

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

INTRODUCED

LLS NO. 09-0661.01 Richard Sweetman

HOUSE BILL 09-1180

HOUSE SPONSORSHIP

King S.,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING VALID COLORADO CONCEALED HANDGUN**
102 **PERMITS TO SATISFY BACKGROUND CHECK REQUIREMENTS FOR**
103 **TRANSFERS OF FIREARMS.**

Bill Summary

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

Amends the application procedure for concealed handgun permits to satisfy federal criminal background check requirements. Allows a person to satisfy federal and state background check requirements for the transfer of a firearm by presenting a valid Colorado concealed handgun permit.

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.

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

2 **SECTION 1.** 12-26.1-101, Colorado Revised Statutes, is
3 amended to read:

4 **12-26.1-101. Background checks at gun shows - penalty.**

5 (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1.5) OF THIS
6 SECTION, before a gun show vendor transfers or attempts to transfer a
7 firearm at a gun show, he or she shall:

8 (a) require that a background check, in accordance with section
9 24-33.5-424, C.R.S., be conducted of the prospective transferee; and

10 (b) obtain approval of a transfer from the Colorado Bureau of
11 Investigation after a background check has been requested by a licensed
12 gun dealer, in accordance with section 24-33.5-424, C.R.S.

13 (1.5) A TRANSFEREE WHO HOLDS A VALID PERMIT TO CARRY A
14 CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED
15 PURSUANT TO SECTION 18-12-203, C.R.S., ON OR AFTER THE EFFECTIVE
16 DATE OF THIS SUBSECTION (1.5), IS EXEMPT FROM THE BACKGROUND
17 CHECK REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF HE
18 OR SHE PRESENTS THE PERMIT TO A GUN SHOW VENDOR TRANSFEROR AT
19 THE TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM.

20 (2) A gun show promoter shall arrange for the services of one or
21 more licensed gun dealers on the premises of the gun show to obtain the
22 background checks required by this article.

23 (3) If any part of a firearm transaction takes place at a gun show,
24 no firearm shall be transferred unless a background check has been
25 obtained by a licensed gun dealer OR THE TRANSFEREE IS EXEMPT FROM
26 A BACKGROUND CHECK PURSUANT TO SUBSECTION (1.5) OF THIS SECTION.

1 (4) Any person violating the provisions of this section commits a
2 class 1 misdemeanor and shall be punished as provided in section
3 18-1.3-501, C.R.S.

4 **SECTION 2.** 18-12-203 (1), Colorado Revised Statutes, is
5 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

6 **18-12-203. Criteria for obtaining a permit.** (1) Beginning May
7 17, 2003, except as otherwise provided in this section, a sheriff shall issue
8 a permit to carry a concealed handgun to an applicant who:

9 (a.5) (I) IS A LEGAL CITIZEN OF THE UNITED STATES; OR
10 (II) IS A LEGAL ALIEN WHO SUBMITS THE FOLLOWING INFORMATION
11 IN WRITING:

12 (A) HIS OR HER COUNTRY OF CITIZENSHIP;

13 (B) HIS OR HER PLACE OF BIRTH;

14 (C) A VALID UNITED STATES GOVERNMENT-ISSUED ALIEN
15 REGISTRATION OR ADMISSION NUMBER; AND

16 (D) IF THE APPLICANT IS A NONIMMIGRANT ALIEN ADMITTED TO
17 THE UNITED STATES UNDER A NONIMMIGRANT VISA, ANY EXISTING BASIS
18 FOR AN EXEMPTION FROM THE NONIMMIGRANT ALIEN PROHIBITION
19 PURSUANT TO 18 U.S.C. SEC. 922 (y) (2) OR (y) (3);

20 **SECTION 3.** 18-12-205 (1) (a) (IV), Colorado Revised Statutes,
21 is amended, and the said 18-12-205 (1) (a) is further amended BY THE
22 ADDITION OF A NEW SUBPARAGRAPH, to read:

23 **18-12-205. Sheriff - application - procedure - background**
24 **check.** (1) (a) To obtain a permit, a person shall submit a permit
25 application on a statewide standardized form developed by the sheriffs
26 and available from each sheriff. The permit application form shall solicit
27 only the following information from the applicant:

1 (IV) Whether the applicant is a resident of this state as of the date
2 of application and whether the applicant has a valid driver's license or
3 other state-issued photo identification or military order proving residence;
4 and

5 (IV.5) THE APPLICANT'S COUNTRY OF CITIZENSHIP; AND

6 **SECTION 4.** 18-12-208 (1), Colorado Revised Statutes, is
7 amended to read:

8 **18-12-208. Colorado bureau of investigation - duties.**

9 (1) Upon receipt of a permit applicant's fingerprints from a sheriff
10 pursuant to section 18-12-205 (4) or upon a sheriff's request pursuant to
11 section 18-12-211 (1), the bureau shall process the full set of fingerprints
12 to obtain any available state criminal justice information or federal
13 information pursuant to section 16-21-103 (5), C.R.S., INCLUDING A
14 SEARCH OF THE FEDERAL BUREAU OF INVESTIGATION'S NATIONAL INSTANT
15 CRIMINAL BACKGROUND CHECK SYSTEM, and shall report any information
16 received to the sheriff. In addition, within ten days after receiving the
17 fingerprints, the bureau shall forward one set of the fingerprints to the
18 federal bureau of investigation for processing to obtain any available state
19 criminal justice information or federal information.

20 **SECTION 5.** Part 2 of article 12 of title 18, Colorado Revised
21 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
22 read:

23 **18-12-217. Exception to federal background check**
24 **requirement.** (1) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A
25 PERSON WHO HOLDS A VALID PERMIT TO CARRY A CONCEALED HANDGUN,
26 WHICH PERMIT WAS ISSUED OR RENEWED PURSUANT TO THE CRITERIA
27 DESCRIBED IN SECTION 18-12-203 ON OR AFTER THE EFFECTIVE DATE OF

1 THIS SECTION, SHALL NOT BE REQUIRED TO SUBMIT TO AN INSTANT
2 CRIMINAL BACKGROUND CHECK, AS DESCRIBED IN SECTION 24-33.5-424,
3 C.R.S., AS A PREREQUISITE TO RECEIVING THE TRANSFER OF A FIREARM.

4 (2) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A LICENSED
5 IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL NOT BE
6 REQUIRED TO CONTACT THE COLORADO BUREAU OF INVESTIGATION OR
7 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AS
8 DESCRIBED IN SECTION 24-33.5-424, C.R.S., BEFORE TRANSFERRING
9 POSSESSION OF A FIREARM TO A PERSON WHO HOLDS A VALID PERMIT TO
10 CARRY A CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED OR RENEWED
11 PURSUANT TO THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR
12 AFTER THE EFFECTIVE DATE OF THIS SECTION.

13 **SECTION 6. Act subject to petition - effective date.** This act
14 shall take effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly that is
16 allowed for submitting a referendum petition pursuant to article V,
17 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
18 sine die is on May 6, 2009); except that, if a referendum petition is filed
19 against this act or an item, section, or part of this act within such period,
20 then the act, item, section, or part, if approved by the people, shall take
21 effect on the date of the official declaration of the vote thereon by
22 proclamation of the governor.