

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 4, 2024
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB24-1174 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend Judiciary Committee Report, dated February 13, 2024, page 1,
2 line 1, strike "page 5," and substitute "page 4, lines 9 and 10, strike "THE
3 COLORADO BUREAU OF INVESTIGATION" and substitute "A SHERIFF".
4 Page 5 of the bill,".
- 5 Page 1 of the report, after line 2, insert:
6 "Page 5 of the printed bill, after line 22 insert:
7 "(e.5) INSTRUCTION REGARDING BEST PRACTICES TO ENSURE
8 CONCEALED HANDGUN PERMIT HOLDERS SAFELY INTERACT WITH LAW
9 ENFORCEMENT PERSONNEL WHO ARE RESPONDING TO AN EMERGENCY;".
- 10 Page 1 of the report, strike lines 7 through 12 and substitute:
11 "Page 6 of the printed bill, lines 6 and 7, strike "DEVELOPED OR ADOPTED
12 BY THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO SUBSECTION
13 (6)(b) OF THIS SECTION." and substitute "THAT TESTS A STUDENT'S
14 KNOWLEDGE OF THE SUBJECTS DESCRIBED IN SUBSECTIONS (3)(a) TO (3)(f)
15 OF THIS SECTION."
- 16 Page 6 of the bill, strike lines 17 and 18 and substitute "THAT TESTS A
17 STUDENT'S KNOWLEDGE OF THE SUBJECTS DESCRIBED IN SUBSECTIONS
18 (3)(a) TO (3)(f) OF THIS SECTION."
- 19 Page 1 of the report, strike lines 15 through 19 and substitute:
20 "Page 7 of the bill, strike lines 16 through 25."
- 21 Page 2 of the report, strike lines 1 and 2.
- 22 Page 2 of the report, line 4, strike ""(7)" and substitute ""(6)".

- 1 Page 2 of the report, after line 6 insert:
2 "Page 8 of the bill, strike lines 2 through 7 and substitute:
3 **"verification.** (1) EACH SHERIFF SHALL VERIFY AS A FIREARMS
4 INSTRUCTOR A PERSON WHOSE PRINCIPAL PLACE TO CONDUCT FIREARMS
5 TRAINING IS IN THE SHERIFF'S COUNTY AND WHO:
6 (a) SATISFIES THE REQUIREMENTS FOR VERIFICATION DESCRIBED
7 IN THIS SECTION; AND
8 (b) PAYS ANY FEE REQUIRED PURSUANT TO SUBSECTION (5) OF THIS
9 SECTION."."
- 10 Page 2 of the report, after line 17 insert:
11 "Page 8 of the bill, line 20, strike "THE COLORADO BUREAU OF
12 INVESTIGATION" and substitute "A SHERIFF".
- 13 Page 8 of the bill, line 24, strike "THE COLORADO BUREAU OF
14 INVESTIGATION" and substitute "EACH SHERIFF".
- 15 Page 8 of the bill, line 25, strike "VERIFIED INSTRUCTORS" and substitute
16 "FIREARMS INSTRUCTORS VERIFIED BY THE SHERIFF".
- 17 Page 8 of the bill, line 26, strike "BUREAU'S" and substitute "SHERIFF'S".
- 18 Page 9 of the bill, lines 1 and 2, strike "THE COLORADO BUREAU OF
19 INVESTIGATION, PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24,"
20 and substitute "A SHERIFF".
- 21 Page 9 of the bill, lines 5 and 6, strike "THE COLORADO BUREAU OF
22 INVESTIGATION, PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24,"
23 and substitute "A SHERIFF".
- 24 Page 9 of the bill, after line 13 insert:
25 "(c) IF A SHERIFF DENIES A PERSON'S APPLICATION FOR
26 VERIFICATION AS A FIREARMS INSTRUCTOR OR SUSPENDS OR REVOKES A
27 PERSON'S FIREARMS INSTRUCTOR VERIFICATION, THE SHERIFF SHALL
28 NOTIFY THE PERSON IN WRITING. THE NOTICE MUST STATE THE GROUNDS
29 FOR DENIAL, SUSPENSION, OR REVOCATION AND INFORM THE PERSON OF
30 THE RIGHT TO SEEK JUDICIAL REVIEW PURSUANT TO SECTION 18-12-207.".
- 31 Page 9 of the bill, line 14, strike "THE COLORADO BUREAU OF
32 INVESTIGATION" and substitute "A SHERIFF".
- 33 Page 9 of the bill, strike lines 18 through 23.

1 Page 10 of the bill, after line 24 insert:

2 "SECTION 5. In Colorado Revised Statutes, 18-12-207, **amend**
3 (3); and **add** (4) as follows:

4 **18-12-207. Judicial review - permit denial - permit suspension**
5 **- permit revocation - denial, suspension, or revocation of instructor**
6 **verification.** (3) Notwithstanding any other provision of law to the
7 contrary, at a judicial review sought pursuant to SUBSECTION (1) OF this
8 section, the sheriff shall have the burden of proving by a preponderance
9 of the evidence that the applicant or permittee is ineligible to possess a
10 permit under the criteria listed in section 18-12-203 (1) or, if the denial,
11 suspension, or revocation was based on the sheriff's determination that the
12 person would be a danger as provided in section 18-12-203 (2), the sheriff
13 shall have the burden of proving the determination by clear and
14 convincing evidence. Following completion of the review, the court may
15 award attorney fees to the prevailing party.

16 (4) (a) IF A SHERIFF DENIES A PERSON'S APPLICATION FOR
17 VERIFICATION AS A FIREARMS INSTRUCTOR OR SUSPENDS OR REVOKES A
18 PERSON'S FIREARMS INSTRUCTOR VERIFICATION, THE PERSON MAY SEEK
19 JUDICIAL REVIEW OF THE SHERIFF'S DECISION. THE PROCEDURE AND
20 TIMELINES DESCRIBED IN SUBSECTION (2) OF THIS SECTION APPLY TO
21 JUDICIAL REVIEW OF A SHERIFF'S DECISION PURSUANT TO THIS SUBSECTION
22 (4).

23 (b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
24 CONTRARY, AT A JUDICIAL REVIEW SOUGHT PURSUANT TO THIS
25 SUBSECTION (4), THE SHERIFF HAS THE BURDEN OF PROVING BY A
26 PREPONDERANCE OF THE EVIDENCE THAT THE PERSON DOES NOT MEET THE
27 REQUIREMENTS TO BE VERIFIED AS A FIREARMS INSTRUCTOR OR SATISFIES
28 THE CRITERIA FOR SUSPENSION OR REVOCATION OF A FIREARMS
29 INSTRUCTOR VERIFICATION."

30 Renumber succeeding sections accordingly.

31 Page 12 of the bill, lines 23 and 24, strike "THE COLORADO BUREAU OF
32 INVESTIGATION" and substitute "A SHERIFF".

33 Page 12 of the bill, line 26, strike "5, and 6" and substitute "6, and 7".

34 Page 13 of the bill, line 8, strike "5, and 6" and substitute "6, and 7".

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