

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0527.01 Conrad Imel x2313

HOUSE BILL 21-1082

HOUSE SPONSORSHIP

McKean,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military and Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PERMITTING PRESENTATION OF A CONCEALED CARRY
102 PERMIT AS AN ALTERNATIVE TO A BACKGROUND CHECK
103 REQUIRED FOR A FIREARMS TRANSFER AND, IN CONNECTION
104 THEREWITH, PROHIBITING A SHERIFF FROM ISSUING A
105 CONCEALED CARRY PERMIT WITHOUT THE RESULTS OF A
106 BACKGROUND CHECK.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Federal law requires federally licensed firearms dealers to conduct

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

background checks of prospective transferees prior to transferring a firearm by contacting the national instant criminal background check system (NICS). A dealer is not required to conduct a NICS background check of a prospective transferee if the transferee presents a state license or permit that is recognized by the federal bureau of alcohol, tobacco, firearms, and explosives (ATF) as an alternative to a NICS background check. In order to be eligible for recognition, a permit must have been issued within 5 years before the transfer and the state must have completed a NICS background check prior to issuing the permit.

The bill makes a Colorado-issued permit to carry a concealed handgun eligible for recognition as an alternative to a NICS background check by requiring a sheriff to receive the results of a background check prior to issuing or renewing the permit. The Colorado attorney general is required to contact the ATF to request that a Colorado-issued permit qualifies as an alternative to the federal background check requirement. Upon approval by the ATF, a concealed carry permit issued after the effective date of the bill can be used to satisfy a background check required by state or federal law. A permit issued in another state that is otherwise recognized in Colorado is not valid as a substitute for a background check.

A prospective transferee who presents a permit as an alternative to a background check must attest, in writing, that the person has not, since the issuance of the permit, been convicted of a crime of domestic violence or been treated for a mental health condition, or is otherwise ineligible to possess a firearm pursuant to state or federal law.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-12-113 as
3 follows:

4 **18-12-113. Concealed carry permit valid to satisfy background**
5 **check requirement - attestation required - legislative intent.**

6 (1) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A
7 PROSPECTIVE FIREARMS TRANSFEREE CAN SATISFY ANY REQUIREMENT
8 THAT A BACKGROUND CHECK BE CONDUCTED OF THE PROSPECTIVE
9 TRANSFEREE PRIOR TO THE TRANSFER BY:

10 (a) PRESENTING A VALID, UNEXPIRED PERMIT TO CARRY A
11 CONCEALED HANDGUN ISSUED PURSUANT TO PART 2 OF THIS ARTICLE 12

1 ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1) TO THE
2 TRANSFEROR AND ANY PERSON REQUIRED TO REQUEST A BACKGROUND
3 CHECK ON BEHALF OF A TRANSFEROR; AND

4 (b) ATTESTING, IN WRITING, TO THE TRANSFEROR AND ANY PERSON
5 REQUIRED TO REQUEST A BACKGROUND CHECK ON BEHALF OF A
6 TRANSFEROR THAT THE PROSPECTIVE TRANSFEREE HAS NOT, SINCE THE
7 ISSUANCE OF THE PERMIT, BEEN CONVICTED OF A CRIME OF DOMESTIC
8 VIOLENCE OR BEEN TREATED FOR A MENTAL HEALTH CONDITION, OR IS
9 OTHERWISE INELIGIBLE TO POSSESS A FIREARM PURSUANT TO STATE OR
10 FEDERAL LAW.

11 (2) A PROSPECTIVE TRANSFEREE WHO KNOWINGLY PRESENTS AN
12 INVALID OR EXPIRED PERMIT, OR MAKES A FALSE OR MISLEADING
13 STATEMENT OR OMITTS ANY MATERIAL INFORMATION REQUESTED IN AN
14 ATTESTATION COMPLETED PURSUANT TO THIS SECTION, COMMITS A CLASS
15 1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION
16 18-1.3-501. IN ADDITION, IF THE PROSPECTIVE TRANSFEREE HOLDS A
17 VALID PERMIT, THE SHERIFF SHALL REVOKE THE PERMIT.

18 (3) ON OR BEFORE DECEMBER 31, 2021, THE ATTORNEY GENERAL
19 SHALL CONTACT THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS,
20 AND EXPLOSIVES WITHIN THE UNITED STATES DEPARTMENT OF JUSTICE TO
21 REQUEST THAT A PERMIT TO CARRY A CONCEALED HANDGUN ISSUED
22 PURSUANT TO PART 2 OF THIS ARTICLE 12 ON OR AFTER THE EFFECTIVE
23 DATE OF THIS SUBSECTION (3) QUALIFIES AS AN ALTERNATIVE TO A
24 SEARCH OF THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK
25 SYSTEM REQUIRED BY FEDERAL LAW, AS DESCRIBED IN 18 U.S.C. SEC. 922
26 (t).

27 (4) SUBSECTIONS (1) AND (2) OF THIS SECTION TAKE EFFECT IF THE

1 FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES
2 DETERMINES THAT A PERMIT TO CARRY A CONCEALED HANDGUN
3 QUALIFIES AS AN ALTERNATIVE TO THE BACKGROUND CHECK
4 REQUIREMENT DESCRIBED IN 18 U.S.C. SEC. 922 (t). THE ATTORNEY
5 GENERAL SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE
6 DATE ON WHICH THE CONDITION SPECIFIED IN THIS SUBSECTION (4) HAS
7 OCCURRED BY E-MAILING THE NOTICE TO
8 REVISOROFSTATUTES.GA@STATE.CO.US. SUBSECTIONS (1) AND (2) OF THIS
9 SECTION TAKE EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT
10 THE FEDERAL BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
11 EXPLOSIVES HAS MADE THE DETERMINATION THAT A PERMIT QUALIFIES AS
12 AN ALTERNATIVE TO A FEDERAL BACKGROUND CHECK OR, IF THE NOTICE
13 DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE
14 REVISOR OF STATUTES.

15 **SECTION 2.** In Colorado Revised Statutes, 18-12-206, **amend**
16 (1) introductory portion and (2) as follows:

17 **18-12-206. Sheriff - issuance or denial of permits - report.**

18 (1) Within ninety days after the date of receipt of the items specified in
19 section 18-12-205 OR WITHIN THREE BUSINESS DAYS AFTER RECEIVING
20 THE RESULTS OF A CHECK OF THE FEDERAL NATIONAL INSTANT CRIMINAL
21 BACKGROUND CHECK SYSTEM, WHICHEVER IS LATER, a sheriff shall:

22 (2) A SHERIFF SHALL NOT APPROVE THE PERMIT APPLICATION AND
23 ISSUE THE PERMIT if the sheriff does not receive the results of the
24 fingerprint checks conducted by the bureau and by the federal bureau of
25 investigation. ~~within ninety days after receiving a permit application, the~~
26 ~~sheriff shall determine whether to grant or deny the permit application~~
27 ~~without considering the fingerprint check information. If, upon receipt of~~

1 ~~the information, the sheriff finds that the permit was issued or denied~~
2 ~~erroneously, based on the criteria specified in section 18-12-203 (1) and~~
3 ~~(2), the sheriff shall either revoke or issue the permit, whichever is~~
4 ~~appropriate.~~

5 **SECTION 3.** In Colorado Revised Statutes, 18-12-211, **add**
6 (1)(d) as follows:

7 **18-12-211. Renewal of permits.** (1) (d) NOTWITHSTANDING ANY
8 OTHER PROVISION OF THIS SECTION TO THE CONTRARY, A SHERIFF SHALL
9 NOT RENEW A PERMIT PRIOR TO RECEIVING THE RESULTS OF A CHECK OF
10 THE FEDERAL NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

11 **SECTION 4.** In Colorado Revised Statutes, 18-12-212, **amend**
12 (2) as follows:

13 **18-12-212. Exemption.** (2) (a) Notwithstanding any provision of
14 this part 2 to the contrary, a retired peace officer ~~level I or Ia, as defined~~
15 ~~in section 18-1-901 (3)(I) and (3)(II), as said section existed prior to~~
16 ~~its repeal in 2003,~~ within the first five years after retirement may ~~obtain~~
17 APPLY FOR a permit by submitting to the sheriff of the jurisdiction in
18 which the retired peace officer resides THE PEACE OFFICER'S FINGERPRINTS
19 AND a letter signed by the sheriff or chief of police of the jurisdiction by
20 which the peace officer was employed immediately prior to retirement
21 attesting that the retired officer meets the criteria specified in section
22 18-12-203 (1). A retired peace officer who submits a letter pursuant to
23 this subsection (2) ~~is not subject to the fingerprint or criminal history~~
24 ~~check requirements specified in this part 2 and is not required to pay the~~
25 permit application fee. Upon receipt of a letter submitted pursuant to this
26 subsection (2) AND COMPLIANCE WITH SUBSECTION (2)(b) OF THIS
27 SECTION, the sheriff shall issue the permit. A permit issued pursuant to

1 this subsection (2) may not be renewed. Upon expiration of the permit,
2 the permittee may apply for a new permit as provided in this part 2.

3 (b) PRIOR TO ISSUING A PERMIT PURSUANT TO THIS SUBSECTION
4 (2), THE SHERIFF SHALL TAKE TWO COMPLETE SETS OF THE APPLICANT'S
5 FINGERPRINTS. THE SHERIFF SHALL SUBMIT BOTH SETS OF FINGERPRINTS
6 TO THE BUREAU AND REQUEST THAT THE BUREAU CONDUCT A SEARCH OF
7 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND A
8 SEARCH OF THE STATE INTEGRATED CRIMINAL JUSTICE INFORMATION
9 SYSTEM TO DETERMINE WHETHER THE APPLICANT IS ELIGIBLE TO POSSESS
10 A FIREARM PURSUANT TO STATE AND FEDERAL LAW. A SHERIFF SHALL NOT
11 ISSUE THE PERMIT PRIOR TO RECEIVING THE RESULTS OF THE BACKGROUND
12 CHECK AND VERIFYING THE APPLICANT IS ELIGIBLE TO POSSESS A FIREARM.

13 **SECTION 5.** In Colorado Revised Statutes, 18-12-213, **amend**
14 (1) introductory portion; and **add** (3) as follows:

15 **18-12-213. Reciprocity.** (1) EXCEPT AS PROVIDED IN SUBSECTION
16 (3) OF THIS SECTION, a permit to carry a concealed handgun or a concealed
17 weapon that is issued by a state that recognizes the validity of permits
18 issued pursuant to this part 2 ~~shall be~~ IS valid in this state in all respects
19 as a permit issued pursuant to this part 2 if the permit is issued to a person
20 who is:

21 (3) A PERMIT ISSUED IN ANOTHER STATE DOES NOT SATISFY THE
22 PERMIT PRESENTATION REQUIREMENT IN SECTION 18-12-113 (1)(a).

23 **SECTION 6.** In Colorado Revised Statutes, 18-12-112, **amend**
24 (1), (2)(a), (2)(b), and (3)(a) as follows:

25 **18-12-112. Private firearms transfers - background check**
26 **required - penalty - definitions.** (1) (a) ~~On and after July 1, 2013,~~
27 Except as described in subsection (6) of this section, before any person

1 who is not a licensed gun dealer, as defined in section 18-12-506 (6),
2 transfers or attempts to transfer possession of a firearm to a transferee, ~~he~~
3 ~~or she~~ THE PERSON shall:

4 (I) Require that a background check, in accordance with section
5 24-33.5-424, ~~C.R.S.~~, be conducted of the prospective transferee and
6 OBTAIN APPROVAL OF A TRANSFER FROM THE BUREAU AFTER A
7 BACKGROUND CHECK HAS BEEN REQUESTED BY A LICENSED GUN DEALER;
8 OR

9 (II) Obtain approval of a transfer from ~~the bureau after a~~
10 ~~background check has been requested by a licensed gun dealer, in~~
11 ~~accordance with section 24-33.5-424, C.R.S.~~ A LICENSED DEALER AFTER
12 THE TRANSFEREE HAS SATISFIED THE REQUIREMENTS OF SECTION
13 18-12-113 (1) FOR APPROVAL OF A TRANSFER BY PRESENTING A VALID
14 CONCEALED CARRY PERMIT.

15 (b) As used in this section, unless the context ~~requires~~ otherwise
16 REQUIRES, "transferee" means a person who desires to receive or acquire
17 a firearm from a transferor. If a transferee is not a natural person, then
18 each natural person who is authorized by the transferee to possess the
19 firearm after the transfer shall undergo a background check OR OBTAIN
20 APPROVAL OF THE TRANSFER BY PRESENTING A VALID CONCEALED CARRY
21 PERMIT, as described in ~~paragraph (a) of this subsection (1)~~ SUBSECTION
22 (1)(a) OF THIS SECTION, before taking possession of the firearm.

23 (2) (a) A prospective firearm transferor who is not a licensed gun
24 dealer shall arrange for a licensed gun dealer to obtain the background
25 check required by this section OR APPROVE THE TRANSFER AFTER THE
26 TRANSFEREE HAS SATISFIED THE REQUIREMENTS OF SECTION 18-12-113 (1)
27 FOR APPROVAL OF A TRANSFER BY PRESENTING A VALID CONCEALED

1 CARRY PERMIT.

2 (b) A licensed gun dealer who obtains a background check on a
3 prospective transferee OR APPROVES THE TRANSFER AFTER THE
4 TRANSFEREE HAS PRESENTED A VALID CONCEALED CARRY PERMIT shall
5 record the transfer, as provided in section 18-12-402, and retain the
6 records, as provided in section 18-12-403, in the same manner as when
7 conducting a sale, rental, or exchange at retail. The licensed gun dealer
8 shall comply with all state and federal laws, including 18 U.S.C. sec. 922,
9 as if ~~he or she~~ THE DEALER were transferring the firearm from ~~his or her~~
10 THE DEALER'S inventory to the prospective transferee.

11 (3) (a) A prospective firearm transferee under this section shall
12 not accept possession of the firearm unless the prospective firearm
13 transferor has obtained approval of the transfer from the bureau after a
14 background check has been requested by a licensed gun dealer OR
15 OBTAINED APPROVAL FOR THE TRANSFER AFTER THE TRANSFEREE HAS
16 PRESENTED A VALID CONCEALED CARRY PERMIT, as described in ~~paragraph~~
17 ~~(b) of subsection (1)~~ SUBSECTION (1) of this section.

18 **SECTION 7.** In Colorado Revised Statutes, 18-12-501, **amend**
19 (1) and (3) as follows:

20 **18-12-501. Background checks at gun shows - penalty.**

21 (1) Before a gun show vendor transfers or attempts to transfer a firearm
22 at a gun show, ~~he or she~~ THE VENDOR shall:

23 (a) Require that a background check, in accordance with section
24 24-33.5-424, be conducted of the prospective transferee and OBTAIN
25 APPROVAL OF A TRANSFER FROM THE COLORADO BUREAU OF
26 INVESTIGATION AFTER THE BACKGROUND CHECK; OR

27 (b) Obtain approval of a transfer from ~~the Colorado bureau of~~

1 ~~investigation after a background check has been requested by a licensed~~
2 ~~gun dealer, in accordance with section 24-33.5-424~~ A LICENSED GUN
3 DEALER AFTER THE TRANSFEREE HAS SATISFIED THE REQUIREMENTS OF
4 SECTION 18-12-113 (1) FOR APPROVAL OF A TRANSFER BY PRESENTING A
5 VALID CONCEALED CARRY PERMIT.

6 (3) If any part of a firearm transaction takes place at a gun show,
7 no firearm shall be transferred unless a background check has been
8 obtained by a licensed gun dealer OR A LICENSED GUN DEALER APPROVES
9 OF THE TRANSFER AFTER THE TRANSFEREE HAS SATISFIED THE
10 REQUIREMENTS OF SECTION 18-12-113 (1) FOR APPROVAL OF A TRANSFER
11 BY PRESENTING A VALID CONCEALED CARRY PERMIT.

12 **SECTION 8.** In Colorado Revised Statutes, 18-12-502, **amend**
13 (1) as follows:

14 **18-12-502. Records - penalty.** (1) A licensed gun dealer who
15 obtains a background check on a prospective transferee OR APPROVES THE
16 TRANSFER AFTER THE TRANSFEREE HAS PRESENTED A VALID CONCEALED
17 CARRY PERMIT shall record the transfer, as provided in section 18-12-402,
18 and retain the records, as provided in section 18-12-403, in the same
19 manner as when conducting a sale, rental, or exchange at retail.

20 **SECTION 9. Act subject to petition - effective date.** (1) Except
21 as otherwise provided in subsection (2) of this section, this act takes
22 effect at 12:01 a.m. on the day following the expiration of the ninety-day
23 period after final adjournment of the general assembly; except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.

3 (2) Sections 5 through 8 of this act take effect upon notice to the
4 revisor of statutes, as specified in section 1 of this act.