

First Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 03-0278.02 Michael Dohr

**SENATE BILL 03-063**

---

**SENATE SPONSORSHIP**

**Lamborn**

**HOUSE SPONSORSHIP**

**Schultheis**

---

**Senate Committees**

State Veterans & Military Affairs  
Appropriations

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING PERMITS THAT AUTHORIZE CARRYING OF CONCEALED**  
102 **WEAPONS ISSUED TO PERSONS WHO PASS BACKGROUND CHECKS**  
103 **TO ENSURE SUCH PERSONS ARE NOT A DANGER, AND, IN**  
104 **CONNECTION THEREWITH, IDENTIFYING THE ISSUANCE OF**  
105 **PERMITS THAT AUTHORIZE CARRYING OF CONCEALED WEAPONS**  
106 **AS AN ISSUE OF STATEWIDE CONCERN AND MAKING AN**  
107 **APPROPRIATION.**

---

**Bill Summary**

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

**Authorization for permits.** Specifies that the issuance and use of

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.*

a permit to carry a concealed handgun ("permit") is a matter of statewide concern.

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

Residency;

Age; and

Ability to possess a firearm under state and federal law.

**Use of permits.** Specifies the minimum contents of the permit and how the permit may be used.

**Submittal of applications.** Specifies an application and a permit fee that an applicant must submit to a sheriff to apply for a permit. Instructs the sheriff to request a national instant criminal background check to determine whether the applicant meets the requirements for obtaining a permit. Directs the sheriff to establish the amount of the new and renewal permit fees, and sets caps on the fee amounts. Prohibits a sheriff from requiring that an applicant submit information regarding weapons owned. Allows the sheriff to maintain a database of permits issued, but prohibits sharing of the database for creation of a statewide database of permittees. Prohibits the Colorado bureau of investigation from creating or keeping a database of applicants or permittees.

**Judicial review.** Establishes procedures for judicial review of a sheriff's denial of, suspension of, revocation of, or refusal to renew a permit.

**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.

**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 is effective in all areas of the state, except as provided by state or federal law.

**Immunity.** Grants civil immunity to the CBI, local law enforcement agencies, and employees of said entities for the good faith implementation of the act.

**Existing permits.** Provides that permits issued prior to July 1, 2003, shall expire the date specified in the permit.

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,

1 is amended BY THE ADDITION OF A NEW PART to read:

2 PART 2

3 PERMITS TO CARRY CONCEALED WEAPONS

4 **18-12-201. Legislative declaration.** (1) THE GENERAL  
5 ASSEMBLY FINDS THAT:

6 (a) THERE EXISTS A WIDESPREAD INCONSISTENCY AMONG  
7 JURISDICTIONS WITHIN THE STATE WITH REGARD TO THE ISSUANCE OF  
8 PERMITS TO CARRY CONCEALED WEAPONS AND IDENTIFICATION OF AREAS  
9 OF THE STATE WHERE IT IS LAWFUL TO CARRY CONCEALED WEAPONS;

10 (b) THIS INCONSISTENCY AMONG JURISDICTIONS CREATES PUBLIC  
11 UNCERTAINTY REGARDING THE AREAS OF THE STATE IN WHICH IT IS  
12 LAWFUL TO CARRY CONCEALED WEAPONS;

13 (c) INCONSISTENCY RESULTS IN THE ARBITRARY AND CAPRICIOUS  
14 DENIAL OF PERMITS TO CARRY CONCEALED WEAPONS BASED ON THE  
15 JURISDICTION OF RESIDENCE RATHER THAN THE QUALIFICATIONS FOR  
16 OBTAINING A PERMIT;

17 (d) THE CRITERIA AND PROCEDURES FOR THE LAWFUL CARRYING  
18 OF CONCEALED WEAPONS HISTORICALLY HAS BEEN REGULATED BY STATE  
19 STATUTE AND SHOULD BE CONSISTENT THROUGHOUT THE STATE TO ENSURE  
20 THE CONSISTENT IMPLEMENTATION OF STATE LAW; AND

21 (e) IT IS NECESSARY THAT THE STATE OCCUPY THE FIELD OF  
22 REGULATION OF THE BEARING OF CONCEALED WEAPONS AND THE ISSUANCE  
23 OF THE PERMITS TO CARRY CONCEALED WEAPONS SINCE THE ISSUANCE OF  
24 A CONCEALED WEAPON PERMIT IS BASED ON A PERSON'S CONSTITUTIONAL  
25 RIGHT OF SELF-PROTECTION AND THERE IS A PREVAILING STATE INTEREST  
26 IN ENSURING THAT NO CITIZEN IS ARBITRARILY DENIED A CONCEALED  
27 WEAPON PERMIT AND IN ENSURING THAT THE LAWS CONTROLLING THE USE

1 OF THE PERMIT ARE CONSISTENT THROUGHOUT THE STATE.

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

4 (a) THE PERMITTING FOR AND CARRYING OF CONCEALED WEAPONS  
5 IS A MATTER OF STATEWIDE CONCERN; AND

6 (b) IT IS NECESSARY TO PROVIDE STATEWIDE UNIFORM STANDARDS  
7 FOR ISSUING PERMITS TO CARRY CONCEALED WEAPONS AND BEARING  
8 CONCEALED WEAPONS FOR SELF-DEFENSE.

9 **18-12-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "BUREAU" MEANS THE COLORADO BUREAU OF INVESTIGATION  
12 WITHIN THE DEPARTMENT OF PUBLIC SAFETY.

13 \_\_\_\_\_

14 (2) "PERMIT" MEANS A PERMIT TO CARRY A CONCEALED WEAPON  
15 ISSUED PURSUANT TO THE PROVISIONS OF THIS PART 2.

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

19 **18-12-203. Criteria for obtaining a permit.** (1) BEGINNING ON  
20 JULY 1, 2003, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A  
21 SHERIFF SHALL ISSUE A PERMIT TO CARRY A CONCEALED WEAPON TO A  
22 COLORADO RESIDENT WHO IS TWENTY-ONE YEARS OF AGE OR OLDER AND  
23 IS ELIGIBLE TO POSSESS A FIREARM PURSUANT TO SECTION 18-12-108,  
24 FEDERAL LAW, AND STATE LAW.

25 (2) FOR PURPOSES OF THIS PART 2, A PERSON WHO IS A MEMBER OF  
26 THE ARMED FORCES AND IS STATIONED PURSUANT TO PERMANENT DUTY  
27 STATION ORDERS AT A MILITARY INSTALLATION IN THIS STATE, AND A

1 MEMBER OF THE PERSON'S IMMEDIATE FAMILY LIVING IN COLORADO,  
2 SHALL BE DEEMED TO BE A LEGAL RESIDENT OF THE STATE OF COLORADO.

3 (3) THE SHERIFF SHALL DENY, REVOKE, OR REFUSE TO RENEW A  
4 PERMIT IF AN APPLICANT OR A PERMITTEE FAILS TO MEET THE  
5 REQUIREMENTS SPECIFIED IN SUBSECTION (1) OF THIS SECTION.  
6 FOLLOWING ISSUANCE OF A PERMIT, IF THE ISSUING SHERIFF HAS REASON  
7 TO BELIEVE THAT A PERMITTEE NO LONGER MEETS THE REQUIREMENTS  
8 SPECIFIED IN SUBSECTION (1) OF THIS SECTION, THE SHERIFF SHALL  
9 SUSPEND THE PERMIT UNTIL SUCH TIME AS THE MATTER IS RESOLVED AND  
10 THE ISSUING SHERIFF DETERMINES THAT THE PERMITTEE IS ELIGIBLE TO  
11 POSSESS A PERMIT AS PROVIDED IN THIS SECTION.

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

13 (1) A PERMIT IS VALID FOR A PERIOD OF FIVE YEARS AFTER THE DATE OF  
14 ISSUANCE AND MAY BE RENEWED AS PROVIDED IN SECTION 18-12-209. A  
15 PERMIT ISSUED PURSUANT TO THIS PART 2 IS EFFECTIVE IN ALL AREAS OF  
16 THE STATE, UNLESS THE WEAPON IS CARRIED INTO AN ELEMENTARY,  
17 MIDDLE, JUNIOR, OR HIGH SCHOOL BUILDING WITH CRIMINAL INTENT, OR  
18 EXCEPT AS OTHERWISE PROVIDED BY STATE OR FEDERAL LAW. A CITY,  
19 CITY AND COUNTY, LOCAL GOVERNMENT, OR QUASI-GOVERNMENT LAW,  
20 ORDINANCE, OR REGULATION SHALL NOT PREEMPT A PERMIT HOLDER FROM  
21 CARRYING A CONCEALED WEAPON AS ALLOWED BY THIS PART 2.

22 (2) A PERMITTEE, IN COMPLIANCE WITH THE TERMS OF A PERMIT,  
23 MAY CARRY A CONCEALED WEAPON AS ALLOWED BY STATE OR FEDERAL  
24 LAW. THE PERMITTEE SHALL CARRY THE PERMIT, TOGETHER WITH VALID  
25 PHOTO IDENTIFICATION, AT ALL TIMES DURING WHICH THE PERMITTEE IS IN  
26 ACTUAL POSSESSION OF A CONCEALED WEAPON AND SHALL PRODUCE BOTH  
27 DOCUMENTS UPON DEMAND BY A LAW ENFORCEMENT OFFICER. FAILURE

1 TO PRODUCE A PERMIT UPON DEMAND BY A LAW ENFORCEMENT OFFICER  
2 RAISES A REBUTTABLE PRESUMPTION THAT THE PERSON DOES NOT HAVE A  
3 PERMIT. FAILURE TO CARRY AND PRODUCE A PERMIT AND VALID PHOTO  
4 IDENTIFICATION UPON DEMAND AS REQUIRED IN THIS SUBSECTION (2) IS A  
5 CLASS 1 PETTY OFFENSE. A CHARGE OF FAILURE TO CARRY AND PRODUCE  
6 A PERMIT AND VALID PHOTO IDENTIFICATION UPON DEMAND PURSUANT TO  
7 THIS SUBSECTION (2) SHALL BE DISMISSED BY THE COURT IF, AT OR BEFORE  
8 THE PERMITTEE'S SCHEDULED COURT APPEARANCE, THE PERMITTEE  
9 EXHIBITS TO THE COURT A VALID PERMIT AND VALID PHOTO  
10 IDENTIFICATION, BOTH OF WHICH WERE ISSUED TO THE PERMITTEE PRIOR  
11 TO THE DATE ON WHICH THE PERMITTEE WAS CHARGED WITH FAILURE TO  
12 CARRY AND PRODUCE A PERMIT AND VALID PHOTO IDENTIFICATION UPON  
13 DEMAND.

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

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

22 (II) THE WEAPON IS IN THE POSSESSION OF A PERSON WHO IS  
23 LEGALLY ENGAGED IN HUNTING ACTIVITIES ON UNDEVELOPED REAL  
24 PROPERTY WITHIN THE STATE.

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

1           **18-12-205. Sheriff - application - procedure - background**

2   **check.** (1) TO OBTAIN A PERMIT, A PERSON SHALL SUBMIT A PERMIT  
3   APPLICATION ON A STANDARDIZED FORM DEVELOPED BY THE SHERIFF AND  
4   AVAILABLE FROM THE SHERIFF OF A COUNTY OR CITY AND COUNTY. THE  
5   PERSON SHALL SUBMIT THE APPLICATION TO THE SHERIFF OF THE COUNTY  
6   OR CITY AND COUNTY IN WHICH THE APPLICANT RESIDES OR MAINTAINS A  
7   SECONDARY RESIDENCE OR OWNS OR LEASES REAL PROPERTY USED BY THE  
8   APPLICANT IN A BUSINESS. A SHERIFF SHALL NOT REQUIRE AN APPLICANT  
9   TO PROVIDE INFORMATION REGARDING WEAPONS OWNED BY THE  
10   APPLICANT. A SHERIFF SHALL PROVIDE INFORMATION CONCERNING  
11   WEAPON TRAINING AND LEGAL ISSUES INVOLVING THE USE OF WEAPONS TO  
12   ANY PERSON WHO APPLIES FOR A PERMIT TO CARRY A CONCEALED  
13   WEAPON.

14           (2) THE APPLICANT SHALL ALSO SUBMIT TO THE SHERIFF A PERMIT  
15   FEE IN AN AMOUNT DETERMINED BY THE SHERIFF, NOT TO EXCEED SIXTY  
16   DOLLARS, FOR PROCESSING THE PERMIT APPLICATION. THE SHERIFF SHALL  
17   TRANSMIT TO THE BUREAU THIRTEEN DOLLARS FROM THE PERMIT FEE TO  
18   OFFSET THE COST INCURRED BY THE BUREAU IN DETERMINING WHETHER  
19   THE APPLICANT IS ELIGIBLE TO POSSESS A WEAPON PURSUANT TO STATE  
20   AND FEDERAL LAW, IF THE SHERIFF REQUESTS THE BUREAU PERFORM THE  
21   SEARCH PURSUANT TO SUBSECTION (3) OF THIS SECTION.

22           (3) AFTER RECEIPT OF A PERMIT APPLICATION AND THE PERMIT FEE,  
23   THE SHERIFF SHALL VERIFY THAT THE APPLICANT MEETS THE  
24   REQUIREMENTS SPECIFIED IN SECTION 18-12-203 (1). SUCH VERIFICATION  
25   SHALL INCLUDE REQUESTING THE BUREAU TO CONDUCT A SEARCH OF THE  
26   NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND A  
27   SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION

1 SYSTEM TO DETERMINE WHETHER THE APPLICANT MEETS THE  
2 REQUIREMENTS SPECIFIED IN SECTION 18-12-203 (1) OR IF THE SHERIFF IS  
3 CAPABLE OF PERFORMING THE SEARCH OF THE NATIONAL INSTANT  
4 CRIMINAL BACKGROUND CHECK SYSTEM AND A SEARCH OF THE STATE  
5 INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM, THE SHERIFF MAY  
6 PERFORM THE SEARCH TO DETERMINE WHETHER THE APPLICANT MEETS  
7 THE REQUIREMENTS SPECIFIED IN SECTION 18-12-203 (1).

8 (4) THE ISSUING SHERIFF MAY MAINTAIN A DATABASE OF  
9 PERMITTEES WHO RECEIVE PERMITS FROM THE SHERIFF FOR THE PURPOSE  
10 OF DETERMINING THE VALIDITY OF A PERMIT, BUT MAY NOT SHARE THE  
11 INFORMATION FOR THE PURPOSE OF CREATING OR MAINTAINING A  
12 STATEWIDE OR REGIONAL DATABASE OF PERMITTEES.

13 **18-12-206. Sheriff - issuance or denial of permits.** (1) WITHIN  
14 FIFTEEN DAYS AFTER THE DATE OF RECEIPT OF THE ITEMS SPECIFIED IN  
15 SECTION 18-12-205, A SHERIFF SHALL:

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

17 (b) DENY THE PERMIT APPLICATION BASED SOLELY ON THE  
18 GROUND THAT THE APPLICANT FAILS TO QUALIFY UNDER THE  
19 REQUIREMENTS LISTED IN SECTION 18-12-203 (1).

20 **18-12-207. Judicial review - permit denial - permit suspension**  
21 **- permit revocation.** (1) IF A SHERIFF DENIES A PERMIT APPLICATION,  
22 REFUSES TO RENEW A PERMIT, OR SUSPENDS OR REVOKES A PERMIT, THE  
23 APPLICANT OR PERMITTEE MAY SEEK JUDICIAL REVIEW OF THE SHERIFF'S  
24 DECISION.

25 (2) THE PROCEDURE AND TIMELINES FOR FILING A COMPLAINT, AN  
26 ANSWER, AND BRIEFS FOR JUDICIAL REVIEW PURSUANT TO THIS SECTION  
27 SHALL BE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN RULE 106



1 (a) (4) AND (b) OF THE COLORADO RULES OF CIVIL PROCEDURE.

2 **18-12-208. Maintenance of permit - invalidity of permit.** IF A  
3 PERMIT IS LOST, STOLEN, OR DESTROYED, THE PERMIT IS AUTOMATICALLY  
4 INVALID. THE PERSON TO WHOM THE PERMIT WAS ISSUED MAY OBTAIN A  
5 DUPLICATE OR SUBSTITUTE THEREFOR UPON PAYMENT OF FIFTEEN  
6 DOLLARS TO THE ISSUING SHERIFF AND UPON SUBMISSION OF A NOTARIZED  
7 STATEMENT TO THE ISSUING SHERIFF THAT THE PERMIT HAS BEEN LOST,  
8 STOLEN, OR DESTROYED.

9 **18-12-209. Renewal of permits.** WITHIN NINETY DAYS PRIOR TO  
10 EXPIRATION OF A PERMIT, THE PERMITTEE MAY OBTAIN A RENEWAL FORM  
11 FROM THE ISSUING SHERIFF AND RENEW THE PERMIT BY SUBMITTING TO  
12 THE ISSUING SHERIFF A COMPLETED RENEWAL FORM, A NOTARIZED  
13 AFFIDAVIT STATING THAT THE PERMITTEE REMAINS QUALIFIED PURSUANT  
14 TO THE REQUIREMENTS SPECIFIED IN SECTION 18-12-203 (1), AND THE  
15 REQUIRED RENEWAL FEE NOT TO EXCEED THIRTY DOLLARS, AS SET BY THE  
16 SHERIFF. THE RENEWAL FORM SHALL MEET THE REQUIREMENTS SPECIFIED  
17 IN SECTION 18-12-205 (1) FOR AN APPLICATION. THE SHERIFF MAY  
18 REQUEST THE BUREAU CONDUCT A SEARCH OF THE NATIONAL CRIMINAL  
19 BACKGROUND CHECK SYSTEM AND A SEARCH OF THE STATE INTEGRATED  
20 CRIMINAL JUSTICE INFORMATION SYSTEM TO DETERMINE WHETHER THE  
21 APPLICANT MEETS THE REQUIREMENTS IN SECTION 18-12-203 (1). IF THE  
22 SHERIFF DOES MAKE THE REQUEST, THE SHERIFF SHALL TRANSMIT TO THE  
23 BUREAU THIRTEEN DOLLARS FROM THE RENEWAL FEE TO OFFSET THE COST  
24 INCURRED BY THE BUREAU IN DETERMINING WHETHER THE APPLICANT IS  
25 ELIGIBLE TO POSSESS A WEAPON PURSUANT TO STATE AND FEDERAL LAW.  
26 THE SHERIFF SHALL VERIFY THAT THE PERMITTEE MEETS THE  
27 REQUIREMENTS SPECIFIED IN SECTION 18-12-203 (1) AND SHALL EITHER

1 RENEW OR DENY THE RENEWAL OF THE PERMIT IN ACCORDANCE WITH THE  
2 PROVISIONS OF SECTION 18-12-206. IF THE SHERIFF DENIES RENEWAL OF  
3 A PERMIT, THE PERMITTEE MAY SEEK JUDICIAL REVIEW AS PROVIDED IN  
4 SECTION 18-12-207.

5 **18-12-210. Reciprocity.** A PERMIT TO CARRY \_\_\_\_\_ A  
6 CONCEALED WEAPON THAT IS ISSUED TO A PERSON TWENTY-ONE YEARS OF  
7 AGE OR OLDER BY A STATE THAT RECOGNIZES THE VALIDITY OF PERMITS  
8 ISSUED PURSUANT TO THIS PART 2 SHALL BE VALID IN THIS STATE IN ALL  
9 RESPECTS AS A PERMIT ISSUED PURSUANT TO THIS PART 2.

10 **18-12-211. Immunity.** THE BUREAU AND A LOCAL LAW  
11 ENFORCEMENT AGENCY AND AN INDIVIDUAL EMPLOYED BY THE BUREAU  
12 OR A LOCAL LAW ENFORCEMENT AGENCY SHALL NOT BE LIABLE FOR ANY  
13 DAMAGES THAT MAY RESULT FROM GOOD FAITH COMPLIANCE WITH THE  
14 PROVISIONS OF THIS PART 2.

15 **18-12-212. Permits issued prior to July 1, 2003.** A PERMIT  
16 ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT EXISTED PRIOR TO JULY  
17 1, 2003, SHALL PERMANENTLY EXPIRE ON ITS EXPIRATION DATE AS  
18 SPECIFIED ON THE PERMIT.

19 **18-12-213. Bureau - prohibit database.** THE BUREAU MAY NOT  
20 CREATE OR MAINTAIN A COMPUTER DATABASE OR PAPER RECORDS OF  
21 APPLICATIONS FOR PERMITS TO CARRY CONCEALED WEAPONS SUBMITTED  
22 PURSUANT TO THIS PART 2 OR OF PERSONS HOLDING PERMITS TO CARRY  
23 CONCEALED WEAPONS ISSUED PURSUANT TO THIS PART 2.

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

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

1           **18-12-105. Unlawfully carrying a concealed weapon - unlawful**  
2 **possession of weapons.** (2) It shall not be an offense if the defendant  
3 was:

4           (c) A person who, ~~prior to~~ AT the time of carrying a concealed  
5 weapon, ~~has been issued a~~ HELD A VALID written permit TO CARRY A  
6 CONCEALED WEAPON ISSUED pursuant to section 18-12-105.1, ~~to carry the~~  
7 ~~weapon by the chief of police of a city or city and county, or the sheriff~~  
8 ~~of a county~~ AS IT EXISTED PRIOR TO JULY 1, 2003, OR, IF THE WEAPON  
9 INVOLVED WAS A HANDGUN, HELD A VALID PERMIT TO CARRY A  
10 CONCEALED WEAPON ISSUED PURSUANT TO PART 2 OF THIS ARTICLE; or

11           **SECTION 4.** 18-12-105.5 (3) (d), Colorado Revised Statutes, is  
12 amended to read:

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

16           (d) The person, ~~prior to~~ AT the time of carrying a concealed  
17 weapon, ~~has been issued a~~ HELD A VALID written permit TO CARRY A  
18 CONCEALED WEAPON ISSUED pursuant to section 18-12-105.1, ~~to carry the~~  
19 weapon by the chief of police of a city or city and county or the sheriff  
20 of a county AS SAID SECTION EXISTED PRIOR TO ITS REPEAL; or

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

23           **18-12-106. Prohibited use of weapons.** (1) A person commits  
24 a class 2 misdemeanor if:

25           (d) ~~He~~ THE PERSON has in his OR HER possession a firearm while  
26 ~~he~~ THE PERSON is under the influence of intoxicating liquor or of a  
27 controlled substance, as defined in section 12-22-303 (7), C.R.S.

1 Possession of a permit issued under section 18-12-105.1, AS IT EXISTED  
2 PRIOR TO JULY 1, 2003, OR POSSESSION OF A PERMIT ISSUED PURSUANT TO  
3 PART 2 OF THIS ARTICLE is no defense to a violation of this subsection (1).

4 **SECTION 6.** 24-33.5-412 (1) (o), Colorado Revised Statutes, is  
5 amended to read:

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

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

13 **SECTION 7.** 30-10-523, Colorado Revised Statutes, is amended  
14 to read:

15 **30-10-523. Sheriff - permits for concealed weapons.** The sheriff  
16 of each county ~~may~~ AND THE OFFICIAL WHO HAS THE DUTIES OF A SHERIFF  
17 IN EACH CITY AND COUNTY SHALL issue written permits to carry concealed  
18 weapons ~~Any such permit shall be issued in accordance with section~~  
19 ~~18-12-105.1, C.R.S.~~        AS PROVIDED IN PART 2 OF ARTICLE 12 OF TITLE  
20 18, C.R.S.

21 **SECTION 8. Repeal.** 31-4-112.1, Colorado Revised Statutes, is  
22 repealed as follows:

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

27 **SECTION 9. Appropriation.** In addition to any other

1 appropriation, there is hereby appropriated, out of any moneys collected  
2 pursuant to section 18-12-205 (2), Colorado Revised Statutes, to the  
3 department of public safety for allocation to the Colorado bureau of  
4 investigation, for the fiscal year beginning July 1, 2003, the sum of  
5 \_\_\_\_\_ dollars (\$\_\_\_\_\_) and \_\_\_ FTE, or so much thereof as  
6 may be necessary, for implementation of this act. Of said sum, \_\_\_\_\_  
7 dollars (\$\_\_\_\_\_) shall be from cash funds from name check processing  
8 fees, and \_\_\_\_\_ dollars (\$\_\_\_\_\_) shall be from cash funds exempt.

9 **SECTION 10. Effective date - applicability.** This act shall take  
10 effect July 1, 2003, and shall apply to offenses committed on or after said  
11 date.

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