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SENATE BILL 03-024

BY SENATOR(S) Chlouber, Andrews, Entz, Evans, Hillman, Johnson S., Jones, Kester, Lamborn, May R., McElhany, Nichol, Owen, and Teck; also REPRESENTATIVE(S) White, Rose, Briggs, Cadman, Clapp, Decker, Fairbank, Fritz, Hefley, Hoppe, King, Larson, Lee, Lundberg, McFadyen, Miller, Mitchell, Salazar, Smith, Spence, Spradley, Stafford, Stengel, Tochtrop, Wiens, Williams T., and Young.

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

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

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

PART 2

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PERMITS TO CARRY CONCEALED HANDGUNS

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

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

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

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

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

(e) IT IS NECESSARY THAT THE STATE OCCUPY THE FIELD OF REGULATION OF THE BEARING OF CONCEALED HANDGUNS SINCE THE ISSUANCE OF A CONCEALED HANDGUN PERMIT IS BASED ON A PERSON'S CONSTITUTIONAL RIGHT OF SELF-PROTECTION AND THERE IS A PREVAILING STATE INTEREST IN ENSURING THAT NO CITIZEN IS ARBITRARILY DENIED A CONCEALED HANDGUN PERMIT AND IN ENSURING THAT THE LAWS CONTROLLING THE USE OF THE PERMIT ARE CONSISTENT THROUGHOUT THE STATE.

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

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

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

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

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

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

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

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

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

(c) A FEDERAL MILITARY AGENCY; OR

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

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

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

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

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

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

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

(5) "HANDGUN TRAINING CLASS" MEANS:

(a) A LAW ENFORCEMENT TRAINING FIREARMS SAFETY COURSE;

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

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

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

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

(8) "TRAINING CERTIFICATE" MEANS A CERTIFICATE, AFFIDAVIT, OR OTHER DOCUMENT ISSUED BY THE INSTRUCTOR, SCHOOL, CLUB, OR ORGANIZATION THAT CONDUCTS A HANDGUN TRAINING CLASS THAT

EVIDENCES AN APPLICANT'S SUCCESSFUL COMPLETION OF THE CLASS REQUIREMENTS.

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

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

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

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

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

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

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

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

(g) IS NOT SUBJECT TO:

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

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

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

(h) DEMONSTRATES COMPETENCE WITH A HANDGUN BY SUBMITTING:

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

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

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

(IV) PROOF OF HONORABLE DISCHARGE FROM A BRANCH OF THE UNITED STATES ARMED FORCES THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED WITHIN THE TEN YEARS PRECEDING SUBMITTAL OF THE APPLICATION;

(V) A CERTIFICATE SHOWING RETIREMENT FROM A COLORADO LAW ENFORCEMENT AGENCY THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED WITHIN THE TEN YEARS PRECEDING SUBMITTAL OF THE APPLICATION; OR

(VI) A TRAINING CERTIFICATE FROM A HANDGUN TRAINING CLASS OBTAINED WITHIN THE TEN YEARS PRECEDING SUBMITTAL OF THE APPLICATION. THE APPLICANT SHALL SUBMIT THE ORIGINAL TRAINING CERTIFICATE OR A PHOTOCOPY THEREOF THAT INCLUDES THE ORIGINAL SIGNATURE OF THE CLASS INSTRUCTOR. IN OBTAINING A TRAINING CERTIFICATE FROM A HANDGUN TRAINING CLASS, THE APPLICANT SHALL

HAVE DISCRETION IN SELECTING WHICH HANDGUN TRAINING CLASS TO COMPLETE.

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

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

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

(c) IF THE SHERIFF SUSPENDS OR REVOKES A PERMIT, THE SHERIFF SHALL NOTIFY THE PERMITTEE IN WRITING, STATING THE GROUNDS FOR SUSPENSION OR REVOCATION AND INFORMING THE PERMITTEE OF THE RIGHT TO SEEK A SECOND REVIEW BY THE SHERIFF, TO SUBMIT ADDITIONAL INFORMATION FOR THE RECORD, AND TO SEEK JUDICIAL REVIEW PURSUANT TO SECTION 18-12-207.

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

(1) (a) EACH PERMIT SHALL BEAR A COLOR PHOTOGRAPH OF THE PERMITTEE AND SHALL DISPLAY THE SIGNATURE OF THE SHERIFF WHO ISSUES THE PERMIT. IN ADDITION, THE SHERIFFS OF THIS STATE SHALL ENSURE THAT ALL PERMITS ISSUED PURSUANT TO THIS PART 2 CONTAIN THE SAME ITEMS OF INFORMATION AND ARE THE SAME SIZE AND THE SAME COLOR.

(b) A PERMIT IS VALID FOR A PERIOD OF FIVE YEARS AFTER THE DATE OF ISSUANCE AND MAY BE RENEWED AS PROVIDED IN SECTION 18-12-211. A PERMIT ISSUED PURSUANT TO THIS PART 2, INCLUDING A TEMPORARY

EMERGENCY PERMIT ISSUED PURSUANT TO SECTION 18-12-209, IS EFFECTIVE IN ALL AREAS OF THE STATE, EXCEPT AS OTHERWISE PROVIDED IN SECTION 18-12-214.

(2) (a) A PERMITTEE, IN COMPLIANCE WITH THE TERMS OF A PERMIT, MAY CARRY A CONCEALED HANDGUN AS ALLOWED BY STATE LAW. THE PERMITTEE SHALL CARRY THE PERMIT, TOGETHER WITH VALID PHOTO IDENTIFICATION, AT ALL TIMES DURING WHICH THE PERMITTEE IS IN ACTUAL POSSESSION OF A CONCEALED HANDGUN AND SHALL PRODUCE BOTH DOCUMENTS UPON DEMAND BY A LAW ENFORCEMENT OFFICER. FAILURE TO PRODUCE A PERMIT UPON DEMAND BY A LAW ENFORCEMENT OFFICER RAISES A REBUTTABLE PRESUMPTION THAT THE PERSON DOES NOT HAVE A PERMIT. FAILURE TO CARRY AND PRODUCE A PERMIT AND VALID PHOTO IDENTIFICATION UPON DEMAND AS REQUIRED IN THIS SUBSECTION (2) IS A CLASS 1 PETTY OFFENSE. A CHARGE OF FAILURE TO CARRY AND PRODUCE A PERMIT AND VALID PHOTO IDENTIFICATION UPON DEMAND PURSUANT TO THIS SUBSECTION (2) SHALL BE DISMISSED BY THE COURT IF, AT OR BEFORE THE PERMITTEE'S SCHEDULED COURT APPEARANCE, THE PERMITTEE EXHIBITS TO THE COURT A VALID PERMIT AND VALID PHOTO IDENTIFICATION, BOTH OF WHICH WERE ISSUED TO THE PERMITTEE PRIOR TO THE DATE ON WHICH THE PERMITTEE WAS CHARGED WITH FAILURE TO CARRY AND PRODUCE A PERMIT AND VALID PHOTO IDENTIFICATION UPON DEMAND.

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

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

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

(II) THE HANDGUN IS IN THE POSSESSION OF A PERSON WHO IS LEGALLY ENGAGED IN HUNTING ACTIVITIES WITHIN THE STATE.

(b) THE PROVISIONS OF THIS SUBSECTION (3) SHALL NOT BE

CONSTRUED TO AUTHORIZE THE CARRYING OF A HANDGUN IN VIOLATION OF THE PROVISIONS OF SECTION 18-12-105 OR 18-12-105.5.

18-12-205. Sheriff - application - procedure - background check.

(1) (a) TO OBTAIN A PERMIT, A PERSON SHALL SUBMIT A PERMIT APPLICATION ON A STATEWIDE STANDARDIZED FORM DEVELOPED BY THE SHERIFFS AND AVAILABLE FROM EACH SHERIFF. THE PERMIT APPLICATION FORM SHALL SOLICIT ONLY THE FOLLOWING INFORMATION FROM THE APPLICANT:

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

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

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

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

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

(b) THE PERMIT APPLICATION FORM SHALL NOT REQUIRE THE APPLICANT TO WAIVE OR RELEASE A RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO WAIVER OR RELEASE OF PRIVILEGED OR CONFIDENTIAL INFORMATION CONTAINED IN MEDICAL RECORDS.

(2) (a) AN APPLICANT SHALL COMPLETE THE PERMIT APPLICATION FORM AND RETURN IT, IN PERSON, TO THE SHERIFF OF THE COUNTY OR CITY AND COUNTY IN WHICH THE APPLICANT RESIDES, TO THE SHERIFF OF THE COUNTY OR CITY AND COUNTY IN WHICH THE APPLICANT MAINTAINS A SECONDARY RESIDENCE OR OWNS OR LEASES REAL PROPERTY USED BY THE APPLICANT IN A BUSINESS, OR TO THE SHERIFF THAT PREVIOUSLY ISSUED A PERMIT TO THE APPLICANT. THE APPLICANT SHALL SIGN THE COMPLETED

PERMIT APPLICATION FORM IN PERSON BEFORE THE SHERIFF. THE APPLICANT SHALL PROVIDE HIS OR HER SIGNATURE VOLUNTARILY UPON A SWORN OATH THAT THE APPLICANT KNOWS THE CONTENTS OF THE PERMIT APPLICATION AND THAT THE INFORMATION CONTAINED IN THE PERMIT APPLICATION IS TRUE AND CORRECT. AN APPLICANT WHO KNOWINGLY AND INTENTIONALLY MAKES A FALSE OR MISLEADING STATEMENT ON A PERMIT APPLICATION OR DELIBERATELY OMITTS ANY MATERIAL INFORMATION REQUESTED ON THE APPLICATION COMMITS PERJURY AS DESCRIBED IN SECTION 18-8-503. UPON CONVICTION, THE APPLICANT SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501. IN ADDITION, THE APPLICANT SHALL BE DENIED THE RIGHT TO OBTAIN OR POSSESS A PERMIT, AND THE SHERIFF SHALL REVOKE THE APPLICANT'S PERMIT IF ISSUED PRIOR TO CONVICTION.

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

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

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

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

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

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

(c) AFTER RECEIPT OF A PERMIT APPLICATION AND THE ITEMS SPECIFIED IN THIS SECTION, THE SHERIFF SHALL VERIFY THAT THE APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) AND IS NOT A DANGER AS DESCRIBED IN SECTION 18-12-203 (2). THE VERIFICATION AT A MINIMUM SHALL INCLUDE REQUESTING THE BUREAU TO CONDUCT A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND A SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION SYSTEM TO DETERMINE WHETHER THE APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1). IN ADDITION, IF THE APPLICANT RESIDES IN A MUNICIPALITY OR TOWN, THE SHERIFF SHALL CONSULT WITH THE POLICE DEPARTMENT OF THE MUNICIPALITY OR TOWN IN WHICH THE APPLICANT RESIDES, AND THE SHERIFF MAY CONSULT WITH OTHER LOCAL LAW ENFORCEMENT AGENCIES.

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

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

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

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

(b) DENY THE PERMIT APPLICATION BASED SOLELY ON THE GROUND THAT THE APPLICANT FAILS TO QUALIFY UNDER THE CRITERIA LISTED IN SECTION 18-12-203 (1) OR THAT THE APPLICANT WOULD BE A DANGER AS DESCRIBED IN SECTION 18-12-203 (2). IF THE SHERIFF DENIES THE PERMIT APPLICATION, HE OR SHE SHALL NOTIFY THE APPLICANT IN WRITING, STATING THE GROUNDS FOR DENIAL AND INFORMING THE APPLICANT OF THE RIGHT TO SEEK A SECOND REVIEW OF THE APPLICATION BY THE SHERIFF, TO SUBMIT ADDITIONAL INFORMATION FOR THE RECORD, AND TO SEEK JUDICIAL REVIEW PURSUANT TO SECTION 18-12-207.

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

(3) (a) EACH SHERIFF SHALL MAINTAIN A LIST OF THE PERSONS TO WHOM HE OR SHE ISSUES PERMITS PURSUANT TO THIS PART 2. UPON REQUEST BY ANOTHER CRIMINAL JUSTICE AGENCY FOR LAW ENFORCEMENT PURPOSES, THE SHERIFF MAY, AT HIS OR HER DISCRETION, SHARE INFORMATION FROM THE LIST OF PERMITTEES WITH A LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF DETERMINING THE VALIDITY OF A PERMIT. A DATABASE MAINTAINED PURSUANT TO THIS SUBSECTION (3) AND ANY DATABASE OPERATED BY A STATE AGENCY THAT INCLUDES PERMITTEES SHALL BE SEARCHABLE ONLY BY NAME.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), ON AND AFTER JULY 1, 2007, A SHERIFF SHALL NOT SHARE INFORMATION FROM THE LIST OF PERMITTEES WITH A LAW ENFORCEMENT AGENCY FOR THE PURPOSE OF CREATING A STATEWIDE DATABASE OF PERMITTEES, AND ANY LAW ENFORCEMENT AGENCY THAT RECEIVES INFORMATION CONCERNING PERMITTEES FROM A SHERIFF SHALL NOT USE THE INFORMATION TO CREATE OR MAINTAIN A STATEWIDE DATABASE OF PERMITTEES. ANY INFORMATION CONCERNING A PERMITTEE THAT IS INCLUDED IN A STATEWIDE DATABASE PURSUANT TO PARAGRAPH (a) OF THIS

SUBSECTION (3) SHALL BE REMOVED FROM THE DATABASE NO LATER THAN JULY 1, 2007.

(4) EACH SHERIFF SHALL ANNUALLY PREPARE A REPORT SPECIFYING, AT A MINIMUM, THE NUMBER OF PERMIT APPLICATIONS RECEIVED DURING THE YEAR FOR WHICH THE REPORT WAS PREPARED, THE NUMBER OF PERMITS ISSUED DURING THE YEAR, THE NUMBER OF PERMITS DENIED DURING THE YEAR, THE REASONS FOR DENIAL, THE NUMBER OF REVOCATIONS DURING THE YEAR, AND THE REASONS FOR THE REVOCATIONS. THE REPORT SHALL NOT INCLUDE THE NAME OF A PERSON WHO APPLIES FOR A PERMIT, REGARDLESS OF WHETHER THE PERSON RECEIVES OR IS DENIED A PERMIT. EACH SHERIFF SHALL SUBMIT THE REPORT ON OR BEFORE MARCH 1, 2004, AND ON OR BEFORE MARCH 1 EACH YEAR THEREAFTER, TO THE MEMBERS OF THE GENERAL ASSEMBLY. IN ADDITION, EACH SHERIFF SHALL PROVIDE A COPY OF THE ANNUAL REPORT PREPARED PURSUANT TO THIS SUBSECTION (4) TO A MEMBER OF THE PUBLIC UPON REQUEST.

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

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

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

18-12-208. Colorado bureau of investigation - duties. (1) UPON RECEIPT OF A PERMIT APPLICANT'S FINGERPRINTS FROM A SHERIFF PURSUANT TO SECTION 18-12-205 (4) OR UPON A SHERIFF'S REQUEST PURSUANT TO SECTION 18-12-211 (1), THE BUREAU SHALL PROCESS THE FULL SET OF FINGERPRINTS TO OBTAIN ANY AVAILABLE STATE CRIMINAL JUSTICE INFORMATION OR FEDERAL INFORMATION PURSUANT TO SECTION 16-21-103 (5), C.R.S., AND SHALL REPORT ANY INFORMATION RECEIVED TO THE SHERIFF. IN ADDITION, WITHIN TEN DAYS AFTER RECEIVING THE FINGERPRINTS, THE BUREAU SHALL FORWARD ONE SET OF THE FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION FOR PROCESSING TO OBTAIN ANY AVAILABLE STATE CRIMINAL JUSTICE INFORMATION OR FEDERAL INFORMATION.

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

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

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

(3) ON OR BEFORE JANUARY 15, 2004, AND ON OR BEFORE JANUARY 15 EACH YEAR THEREAFTER UNTIL JANUARY 15, 2007, THE BUREAU SHALL PROVIDE TO THE GENERAL ASSEMBLY A LIST OF THE JURISDICTIONS IN WHICH THE SHERIFF PROVIDES TO THE BUREAU THE NAMES OF PERSONS TO WHOM THE SHERIFF ISSUES PERMITS.

18-12-209. Issuance by sheriffs of temporary emergency permits.

(1) NOTWITHSTANDING ANY PROVISIONS OF THIS PART 2 TO THE CONTRARY, A SHERIFF, AS PROVIDED IN THIS SECTION, MAY ISSUE A TEMPORARY EMERGENCY PERMIT TO CARRY A CONCEALED HANDGUN TO A PERSON WHOM THE SHERIFF HAS REASON TO BELIEVE MAY BE IN IMMEDIATE DANGER.

(2) TO RECEIVE A TEMPORARY EMERGENCY PERMIT, A PERSON SHALL SUBMIT TO THE SHERIFF OF THE COUNTY OR CITY AND COUNTY IN WHICH THE PERSON RESIDES OR IN WHICH THE CIRCUMSTANCES GIVING RISE TO THE EMERGENCY EXIST THE ITEMS SPECIFIED IN SECTION 18-12-205; EXCEPT THAT AN APPLICANT FOR A TEMPORARY EMERGENCY PERMIT NEED NOT SUBMIT

DOCUMENTARY EVIDENCE DEMONSTRATING COMPETENCE WITH A HANDGUN AS REQUIRED UNDER SECTION 18-12-205 (3) (a), AND THE APPLICANT SHALL SUBMIT A TEMPORARY PERMIT FEE NOT TO EXCEED TWENTY-FIVE DOLLARS, AS SET BY THE SHERIFF. UPON RECEIPT OF THE DOCUMENTS AND FEE, THE SHERIFF SHALL REQUEST THAT THE BUREAU CONDUCT A CRIMINAL HISTORY RECORD CHECK OF THE BUREAU FILES AND A SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM. THE SHERIFF MAY ISSUE A TEMPORARY EMERGENCY PERMIT TO THE APPLICANT IF THE SHERIFF DETERMINES THE PERSON MAY BE IN IMMEDIATE DANGER AND THE CRIMINAL HISTORY RECORD CHECK SHOWS THAT THE APPLICANT MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203; EXCEPT THAT THE APPLICANT NEED NOT DEMONSTRATE COMPETENCE WITH A HANDGUN AND THE APPLICANT MAY BE EIGHTEEN YEARS OF AGE OR OLDER. A TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO THIS SECTION IS VALID FOR A PERIOD OF NINETY DAYS AFTER THE DATE OF ISSUANCE. PRIOR TO OR WITHIN TEN DAYS AFTER EXPIRATION OF A TEMPORARY EMERGENCY PERMIT, THE PERMITTEE MAY APPLY TO THE ISSUING SHERIFF FOR RENEWAL OF THE PERMIT. THE ISSUING SHERIFF MAY RENEW A TEMPORARY EMERGENCY PERMIT ONCE FOR AN ADDITIONAL NINETY-DAY PERIOD; EXCEPT THAT, IF THE PERMITTEE IS YOUNGER THAN TWENTY-ONE YEARS OF AGE, THE SHERIFF MAY RENEW THE TEMPORARY EMERGENCY PERMIT FOR SUBSEQUENT NINETY-DAY PERIODS UNTIL THE PERMITTEE REACHES TWENTY-ONE YEARS OF AGE.

18-12-210. Maintenance of permit - address change - invalidity of permit. (1) WITHIN THIRTY DAYS AFTER A PERMITTEE CHANGES THE ADDRESS SPECIFIED ON HIS OR HER PERMIT OR WITHIN THREE BUSINESS DAYS AFTER HIS OR HER PERMIT IS LOST, STOLEN, OR DESTROYED, THE PERMITTEE SHALL NOTIFY THE ISSUING SHERIFF OF THE CHANGE OF ADDRESS OR PERMIT LOSS, THEFT, OR DESTRUCTION. FAILURE TO NOTIFY THE SHERIFF PURSUANT TO THIS SUBSECTION (1) IS A CLASS 1 PETTY OFFENSE.

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

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

18-12-211. Renewal of permits. (1) WITHIN ONE HUNDRED TWENTY DAYS PRIOR TO EXPIRATION OF A PERMIT, THE PERMITTEE MAY OBTAIN A RENEWAL FORM FROM THE ISSUING SHERIFF AND RENEW THE PERMIT BY SUBMITTING TO THE ISSUING SHERIFF A COMPLETED RENEWAL FORM, A NOTARIZED AFFIDAVIT STATING THAT THE PERMITTEE REMAINS QUALIFIED PURSUANT TO THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) (a) TO (1) (g), AND THE REQUIRED RENEWAL FEE NOT TO EXCEED FIFTY DOLLARS, AS SET BY THE SHERIFF PURSUANT TO SECTION 18-12-205 (5). THE RENEWAL FORM SHALL MEET THE REQUIREMENTS SPECIFIED IN SECTION 18-12-205 (1) FOR AN APPLICATION. THE SHERIFF SHALL VERIFY PURSUANT TO SECTION 18-12-205 (4) THAT THE PERMITTEE MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1) (a) TO (1) (g) AND IS NOT A DANGER AS DESCRIBED IN SECTION 18-12-203 (2) AND SHALL EITHER RENEW OR DENY THE RENEWAL OF THE PERMIT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 18-12-206 (1). IF THE SHERIFF DENIES RENEWAL OF A PERMIT, THE PERMITTEE MAY SEEK A SECOND REVIEW OF THE RENEWAL APPLICATION BY THE SHERIFF AND MAY SUBMIT ADDITIONAL INFORMATION FOR THE RECORD. THE PERMITTEE MAY ALSO SEEK JUDICIAL REVIEW AS PROVIDED IN SECTION 18-12-207.

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

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

(2) NOTWITHSTANDING ANY PROVISION OF THIS PART 2 TO THE CONTRARY, A RETIRED PEACE OFFICER, LEVEL I OR Ia, AS DEFINED IN SECTION 18-1-901 (3) (I) AND (3) (I) (II), WITHIN THE FIRST FIVE YEARS AFTER RETIREMENT MAY OBTAIN A PERMIT BY SUBMITTING TO THE SHERIFF OF THE JURISDICTION IN WHICH THE RETIRED PEACE OFFICER RESIDES A LETTER SIGNED BY THE SHERIFF OR CHIEF OF POLICE OF THE JURISDICTION BY WHICH THE PEACE OFFICER WAS EMPLOYED IMMEDIATELY PRIOR TO RETIREMENT ATTESTING THAT THE RETIRED OFFICER MEETS THE CRITERIA SPECIFIED IN SECTION 18-12-203 (1). A RETIRED PEACE OFFICER WHO SUBMITS A LETTER PURSUANT TO THIS SUBSECTION (2) IS NOT SUBJECT TO THE FINGERPRINT OR CRIMINAL HISTORY CHECK REQUIREMENTS SPECIFIED IN THIS PART 2 AND IS NOT REQUIRED TO PAY THE PERMIT APPLICATION FEE. UPON RECEIPT OF A LETTER SUBMITTED PURSUANT TO THIS SUBSECTION (2), THE SHERIFF SHALL ISSUE THE PERMIT. A PERMIT ISSUED PURSUANT TO THIS SUBSECTION (2) MAY NOT BE RENEWED. UPON EXPIRATION OF THE PERMIT, THE PERMITTEE MAY APPLY FOR A NEW PERMIT AS PROVIDED IN THIS PART 2.

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

18-12-214. Authority granted by permit - carrying restrictions.
(1) (a) A PERMIT TO CARRY A CONCEALED HANDGUN AUTHORIZES THE PERMITTEE TO CARRY A CONCEALED HANDGUN IN ALL AREAS OF THE STATE, EXCEPT AS SPECIFICALLY LIMITED IN THIS SECTION. A PERMIT DOES NOT AUTHORIZE THE PERMITTEE TO USE A HANDGUN IN A MANNER THAT WOULD VIOLATE A PROVISION OF STATE LAW. A LOCAL GOVERNMENT DOES NOT HAVE AUTHORITY TO ADOPT OR ENFORCE AN ORDINANCE OR RESOLUTION THAT WOULD CONFLICT WITH ANY PROVISION OF THIS PART 2.

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

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

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

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

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

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

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

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

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

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

(5) NOTHING IN THIS PART 2 SHALL BE CONSTRUED TO LIMIT, RESTRICT, OR PROHIBIT IN ANY MANNER THE EXISTING RIGHTS OF A PRIVATE PROPERTY OWNER, PRIVATE TENANT, PRIVATE EMPLOYER, OR PRIVATE BUSINESS ENTITY.

(6) THE PROVISIONS OF THIS SECTION APPLY TO TEMPORARY

EMERGENCY PERMITS ISSUED PURSUANT TO SECTION 18-12-209.

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

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

18-12-216. Permits issued prior to the effective date of this part 2. (1) A PERMIT ISSUED PURSUANT TO SECTION 18-12-105.1, AS IT EXISTED PRIOR TO ITS REPEAL, SHALL PERMANENTLY EXPIRE ON JUNE 30, 2007, OR ON THE EXPIRATION DATE SPECIFIED ON THE PERMIT, WHICHEVER OCCURS FIRST. A PERSON WHO SUBMITTED A FULL SET OF FINGERPRINTS TO OBTAIN A PERMIT PRIOR TO THE EFFECTIVE DATE OF THIS PART 2, UPON EXPIRATION OF THE PERMIT, MAY APPLY FOR RENEWAL OF THE PERMIT AS PROVIDED IN THIS PART 2. A PERSON WHO DID NOT SUBMIT A FULL SET OF FINGERPRINTS TO OBTAIN A PERMIT PRIOR TO THE EFFECTIVE DATE OF THIS PART 2, UPON EXPIRATION OF THE PERMIT, MAY APPLY FOR A NEW PERMIT AS PROVIDED IN THIS PART 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30-10-523. Sheriff - permits for concealed handguns. The sheriff

of each county ~~may~~ AND THE OFFICIAL WHO HAS THE DUTIES OF A SHERIFF IN EACH CITY AND COUNTY SHALL issue written permits to carry concealed weapons. ~~Any such permit shall be issued in accordance with section 18-12-105.1, C.R.S.~~ HANDGUNS AS PROVIDED IN PART 2 OF ARTICLE 12 OF TITLE 18, C.R.S.

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

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

SECTION 10. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys collected pursuant to section 18-12-205 (2) (b), Colorado Revised Statutes, to the department of public safety for allocation to the Colorado bureau of investigation, for the fiscal year beginning July 1, 2003, the sum of nine hundred eight thousand eight hundred six dollars (\$908,806) and 5.6 FTE, or so much thereof as may be necessary, for the implementation of this act. Of said sum, five hundred twenty-three thousand six hundred ninety-six dollars (\$523,696) shall be from fees generated from criminal background checks and three hundred eighty-five thousand one hundred ten dollars (\$385,110) shall be from cash funds exempt.

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

SECTION 12. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

John Andrews
PRESIDENT OF
THE SENATE

Lola Spradley
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Mona Heustis
SECRETARY OF
THE SENATE

Judith Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO