

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0739.01 Richard Sweetman x4333

HOUSE BILL 15-1138

HOUSE SPONSORSHIP

Ransom,

SENATE SPONSORSHIP

Cooke,

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CONCEALED CARRY HANDGUN PERMITS, AND, IN
102 CONNECTION THEREWITH, ALLOWING A VALID COLORADO
103 CONCEALED HANDGUN PERMIT TO SUBSTITUTE AS AN
104 OTHERWISE REQUIRED CRIMINAL BACKGROUND CHECK
105 PURSUANT TO THE TRANSFER OF A FIREARM.

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://www.leg.state.co.us/billsummaries>.)

The bill allows a person to satisfy federal and state background check requirements for the transfer of a firearm by presenting a valid

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.

Colorado concealed handgun permit. The bill amends the application procedure for concealed handgun permits to satisfy federal criminal background check requirements.

On or before October 1, 2015, the Colorado bureau of investigation shall establish and make available to each sheriff in the state a template for permits to carry concealed handguns. On and after January 1, 2016, each sheriff of the state shall ensure that each permit that he or she issues or renews conforms to the template.

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

2 **SECTION 1.** In Colorado Revised Statutes, 12-26.1-101, **amend**
3 (1) introductory portion and (3); and **add** (1.5) as follows:

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 (1.5) A TRANSFEREE WHO HOLDS A VALID PERMIT TO CARRY A
9 CONCEALED HANDGUN, WHICH PERMIT WAS ISSUED TO THE PERSON OR
10 RENEWED PURSUANT TO SECTION 18-12-203, C.R.S., ON OR AFTER
11 JANUARY 1, 2016, IS EXEMPT FROM THE BACKGROUND CHECK DESCRIBED
12 IN SUBSECTION (1) OF THIS SECTION IF, AT THE TIME OF THE TRANSFER OR
13 ATTEMPTED TRANSFER OF A FIREARM, HE OR SHE PRESENTS TO A GUN
14 SHOW VENDOR TRANSFEROR:

15 (a) THE PERMIT; AND

16 (b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN
17 AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT,
18 INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE
19 DRIVER'S LICENSE.

20 (3) If any part of a firearm transaction takes place at a gun show,
21 no firearm shall be transferred unless a background check has been

1 obtained by a licensed gun dealer OR THE TRANSFEREE IS EXEMPT FROM
2 THE BACKGROUND CHECK REQUIREMENT PURSUANT TO SUBSECTION (1.5)
3 OF THIS SECTION.

4 **SECTION 2.** In Colorado Revised Statutes, 18-12-203, **add** (1)
5 (a.5) as follows:

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) ASSERTS ON THE PERMIT APPLICATION THAT HE OR SHE IS:

10 (I) A LEGAL CITIZEN OF THE UNITED STATES; OR

11 (II) A LEGAL ALIEN AND SUBMITS THE FOLLOWING INFORMATION
12 IN WRITING:

13 (A) HIS OR HER COUNTRY OF CITIZENSHIP;

14 (B) HIS OR HER PLACE OF BIRTH;

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

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

21 **SECTION 3.** In Colorado Revised Statutes, 18-12-204, **amend**
22 (1) (a); and **add** (1.5) as follows:

23 **18-12-204. Permit contents - validity - carrying requirements**
24 **- repeal.** (1) (a) (I) Each permit shall bear a color photograph of the
25 permittee and shall display the signature of the sheriff who issues the
26 permit. In addition, the sheriffs of this state shall ensure that all permits
27 issued pursuant to this part 2 contain the same items of information and

1 are the same size and the same color.

2 (II) THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JANUARY 1,
3 2016.

4 (1.5) ON AND AFTER JANUARY 1, 2016, EACH SHERIFF OF THE
5 STATE SHALL ENSURE THAT EACH PERMIT THAT HE OR SHE ISSUES
6 PURSUANT TO THIS ARTICLE CONFORMS TO THE TEMPLATE ESTABLISHED
7 BY THE BUREAU PURSUANT TO SECTION 24-33.5-429, C.R.S.; EXCEPT THAT
8 A SHERIFF MAY ISSUE A TEMPORARY EMERGENCY PERMIT AS PROVIDED IN
9 SECTION 18-12-209.

10 **SECTION 4.** In Colorado Revised Statutes, 18-12-205, **amend**
11 (1) (a) (IV); and **add** (1) (a) (IV.5) as follows:

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

17 (IV) Whether the applicant is a resident of this state as of the date
18 of application and whether the applicant has a valid driver's license or
19 other state-issued photo identification or military order proving residence;
20 **and**

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

22 **SECTION 5.** In Colorado Revised Statutes, 18-12-207, **add** (4)
23 as follows:

24 **18-12-207. Judicial review - permit denial - permit suspension**
25 **- permit revocation.** (4) IF A SHERIFF REVOKES A PERMIT, HE OR SHE
26 SHALL CONFISCATE THE PERMIT FROM THE PERMIT HOLDER, AND THE
27 PERMIT HOLDER SHALL FORFEIT HIS OR HER PERMIT.

1 **SECTION 6.** In Colorado Revised Statutes, 18-12-208, **amend**
2 (1) as follows:

3 **18-12-208. Colorado bureau of investigation - duties.** (1) Upon
4 receipt of a permit applicant's fingerprints from a sheriff pursuant to
5 section 18-12-205 (4) or upon a sheriff's request pursuant to section
6 18-12-211 (1), the bureau shall process the full set of fingerprints to
7 obtain any available state criminal justice information or federal
8 information pursuant to section 16-21-103 (5), C.R.S., INCLUDING A
9 SEARCH OF THE FEDERAL BUREAU OF INVESTIGATION'S NATIONAL INSTANT
10 CRIMINAL BACKGROUND CHECK SYSTEM, and shall report any information
11 received to the sheriff. In addition, within ten days after receiving the
12 fingerprints, the bureau shall forward one set of the fingerprints to the
13 federal bureau of investigation for processing to obtain any available state
14 criminal justice information or federal information.

15 **SECTION 7.** In Colorado Revised Statutes, 18-12-211, **amend**
16 (1) (c) and (2); and **add** (3) as follows:

17 **18-12-211. Renewal of permits.** (1) (c) The sheriff shall verify
18 pursuant to section 18-12-205 (4) that the permittee meets the criteria
19 specified in section 18-12-203 (1) (a) to (1) (g) and is not a danger as
20 described in section 18-12-203 (2) and, EXCEPT AS PROVIDED IN
21 SUBSECTION (3) OF THIS SECTION, shall either renew or deny the renewal
22 of the permit in accordance with the provisions of section 18-12-206 (1).
23 If the sheriff denies renewal of a permit, the permittee may seek a second
24 review of the renewal application by the sheriff and may submit
25 additional information for the record. The permittee may also seek
26 judicial review as provided in section 18-12-207.

27 (2) (a) A permittee who fails to file a renewal form on or before

1 the permit expiration date may renew the permit by paying a late fee of
2 fifteen dollars in addition to the renewal fee established pursuant to
3 subsection (1) of this section. No permit shall be renewed six months or
4 more after its expiration date, and the permit shall be deemed to have
5 permanently expired. A person whose permit has permanently expired
6 may reapply for a permit, but the person shall submit an application for
7 a permit and the fee required pursuant to section 18-12-205. A person
8 who knowingly and intentionally files false or misleading information or
9 deliberately omits material information required under this section is
10 subject to criminal prosecution for perjury under section 18-8-503.

11 (b) IF A PERMITTEE FAILS TO FILE A RENEWAL FORM ON OR BEFORE
12 THE PERMIT EXPIRATION DATE, HIS OR HER PERMIT IS INVALID FROM THE
13 PERMIT EXPIRATION DATE UNTIL SUCH TIME AS THE PERMIT IS RENEWED.

14 (3) ON AND AFTER JANUARY 1, 2016, A SHERIFF SHALL NOT RENEW
15 A PERMIT THAT WAS ISSUED BEFORE JANUARY 1, 2016; EXCEPT THAT A
16 SHERIFF MAY RENEW SUCH A PERMIT PURSUANT TO THE PROVISIONS OF
17 THIS SECTION IF THE SHERIFF CONFISCATES THE PERMIT THAT WAS ISSUED
18 BEFORE JANUARY 1, 2016, AND ISSUES IN ITS PLACE A PERMIT THAT
19 CONFORMS TO THE TEMPLATE ESTABLISHED BY THE BUREAU PURSUANT TO
20 SECTION 24-33.5-429, C.R.S.

21 **SECTION 8.** In Colorado Revised Statutes, **add** 18-12-217 as
22 follows:

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 TO THE PERSON OR RENEWED PURSUANT TO
27 THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR AFTER JANUARY 1,

1 2016, SHALL NOT BE REQUIRED TO SUBMIT TO A NATIONAL 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 IF
4 HE OR SHE PRESENTS TO THE TRANSFEROR OF THE FIREARM:

5 (a) THE PERMIT; AND

6 (b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN
7 AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT,
8 INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE
9 DRIVER'S LICENSE.

10 (2) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A LICENSED
11 IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL NOT BE
12 REQUIRED TO CONTACT THE COLORADO BUREAU OF INVESTIGATION OR
13 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AS
14 DESCRIBED IN SECTION 24-33.5-424, C.R.S., BEFORE TRANSFERRING
15 POSSESSION OF A FIREARM TO A PERSON WHO HOLDS AND PRESENTS:

16 (a) A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH
17 PERMIT WAS ISSUED TO THE PERSON OR RENEWED PURSUANT TO THE
18 PROVISIONS OF THIS ARTICLE ON OR AFTER JANUARY 1, 2016; AND

19 (b) A VALID IDENTIFICATION CARD THAT HAS BEEN ISSUED BY AN
20 AGENCY OF THE FEDERAL GOVERNMENT OR ANY STATE GOVERNMENT,
21 INCLUDING BUT NOT LIMITED TO A UNITED STATES PASSPORT OR A STATE
22 DRIVER'S LICENSE.

23 **SECTION 9.** In Colorado Revised Statutes, 24-33.5-412, **amend**
24 (1) (r); and **add** (1) (t) as follows:

25 **24-33.5-412. Functions of bureau - legislative review -**
26 **interagency cooperation with reporting functions - processing time**
27 **for criminal history record checks - computer crime - synthetic**

1 **cannabinoids enforcement.** (1) The bureau has the following authority:

2 (r) To conduct criminal history records checks pursuant to section
3 24-72-305.3; ~~and~~

4 (t) ON AND AFTER OCTOBER 1, 2015, TO ESTABLISH AND MAINTAIN
5 A TEMPLATE ESTABLISHING A UNIFORM APPEARANCE FOR PERMITS TO
6 CARRY A CONCEALED HANDGUN PURSUANT TO SECTION 24-33.5-429.

7 **SECTION 10.** In Colorado Revised Statutes, **add** 24-33.5-429 as
8 follows:

9 **24-33.5-429. Permits to carry concealed handguns - template**
10 **required.** (1) ON OR BEFORE OCTOBER 1, 2015, THE BUREAU SHALL
11 ESTABLISH AND MAKE AVAILABLE TO EACH SHERIFF IN THE STATE A
12 TEMPLATE FOR PERMITS TO CARRY CONCEALED HANDGUNS, WHICH
13 PERMITS ARE ISSUED BY SHERIFFS PURSUANT TO ARTICLE 12 OF TITLE 18,
14 C.R.S.

15 (2) IN ESTABLISHING THE TEMPLATE DESCRIBED IN SUBSECTION (1)
16 OF THIS SECTION, THE BUREAU SHALL ENSURE THAT EACH PERMIT:

- 17 (a) IS RESISTANT TO TAMPERING AND FORGERY;
- 18 (b) SATISFIES THE PROVISIONS OF ARTICLE 12 OF TITLE 18, C.R.S.;
- 19 (c) CONTAINS THE SAME ITEMS OF INFORMATION AND IS UNIFORM
20 IN APPEARANCE; AND

21 (d) DISPLAYS, AT A MINIMUM, THE FOLLOWING INFORMATION:

- 22 (I) THE NAME AND ADDRESS OF THE PERMITTEE;
- 23 (II) A COLOR PHOTOGRAPH OF THE PERMITTEE;
- 24 (III) THE SIGNATURE OF THE SHERIFF; AND
- 25 (IV) THE TELEPHONE NUMBER OF THE OFFICE OF THE SHERIFF WHO
26 ISSUED THE PERMIT.

27 **SECTION 11. Safety clause.** The general assembly hereby finds,

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