORCEMENT AGENCY;

6 (b) THE PEACE OFFICER STANDARDS AND TRAINING BOARD
7 CREATED IN SECTION 24-31-302, C.R.S.;

8 (c) A FEDERAL MILITARY AGENCY; OR

9 (d) A NATIONAL NONPROFIT ORGANIZATION THAT CERTIFIES
10 FIREARMS INSTRUCTORS, OPERATES NATIONAL FIREARMS COMPETITIONS,
11 AND PROVIDES TRAINING, INCLUDING COURSES IN PERSONAL PROTECTION,
12 IN SMALL ARMS SAFETY, USE, AND MARKSMANSHIP.

13 (3) "CHRONICALLY AND HABITUALLY USES ALCOHOLIC BEVERAGES
14 TO THE EXTENT THAT THE APPLICANT'S NORMAL FACULTIES ARE IMPAIRED"
15 MEANS:

16 (a) THE APPLICANT HAS AT ANY TIME BEEN COMMITTED AS AN
17 ALCOHOLIC PURSUANT TO SECTION 25-1-310 OR 25-1-311, C.R.S.; OR

18 (b) WITHIN THE TEN-YEAR PERIOD IMMEDIATELY PRECEDING THE
19 DATE ON WHICH THE PERMIT APPLICATION IS SUBMITTED, THE APPLICANT:

20 (I) HAS BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO
21 SECTION 25-1-308 OR 25-1-309, C.R.S.; OR

22 (II) HAS HAD TWO OR MORE ALCOHOL-RELATED CONVICTIONS
23 UNDER SECTION 42-4-1301 (1) OR (2), C.R.S., OR A LAW OF ANOTHER
24 STATE THAT HAS SIMILAR ELEMENTS, OR REVOCATIONS RELATED TO
25 MISDEMEANOR, ALCOHOL-RELATED CONVICTIONS UNDER SECTION
26 42-2-126, C.R.S., OR A LAW OF ANOTHER STATE THAT HAS SIMILAR
27 ELEMENTS.

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

4 (5) "HANDGUN TRAINING CLASS" MEANS:

5 (a) A LAW ENFORCEMENT TRAINING FIREARMS SAFETY COURSE;

6 (b) A FIREARMS SAFETY COURSE OFFERED BY A LAW
7 ENFORCEMENT AGENCY, AN INSTITUTION OF HIGHER EDUCATION, OR A
8 PUBLIC OR PRIVATE INSTITUTION OR ORGANIZATION OR FIREARMS
9 TRAINING SCHOOL, THAT IS OPEN TO THE GENERAL PUBLIC AND IS TAUGHT
10 BY A CERTIFIED INSTRUCTOR; OR

11 (c) A FIREARMS SAFETY COURSE OR CLASS THAT IS OFFERED AND
12 TAUGHT BY A CERTIFIED INSTRUCTOR.

13 (6) "PERMIT" MEANS A PERMIT TO CARRY A CONCEALED HANDGUN
14 ISSUED PURSUANT TO THE PROVISIONS OF THIS PART 2; EXCEPT THAT
15 "PERMIT" DOES NOT INCLUDE A TEMPORARY EMERGENCY PERMIT ISSUED
16 PURSUANT TO SECTION 18-12-209.

17 (7) "SHERIFF" MEANS THE SHERIFF OF A COUNTY, OR HIS OR HER
18 DESIGNEE, OR THE OFFICIAL WHO HAS THE DUTIES OF A SHERIFF IN A CITY
19 AND COUNTY, OR HIS OR HER DESIGNEE.

20 (8) "TRAINING CERTIFICATE" MEANS A CERTIFICATE, AFFIDAVIT, OR
21 OTHER DOCUMENT ISSUED BY THE INSTRUCTOR, SCHOOL, CLUB, OR
22 ORGANIZATION THAT CONDUCTS A HANDGUN TRAINING CLASS THAT
23 EVIDENCES AN APPLICANT'S SUCCESSFUL COMPLETION OF THE CLASS
24 REQUIREMENTS.

25 **18-12-203. Criteria for obtaining a permit.** (1) BEGINNING ON
26 THE EFFECTIVE DATE OF THIS PART 2, EXCEPT AS OTHERWISE PROVIDED IN
27 THIS SECTION, A SHERIFF SHALL ISSUE A PERMIT TO CARRY A CONCEALED

1 HANDGUN TO AN APPLICANT WHO:

2 (a) IS A LEGAL RESIDENT OF THE STATE OF COLORADO. FOR
3 PURPOSES OF THIS PART 2, A PERSON WHO IS A MEMBER OF THE ARMED
4 FORCES AND IS STATIONED PURSUANT TO PERMANENT DUTY STATION
5 ORDERS AT A MILITARY INSTALLATION IN THIS STATE, AND A MEMBER OF
6 THE PERSON'S IMMEDIATE FAMILY LIVING IN COLORADO, SHALL BE
7 DEEMED TO BE A LEGAL RESIDENT OF THE STATE OF COLORADO.

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

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

11 (d) HAS NOT BEEN CONVICTED OF PERJURY UNDER SECTION
12 18-8-503, IN RELATION TO INFORMATION PROVIDED OR DELIBERATELY
13 OMITTED ON A PERMIT APPLICATION SUBMITTED PURSUANT TO THIS PART
14 2;

15 (e) (I) DOES NOT CHRONICALLY AND HABITUALLY USE ALCOHOLIC
16 BEVERAGES TO THE EXTENT THAT THE APPLICANT'S NORMAL FACULTIES
17 ARE IMPAIRED.

18 (II) THE PROHIBITION SPECIFIED IN THIS PARAGRAPH (e) SHALL NOT
19 APPLY TO AN APPLICANT WHO PROVIDES AN AFFIDAVIT, SIGNED BY A
20 PROFESSIONAL COUNSELOR WHO IS LICENSED PURSUANT TO ARTICLE 43 OF
21 TITLE 12, C.R.S., AND SPECIALIZES IN ALCOHOL ADDICTION, STATING THAT
22 THE APPLICANT HAS BEEN EVALUATED BY THE COUNSELOR AND HAS BEEN
23 DETERMINED TO BE A RECOVERING ALCOHOLIC WHO HAS REFRAINED FROM
24 USING ALCOHOL FOR AT LEAST THREE YEARS.

25 (f) IS NOT AN UNLAWFUL USER OF OR ADDICTED TO A CONTROLLED
26 SUBSTANCE AS DEFINED IN SECTION 18-18-102 (5). WHETHER AN
27 APPLICANT IS AN UNLAWFUL USER OF OR ADDICTED TO A CONTROLLED

1 SUBSTANCE SHALL BE DETERMINED AS PROVIDED IN FEDERAL LAW AND
2 REGULATIONS.

3 (g) IS NOT SUBJECT TO:

4 (I) A RESTRAINING ORDER ISSUED PURSUANT TO SECTION
5 18-1-1001 OR SECTION 19-2-707, C.R.S., THAT IS IN EFFECT AT THE TIME
6 THE APPLICATION IS SUBMITTED; OR

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

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

12 (h) DEMONSTRATES COMPETENCE WITH A HANDGUN BY
13 SUBMITTING:

14 (I) EVIDENCE OF EXPERIENCE WITH A FIREARM THROUGH
15 PARTICIPATION IN ORGANIZED SHOOTING COMPETITIONS OR CURRENT
16 MILITARY SERVICE;

17 (II) EVIDENCE THAT, AT THE TIME THE APPLICATION IS SUBMITTED,
18 THE APPLICANT IS A CERTIFIED INSTRUCTOR;

19 (III) PROOF OF HONORABLE DISCHARGE FROM A BRANCH OF THE
20 UNITED STATES ARMED FORCES WITHIN THE THREE YEARS PRECEDING
21 SUBMITTAL OF THE APPLICATION;

22 (IV) A CERTIFICATE SHOWING RETIREMENT FROM A COLORADO
23 LAW ENFORCEMENT AGENCY THAT REFLECTS PISTOL QUALIFICATIONS
24 OBTAINED WITHIN FIVE YEARS PRIOR TO RETIREMENT; OR

25 (V) A TRAINING CERTIFICATE FROM A HANDGUN TRAINING CLASS
26 OBTAINED WITHIN THE FIVE YEARS PRECEDING SUBMITTAL OF THE
27 APPLICATION. THE APPLICANT SHALL SUBMIT THE ORIGINAL TRAINING

1 CERTIFICATE OR A PHOTOCOPY THEREOF THAT INCLUDES THE ORIGINAL
2 SIGNATURE OF THE CLASS INSTRUCTOR. IN OBTAINING A TRAINING
3 CERTIFICATE FROM A HANDGUN TRAINING CLASS, THE APPLICANT SHALL
4 HAVE DISCRETION IN SELECTING WHICH HANDGUN TRAINING CLASS TO
5 COMPLETE.

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

12 (3) (a) THE SHERIFF SHALL DENY, REVOKE, OR REFUSE TO RENEW
13 A PERMIT IF AN APPLICANT OR A PERMITTEE FAILS TO MEET ONE OF THE
14 CRITERIA LISTED IN SUBSECTION (1) OF THIS SECTION AND MAY DENY,
15 REVOKE, OR REFUSE TO RENEW A PERMIT ON THE GROUNDS SPECIFIED IN
16 SUBSECTION (2) OF THIS SECTION.

17 (b) FOLLOWING ISSUANCE OF A PERMIT, IF THE ISSUING SHERIFF
18 HAS A REASONABLE BELIEF THAT A PERMITTEE NO LONGER MEETS THE
19 CRITERIA SPECIFIED IN SUBSECTION (1) OF THIS SECTION OR THAT THE
20 PERMITTEE PRESENTS A DANGER AS DESCRIBED IN SUBSECTION (2) OF THIS
21 SECTION, THE SHERIFF SHALL SUSPEND THE PERMIT UNTIL SUCH TIME AS
22 THE MATTER IS RESOLVED AND THE ISSUING SHERIFF DETERMINES THAT
23 THE PERMITTEE IS ELIGIBLE TO POSSESS A PERMIT AS PROVIDED IN THIS
24 SECTION.

25 (c) IF THE SHERIFF SUSPENDS OR REVOKES A PERMIT, THE SHERIFF
26 SHALL NOTIFY THE PERMITTEE IN WRITING, STATING THE GROUNDS FOR
27 SUSPENSION OR REVOCATION AND INFORMING THE PERMITTEE OF THE

1 RIGHT TO SEEK A SECOND REVIEW BY THE SHERIFF, TO SUBMIT ADDITIONAL
2 INFORMATION FOR THE RECORD, AND TO SEEK JUDICIAL REVIEW PURSUANT
3 TO SECTION 18-12-207.

4 **18-12-204. Permit contents - validity - carrying requirements.**

5 (1) (a) EACH PERMIT SHALL BEAR A COLOR PHOTOGRAPH OF THE
6 PERMITTEE AND SHALL DISPLAY THE SIGNATURE OF THE SHERIFF WHO
7 ISSUES THE PERMIT. IN ADDITION, THE SHERIFFS OF THIS STATE SHALL
8 ENSURE THAT ALL PERMITS ISSUED PURSUANT TO THIS PART 2 CONTAIN THE
9 SAME ITEMS OF INFORMATION AND ARE THE SAME SIZE AND THE SAME
10 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 18-12-211. A PERMIT ISSUED PURSUANT TO THIS PART 2, INCLUDING A
14 TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO SECTION
15 18-12-209, IS EFFECTIVE IN ALL AREAS OF THE STATE, EXCEPT AS
16 OTHERWISE PROVIDED IN SECTION 18-12-214.

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

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

9 (b) THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2)
10 APPLY TO TEMPORARY EMERGENCY PERMITS ISSUED PURSUANT TO SECTION
11 18-12-209.

12 (3) (a) A PERSON WHO MAY LAWFULLY POSSESS A HANDGUN MAY
13 CARRY A HANDGUN UNDER THE FOLLOWING CIRCUMSTANCES WITHOUT
14 OBTAINING A PERMIT AND THE HANDGUN SHALL NOT BE CONSIDERED
15 CONCEALED:

16 (I) THE HANDGUN IS IN THE POSSESSION OF A PERSON WHO IS IN A
17 PRIVATE AUTOMOBILE OR IN SOME OTHER PRIVATE MEANS OF
18 CONVEYANCE AND WHO CARRIES THE HANDGUN FOR A LEGAL USE,
19 INCLUDING SELF-DEFENSE; OR

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

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

26 **18-12-205. Sheriff - application - procedure - background**
27 **check.** (1) (a) TO OBTAIN A PERMIT, A PERSON SHALL SUBMIT A PERMIT

1 APPLICATION ON A STATEWIDE STANDARDIZED FORM DEVELOPED BY THE
2 SHERIFFS AND AVAILABLE FROM EACH SHERIFF. THE PERMIT APPLICATION
3 FORM SHALL SOLICIT ONLY THE FOLLOWING INFORMATION FROM THE
4 APPLICANT:

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

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

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

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

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

19 (b) THE PERMIT APPLICATION FORM SHALL NOT REQUIRE THE
20 APPLICANT TO WAIVE OR RELEASE A RIGHT OR PRIVILEGE, INCLUDING BUT
21 NOT LIMITED TO WAIVER OR RELEASE OF PRIVILEGED OR CONFIDENTIAL
22 INFORMATION CONTAINED IN MEDICAL 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, 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, OR TO THE SHERIFF THAT PREVIOUSLY ISSUED
2 A PERMIT TO THE APPLICANT. THE APPLICANT SHALL SIGN THE COMPLETED
3 PERMIT APPLICATION FORM IN PERSON BEFORE THE SHERIFF. THE
4 APPLICANT SHALL PROVIDE HIS OR HER SIGNATURE VOLUNTARILY UPON A
5 SWORN OATH THAT THE APPLICANT KNOWS THE CONTENTS OF THE PERMIT
6 APPLICATION AND THAT THE INFORMATION CONTAINED IN THE PERMIT
7 APPLICATION IS TRUE AND CORRECT. AN APPLICANT WHO KNOWINGLY
8 AND INTENTIONALLY MAKES A FALSE OR MISLEADING STATEMENT ON A
9 PERMIT APPLICATION OR DELIBERATELY OMITTS ANY MATERIAL
10 INFORMATION REQUESTED ON THE APPLICATION COMMITS PERJURY AS
11 DESCRIBED IN SECTION 18-8-503. UPON CONVICTION, THE APPLICANT
12 SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501. IN ADDITION,
13 THE APPLICANT SHALL BE DENIED THE RIGHT TO OBTAIN OR POSSESS A
14 PERMIT, AND THE SHERIFF SHALL REVOKE THE APPLICANT'S PERMIT IF
15 ISSUED PRIOR TO CONVICTION.

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

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

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

14 (4) (a) THE SHERIFF SHALL WITNESS AN 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). THE
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 IF THE APPLICANT RESIDES IN A MUNICIPALITY OR TOWN, THE SHERIFF
9 SHALL CONSULT WITH THE POLICE DEPARTMENT OF THE MUNICIPALITY OR
10 TOWN IN WHICH THE APPLICANT RESIDES, AND THE SHERIFF MAY CONSULT
11 WITH OTHER LOCAL LAW ENFORCEMENT AGENCIES.

12 (5) THE SHERIFF IN EACH COUNTY OR CITY AND COUNTY IN THE
13 STATE SHALL ESTABLISH THE AMOUNT OF THE NEW AND RENEWAL PERMIT
14 FEES WITHIN HIS OR HER JURISDICTION. THE AMOUNT OF THE NEW AND
15 RENEWAL PERMIT FEES SHALL COMPLY WITH THE LIMITS SPECIFIED IN
16 PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION AND SECTION
17 18-12-211 (1), RESPECTIVELY. THE FEE AMOUNTS SHALL REFLECT THE
18 ACTUAL DIRECT AND INDIRECT COSTS TO THE SHERIFF OF PROCESSING
19 PERMIT APPLICATIONS AND RENEWAL APPLICATIONS PURSUANT TO THIS
20 PART 2.

21 **18-12-206. Sheriff - issuance or denial of permits - report.**

22 (1) WITHIN NINETY DAYS AFTER THE DATE OF RECEIPT OF THE ITEMS
23 SPECIFIED IN SECTION 18-12-205, A SHERIFF SHALL:

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

25 (b) DENY THE PERMIT APPLICATION BASED SOLELY ON THE
26 GROUND THAT THE APPLICANT FAILS TO QUALIFY UNDER THE CRITERIA
27 LISTED IN SECTION 18-12-203 (1) OR THAT THE APPLICANT WOULD BE A

1 DANGER AS DESCRIBED IN SECTION 18-12-203 (2). IF THE SHERIFF DENIES
2 THE PERMIT APPLICATION, HE OR SHE SHALL NOTIFY THE APPLICANT IN
3 WRITING, STATING THE GROUNDS FOR DENIAL AND INFORMING THE
4 APPLICANT OF THE RIGHT TO SEEK A SECOND REVIEW OF THE APPLICATION
5 BY THE SHERIFF, TO SUBMIT ADDITIONAL INFORMATION FOR THE RECORD,
6 AND TO SEEK JUDICIAL REVIEW PURSUANT TO SECTION 18-12-207.

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

17 (3) THE ISSUING SHERIFF MAY MAINTAIN A DATABASE OF
18 PERMITTEES WHO RECEIVE PERMITS FROM THE SHERIFF FOR THE PURPOSE
19 OF DETERMINING THE VALIDITY OF A PERMIT, BUT MAY NOT SHARE THE
20 INFORMATION FOR THE PURPOSE OF CREATING OR MAINTAINING A
21 STATEWIDE OR REGIONAL DATABASE OF PERMITTEES.

22 (4) EACH SHERIFF SHALL ANNUALLY PREPARE A REPORT
23 SPECIFYING, AT A MINIMUM, THE NUMBER OF PERMIT APPLICATIONS
24 RECEIVED DURING THE YEAR FOR WHICH THE REPORT WAS PREPARED, THE
25 NUMBER OF PERMITS ISSUED DURING THE YEAR, THE NUMBER OF PERMITS
26 DENIED DURING THE YEAR, AND THE REASONS FOR DENIAL. THE REPORT
27 SHALL NOT INCLUDE THE NAME OF A PERSON WHO APPLIES FOR A PERMIT,

1 REGARDLESS OF WHETHER THE PERSON RECEIVES OR IS DENIED A PERMIT.
2 EACH SHERIFF SHALL SUBMIT THE REPORT ON OR BEFORE MARCH 1, 2004,
3 AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, TO THE MEMBERS
4 OF THE GENERAL ASSEMBLY. IN ADDITION, EACH SHERIFF SHALL PROVIDE
5 A COPY OF THE ANNUAL REPORT PREPARED PURSUANT TO THIS SUBSECTION
6 (4) TO A MEMBER OF THE PUBLIC UPON REQUEST.

7 **18-12-207. Judicial review - permit denial - permit suspension**
8 **- permit revocation.** (1) IF A SHERIFF DENIES A PERMIT APPLICATION,
9 REFUSES TO RENEW A PERMIT, OR SUSPENDS OR REVOKES A PERMIT, THE
10 APPLICANT OR PERMITTEE MAY SEEK JUDICIAL REVIEW OF THE SHERIFF'S
11 DECISION. THE APPLICANT OR PERMITTEE MAY SEEK JUDICIAL REVIEW
12 EITHER IN LIEU OF OR SUBSEQUENT TO THE SHERIFF'S SECOND REVIEW.

13 (2) THE PROCEDURE AND TIME LINES FOR FILING A COMPLAINT, AN
14 ANSWER, AND BRIEFS FOR JUDICIAL REVIEW PURSUANT TO THIS SECTION
15 SHALL BE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN RULE 106
16 (a) (4) AND (b) OF THE COLORADO RULES OF CIVIL PROCEDURE.

17 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
18 CONTRARY, AT A JUDICIAL REVIEW SOUGHT PURSUANT TO THIS SECTION,
19 THE SHERIFF SHALL HAVE THE BURDEN OF PROVING BY A PREPONDERANCE
20 OF THE EVIDENCE THAT THE APPLICANT OR PERMITTEE IS INELIGIBLE TO
21 POSSESS A PERMIT UNDER THE CRITERIA LISTED IN SECTION 18-12-203 (1)
22 OR, IF THE DENIAL, SUSPENSION, OR REVOCATION WAS BASED ON THE
23 SHERIFF'S DETERMINATION THAT THE PERSON WOULD BE A DANGER AS
24 PROVIDED IN SECTION 18-12-203 (2), THE SHERIFF SHALL HAVE THE
25 BURDEN OF PROVING THE DETERMINATION BY CLEAR AND CONVINCING
26 EVIDENCE. FOLLOWING COMPLETION OF THE REVIEW, THE COURT MAY
27 AWARD ATTORNEY FEES TO THE PREVAILING PARTY.

1 **18-12-208. Colorado bureau of investigation - duties.**

2 (1) UPON RECEIPT OF A PERMIT APPLICANT'S FINGERPRINTS FROM A
3 SHERIFF PURSUANT TO SECTION 18-12-205 (4) OR UPON A SHERIFF'S
4 REQUEST PURSUANT TO SECTION 18-12-211 (1), THE BUREAU SHALL
5 PROCESS THE FULL SET OF FINGERPRINTS TO OBTAIN ANY AVAILABLE STATE
6 CRIMINAL JUSTICE INFORMATION OR FEDERAL INFORMATION PURSUANT TO
7 SECTION 16-21-103 (5), C.R.S., AND SHALL REPORT ANY INFORMATION
8 RECEIVED TO THE SHERIFF. IN ADDITION, WITHIN TEN DAYS AFTER
9 RECEIVING THE FINGERPRINTS, THE BUREAU SHALL FORWARD ONE SET OF
10 THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR
11 PROCESSING TO OBTAIN ANY AVAILABLE STATE CRIMINAL JUSTICE
12 INFORMATION OR FEDERAL INFORMATION.

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

15 (a) OBTAINING INFORMATION FOR THE ISSUANCE OR RENEWAL OF
16 PERMITS; AND

17 (b) NOTIFYING AN ISSUING SHERIFF THAT A PERMITTEE HAS BEEN
18 ARRESTED FOR OR CHARGED WITH AN OFFENSE THAT WOULD REQUIRE
19 REVOCATION OR SUSPENSION OF THE PERMIT OR THAT A PERMITTEE HAS
20 BEEN CONVICTED OF SUCH AN OFFENSE.

21 **18-12-209. Issuance by sheriffs of temporary emergency**
22 **permits.** (1) NOTWITHSTANDING ANY PROVISIONS OF THIS PART 2 TO THE
23 CONTRARY, A SHERIFF, AS PROVIDED IN THIS SECTION, MAY ISSUE A
24 TEMPORARY EMERGENCY PERMIT TO CARRY A CONCEALED HANDGUN TO
25 A PERSON WHOM THE SHERIFF HAS REASON TO BELIEVE MAY BE IN
26 IMMEDIATE DANGER.

27 (2) TO RECEIVE A TEMPORARY EMERGENCY PERMIT, A PERSON

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

1 TWENTY-ONE YEARS OF AGE.

2 **18-12-210. Maintenance of permit - address change - invalidity**

3 **of permit.** (1) WITHIN THIRTY DAYS AFTER A PERMITTEE CHANGES THE
4 ADDRESS SPECIFIED ON HIS OR HER PERMIT OR WITHIN THREE BUSINESS
5 DAYS AFTER HIS OR HER PERMIT IS LOST, STOLEN, OR DESTROYED, THE
6 PERMITTEE SHALL NOTIFY THE ISSUING SHERIFF OF THE CHANGE OF
7 ADDRESS OR PERMIT LOSS, THEFT, OR DESTRUCTION. FAILURE TO NOTIFY
8 THE SHERIFF PURSUANT TO THIS SUBSECTION (1) IS A CLASS 1 PETTY
9 OFFENSE.

10 (2) IF A PERMIT IS LOST, STOLEN, OR DESTROYED, THE PERMIT IS
11 AUTOMATICALLY INVALID. THE PERSON TO WHOM THE PERMIT WAS ISSUED
12 MAY OBTAIN A DUPLICATE OR SUBSTITUTE THEREFOR UPON PAYMENT OF
13 FIFTEEN DOLLARS TO THE ISSUING SHERIFF AND UPON SUBMISSION OF A
14 NOTARIZED STATEMENT TO THE ISSUING SHERIFF THAT THE PERMIT HAS
15 BEEN LOST, STOLEN, OR DESTROYED.

16 (3) THE PROVISIONS OF THIS SECTION APPLY TO TEMPORARY
17 EMERGENCY PERMITS ISSUED PURSUANT TO SECTION 18-12-209.

18 **18-12-211. Renewal of permits.** (1) WITHIN ONE HUNDRED
19 TWENTY DAYS PRIOR TO EXPIRATION OF A PERMIT, THE PERMITTEE MAY
20 OBTAIN A RENEWAL FORM FROM THE ISSUING SHERIFF AND RENEW THE
21 PERMIT BY SUBMITTING TO THE ISSUING SHERIFF A COMPLETED RENEWAL
22 FORM, A NOTARIZED AFFIDAVIT STATING THAT THE PERMITTEE REMAINS
23 QUALIFIED PURSUANT TO THE CRITERIA SPECIFIED IN SECTION 18-12-203
24 (1) (a) TO (1) (g), AND THE REQUIRED RENEWAL FEE NOT TO EXCEED FIFTY
25 DOLLARS, AS SET BY THE SHERIFF PURSUANT TO SECTION 18-12-205 (5).
26 THE RENEWAL FORM SHALL MEET THE REQUIREMENTS SPECIFIED IN
27 SECTION 18-12-205 (1) FOR AN APPLICATION. THE SHERIFF SHALL VERIFY

1 PURSUANT TO SECTION 18-12-205 (4) THAT THE PERMITTEE MEETS THE
2 CRITERIA SPECIFIED IN SECTION 18-12-203 (1) (a) TO (1) (g) AND IS NOT A
3 DANGER AS DESCRIBED IN SECTION 18-12-203 (2) AND SHALL EITHER
4 RENEW OR DENY THE RENEWAL OF THE PERMIT IN ACCORDANCE WITH THE
5 PROVISIONS OF SECTION 18-12-206 (1). IF THE SHERIFF DENIES RENEWAL
6 OF A PERMIT, THE PERMITTEE MAY SEEK A SECOND REVIEW OF THE
7 RENEWAL APPLICATION BY THE SHERIFF AND MAY SUBMIT ADDITIONAL
8 INFORMATION FOR THE RECORD. THE PERMITTEE MAY ALSO SEEK JUDICIAL
9 REVIEW AS PROVIDED IN SECTION 18-12-207.

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

23 **18-12-212. Exemption.** (1) THIS PART 2 SHALL NOT APPLY TO
24 LAW ENFORCEMENT OFFICERS EMPLOYED BY JURISDICTIONS OUTSIDE THIS
25 STATE, SO LONG AS THE FOREIGN EMPLOYING JURISDICTION EXEMPTS
26 PEACE OFFICERS EMPLOYED BY JURISDICTIONS WITHIN COLORADO FROM
27 ANY CONCEALED HANDGUN OR CONCEALED WEAPONS LAWS IN EFFECT IN

1 THE FOREIGN EMPLOYING JURISDICTION.

2 (2) NOTWITHSTANDING ANY PROVISION OF THIS PART 2 TO THE
3 CONTRARY, A RETIRED PEACE OFFICER, LEVEL I OR Ia, AS DEFINED IN
4 SECTION 18-1-901 (3) (I) (I) AND (3) (I) (II), WITHIN THE FIRST FIVE YEARS
5 AFTER RETIREMENT MAY OBTAIN A PERMIT BY SUBMITTING TO THE SHERIFF
6 OF THE JURISDICTION IN WHICH THE RETIRED PEACE OFFICER RESIDES A
7 LETTER SIGNED BY HIS OR HER LAST COMMANDING OFFICER ATTESTING
8 THAT THE RETIRED OFFICER MEETS THE CRITERIA SPECIFIED IN SECTION
9 18-12-203 (1). A RETIRED PEACE OFFICER WHO SUBMITS A LETTER
10 PURSUANT TO THIS SUBSECTION (2) IS NOT SUBJECT TO THE FINGERPRINT
11 OR CRIMINAL HISTORY CHECK REQUIREMENTS SPECIFIED IN THIS PART 2
12 AND IS NOT REQUIRED TO PAY THE PERMIT APPLICATION FEE. UPON
13 RECEIPT OF A LETTER SUBMITTED PURSUANT TO THIS SUBSECTION (2), THE
14 SHERIFF SHALL ISSUE THE PERMIT. A PERMIT ISSUED PURSUANT TO THIS
15 SUBSECTION (2) MAY NOT BE RENEWED. UPON EXPIRATION OF THE PERMIT,
16 THE PERMITTEE MAY APPLY FOR A NEW PERMIT AS PROVIDED IN THIS PART
17 2.

18 **18-12-213. Reciprocity.** A PERMIT TO CARRY A CONCEALED
19 HANDGUN OR A CONCEALED WEAPON THAT IS ISSUED TO A PERSON
20 TWENTY-ONE YEARS OF AGE OR OLDER BY A STATE THAT RECOGNIZES THE
21 VALIDITY OF PERMITS ISSUED PURSUANT TO THIS PART 2 SHALL BE VALID
22 IN THIS STATE IN ALL RESPECTS AS A PERMIT ISSUED PURSUANT TO THIS
23 PART 2.

24 **18-12-214. Authority granted by permit - carrying restrictions.**
25 (1) (a) A PERMIT TO CARRY A CONCEALED HANDGUN AUTHORIZES THE
26 PERMITTEE TO CARRY A CONCEALED HANDGUN IN ALL AREAS OF THE
27 STATE, EXCEPT AS SPECIFICALLY LIMITED IN THIS SECTION. A PERMIT DOES

1 NOT AUTHORIZE THE PERMITTEE TO USE A HANDGUN IN A MANNER THAT
2 WOULD VIOLATE A PROVISION OF STATE LAW. A LOCAL GOVERNMENT
3 DOES NOT HAVE AUTHORITY TO ADOPT OR ENFORCE AN ORDINANCE OR
4 RESOLUTION THAT WOULD CONFLICT WITH ANY PROVISION OF THIS PART
5 2.

6 (b) A PEACE OFFICER MAY TEMPORARILY DISARM A PERMITTEE,
7 INCIDENT TO A LAWFUL STOP OF THE PERMITTEE. THE PEACE OFFICER
8 SHALL RETURN THE HANDGUN TO THE PERMITTEE PRIOR TO DISCHARGING
9 THE PERMITTEE FROM THE SCENE.

10 (2) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
11 AUTHORIZE A PERSON TO CARRY A CONCEALED HANDGUN INTO A PLACE
12 WHERE THE CARRYING OF FIREARMS IS PROHIBITED BY FEDERAL LAW.

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

17 (a) A PERMITTEE MAY HAVE A HANDGUN ON THE REAL PROPERTY
18 OF THE PUBLIC SCHOOL SO LONG AS THE HANDGUN REMAINS IN HIS OR HER
19 VEHICLE AND, IF THE PERMITTEE IS NOT IN THE VEHICLE, THE HANDGUN IS
20 IN A COMPARTMENT WITHIN THE VEHICLE AND THE VEHICLE IS LOCKED.

21 (b) A PERMITTEE WHO IS EMPLOYED OR RETAINED BY CONTRACT
22 BY A SCHOOL DISTRICT AS A SCHOOL SECURITY OFFICER MAY CARRY A
23 CONCEALED HANDGUN ONTO THE REAL PROPERTY, OR INTO ANY
24 IMPROVEMENT ERECTED THEREON, OF A PUBLIC ELEMENTARY, MIDDLE,
25 JUNIOR HIGH, OR HIGH SCHOOL WHILE THE PERMITTEE IS ON DUTY.

26 (c) A PERMITTEE MAY CARRY A CONCEALED HANDGUN ON
27 UNDEVELOPED REAL PROPERTY OWNED BY A SCHOOL DISTRICT THAT IS

1 USED FOR HUNTING OR OTHER SHOOTING SPORTS.

2 (4) A PERMIT ISSUED PURSUANT TO THIS PART 2 DOES NOT
3 AUTHORIZE A PERSON TO CARRY A CONCEALED HANDGUN INTO A PUBLIC
4 BUILDING AT WHICH:

5 (a) SECURITY PERSONNEL AND ELECTRONIC WEAPONS SCREENING
6 DEVICES ARE PERMANENTLY IN PLACE AT EACH ENTRANCE TO THE
7 BUILDING;

8 (b) SECURITY PERSONNEL ELECTRONICALLY SCREEN EACH PERSON
9 WHO ENTERS THE BUILDING TO DETERMINE WHETHER THE PERSON IS
10 CARRYING A WEAPON OF ANY KIND; AND

11 (c) SECURITY PERSONNEL REQUIRE EACH PERSON WHO IS
12 CARRYING A WEAPON OF ANY KIND TO LEAVE THE WEAPON IN POSSESSION
13 OF SECURITY PERSONNEL WHILE THE PERSON IS IN THE BUILDING.

14 (5) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO LIMIT,
15 RESTRICT, OR PROHIBIT IN ANY MANNER THE EXISTING RIGHTS OF A
16 PRIVATE PROPERTY OWNER, PRIVATE TENANT, PRIVATE EMPLOYER, OR
17 PRIVATE BUSINESS ENTITY WITH REGARD TO CONTROL OF THE PROPERTY
18 OWNED OR CONTROLLED BY THE PRIVATE PROPERTY OWNER, PRIVATE
19 TENANT, PRIVATE EMPLOYER, OR PRIVATE BUSINESS ENTITY.

20 (6) THE PROVISIONS OF THIS SECTION APPLY TO TEMPORARY
21 EMERGENCY PERMITS ISSUED PURSUANT TO SECTION 18-12-209.

22 **18-12-215. Immunity.** (1) THE BUREAU AND A LOCAL LAW
23 ENFORCEMENT AGENCY AND AN INDIVIDUAL EMPLOYED BY THE BUREAU
24 OR A LOCAL LAW ENFORCEMENT AGENCY SHALL NOT BE LIABLE FOR ANY
25 DAMAGES THAT MAY RESULT FROM GOOD FAITH COMPLIANCE WITH THE
26 PROVISIONS OF THIS PART 2.

27 (2) A LAW ENFORCEMENT OFFICER OR AGENCY, MEDICAL

1 PERSONNEL, AND AN ORGANIZATION THAT OFFERS HANDGUN TRAINING
2 CLASSES AND ITS PERSONNEL WHO IN GOOD FAITH PROVIDE INFORMATION
3 REGARDING AN APPLICANT SHALL NOT BE LIABLE FOR ANY DAMAGES THAT
4 MAY RESULT FROM ISSUANCE OR DENIAL OF A PERMIT.

5 **18-12-216. Permits issued prior to the effective date of this part**

6 **2.** (1) A PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT
7 EXISTED PRIOR TO ITS REPEAL, SHALL PERMANENTLY EXPIRE ON JUNE 30,
8 2007, OR ON THE EXPIRATION DATE SPECIFIED ON THE PERMIT, WHICHEVER
9 OCCURS FIRST. A PERSON WHO SUBMITTED A FULL SET OF FINGERPRINTS
10 TO OBTAIN A PERMIT PRIOR TO THE EFFECTIVE DATE OF THIS PART 2, UPON
11 EXPIRATION OF THE PERMIT, MAY APPLY FOR RENEWAL OF THE PERMIT AS
12 PROVIDED IN THIS PART 2. A PERSON WHO DID NOT SUBMIT A FULL SET OF
13 FINGERPRINTS TO OBTAIN A PERMIT PRIOR TO THE EFFECTIVE DATE OF THIS
14 PART 2, UPON EXPIRATION OF THE PERMIT, MAY APPLY FOR A NEW PERMIT
15 AS PROVIDED IN THIS PART 2.

16 (2) WITHIN ONE HUNDRED TWENTY DAYS PRIOR TO THE
17 EXPIRATION OF A PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS
18 IT EXISTED PRIOR TO ITS REPEAL, THE ISSUING AUTHORITY SHALL SEND A
19 NOTICE OF EXPIRATION TO THE PERMITTEE TO NOTIFY THE PERMITTEE OF
20 THE PERMIT EXPIRATION AS PROVIDED IN SUBSECTION (1) OF THIS SECTION
21 AND OF HIS OR HER ABILITY TO RENEW THE PERMIT OR OBTAIN A NEW
22 PERMIT AS PROVIDED IN SUBSECTION (1) OF THIS SECTION.

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

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

27 **18-12-105. Unlawfully carrying a concealed weapon - unlawful**

1 **possession of weapons.** (2) It shall not be an offense if the defendant
2 was:

3 (c) A person who, ~~prior to~~ AT the time of carrying a concealed
4 weapon, ~~has been issued a~~ HELD A VALID written permit TO CARRY A
5 CONCEALED WEAPON ISSUED pursuant to section 18-12-105.1, ~~to carry the~~
6 ~~weapon by the chief of police of a city or city and county, or the sheriff~~
7 ~~of a county~~ AS IT EXISTED PRIOR TO ITS REPEAL, OR, IF THE WEAPON
8 INVOLVED WAS A HANDGUN, HELD A VALID PERMIT TO CARRY A
9 CONCEALED HANDGUN OR A TEMPORARY EMERGENCY PERMIT ISSUED
10 PURSUANT TO PART 2 OF THIS ARTICLE; EXCEPT THAT IT SHALL BE AN
11 OFFENSE UNDER THIS SECTION IF THE PERSON WAS CARRYING A
12 CONCEALED HANDGUN IN VIOLATION OF THE PROVISIONS OF SECTION
13 18-12-214; or

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

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

20 (d) The person, ~~prior to~~ AT the time of carrying a concealed
21 weapon, ~~has been issued a~~ HELD A VALID written permit TO CARRY A
22 CONCEALED WEAPON ISSUED pursuant to section 18-12-105.1, ~~to carry the~~
23 ~~weapon by the chief of police of a city or city and county or the sheriff~~
24 ~~of a county~~ AS SAID SECTION EXISTED PRIOR TO ITS REPEAL; EXCEPT THAT
25 IT SHALL BE AN OFFENSE UNDER THIS SECTION IF THE PERSON WAS
26 CARRYING A CONCEALED HANDGUN IN VIOLATION OF THE PROVISIONS OF
27 SECTION 18-12-214 (3); or

1 (d.5) THE WEAPON INVOLVED WAS A HANDGUN AND THE PERSON
2 HELD A VALID PERMIT TO CARRY A CONCEALED HANDGUN OR A
3 TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO PART 2 OF THIS
4 ARTICLE; EXCEPT THAT IT SHALL BE AN OFFENSE UNDER THIS SECTION IF
5 THE PERSON WAS CARRYING A CONCEALED HANDGUN IN VIOLATION OF THE
6 PROVISIONS OF SECTION 18-12-214 (3); OR

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

9 **18-12-106. Prohibited use of weapons.** (1) A person commits
10 a class 2 misdemeanor if:

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

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

20 **19-2-517. Direct filing - repeal.** (1) (a) A juvenile may be
21 charged by the direct filing of an information in the district court or by
22 indictment only when:

- 23 (II) The juvenile is fourteen years of age or older and:
- 24 (B) Is alleged to have committed a felony offense described in
25 PART 1 OF article 12 of title 18, C.R.S., except for the possession of a
26 handgun by a juvenile, as set forth in section 18-12-108.5, C.R.S.; or

27 **SECTION 7.** 24-33.5-412 (1) (o), Colorado Revised Statutes, is

1 amended to read:

2 **24-33.5-412. Functions of bureau - legislative review.** (1) The
3 bureau has the following authority:

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

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

11 **30-10-523. Sheriff - permits for concealed handguns.** The
12 sheriff of each county ~~may~~ AND THE OFFICIAL WHO HAS THE DUTIES OF A
13 SHERIFF IN EACH CITY AND COUNTY SHALL issue written permits to carry
14 concealed weapons. ~~Any such permit shall be issued in accordance with~~
15 ~~section 18-12-105.1, C.R.S.~~ HANDGUNS AS PROVIDED IN PART 2 OF
16 ARTICLE 12 OF TITLE 18, C.R.S.

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

19 **31-4-112.1. Chief of police - permits for concealed weapons.**
20 ~~The chief of police of a city or city and county may issue written permits~~
21 ~~to carry concealed weapons. Any such permit shall be issued in~~
22 ~~accordance with section 18-12-105.1, C.R.S.~~

23 **SECTION 10. Appropriation.** In addition to any other
24 appropriation, there is hereby appropriated, out of any moneys collected
25 pursuant to section 18-12-205 (2) (b), Colorado Revised Statutes, to the
26 department of public safety for allocation to the Colorado bureau of
27 investigation, for the fiscal year beginning July 1, 2003, the sum of nine

1 hundred eight thousand eight hundred and six dollars (\$908,806) and 5.6
2 FTE, or so much thereof as may be necessary, for the implementation of
3 this act. Of said sum, five hundred twenty-three thousand six hundred
4 and ninety-six dollars (\$523,696) shall be from fees generated from
5 criminal background checks, and three hundred eighty-five thousand one
6 hundred ten dollars (\$385,110) shall be from cash funds exempt.

7 **SECTION 11. Effective date - applicability.** This act shall take
8 effect sixty days after passage, and shall apply to offenses committed on
9 or after said date.

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