

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0554.01 Conrad Imel x2313

HOUSE BILL 22-1033

HOUSE SPONSORSHIP

Hanks,

SENATE SPONSORSHIP

(None),

House Committees

Public & Behavioral Health & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE AUTHORITY TO CARRY A HANDGUN.

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>.)

The bill grants a person who is at least 21 years old and permitted to possess a handgun pursuant to federal and state law the same authority to carry a concealed handgun as a person who holds a permit to carry a concealed handgun (permit). A person who carries a concealed handgun without a permit has the same rights, limitations, and authority to carry as a person who holds a permit. A person may obtain a permit for the purpose of using the permit to carry a concealed handgun in another state that recognizes a Colorado permit.

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.

Under existing law, a permit is valid for 5 years. The bill makes a permit valid for the life of the permit holder. Existing permits, other than temporary emergency permits, are converted to lifetime permits. Because permits are valid for the life of the holder, the bill repeals provisions relating to the renewal of permits. The bill repeals the temporary emergency permit to carry a concealed handgun.

The bill repeals local government authority to regulate open or concealed carry of a handgun, including repealing the authority of special districts and the governing boards of institutions of higher education, as applicable.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-12-105, **amend**
3 (2) introductory portion, (2)(c), and (2)(f); and **add** (2)(g) and (3) as
4 follows:

5 **18-12-105. Unlawfully carrying a concealed weapon - unlawful**
6 **possession of weapons - concealed carry of a handgun without a**
7 **permit.** (2) It ~~shall not be~~ IS NOT an offense if the defendant was:

8 (c) A person who, at the time of carrying a concealed weapon,
9 held a valid written permit to carry a concealed weapon issued pursuant
10 to section 18-12-105.1, as it existed prior to its repeal, or, if the weapon
11 involved was a handgun, held a valid permit to carry a concealed handgun
12 ~~or a temporary emergency permit~~ issued pursuant to part 2 of this article
13 ARTICLE 12; except that it shall be an offense under this section if the
14 person was carrying a concealed handgun in violation ~~of the provisions~~
15 of section 18-12-214; or

16 (f) A United States probation officer or a United States pretrial
17 services officer while on duty and serving in the state of Colorado under
18 the authority of rules and regulations promulgated by the judicial
19 conference of the United States; OR

20 (g) **LAWFULLY CARRYING A CONCEALED HANDGUN PURSUANT TO**

1 THE AUTHORITY GRANTED IN SUBSECTION (3) OF THIS SECTION.

2 (3) (a) A PERSON WHO IS AT LEAST TWENTY-ONE YEARS OF AGE
3 AND IS PERMITTED TO POSSESS A HANDGUN PURSUANT TO FEDERAL AND
4 STATE LAW HAS THE SAME AUTHORITY TO CARRY A CONCEALED
5 HANDGUN, AND IS SUBJECT TO THE SAME LIMITATIONS, AS A PERSON WHO
6 HOLDS A PERMIT TO CARRY A CONCEALED HANDGUN, AS SET FORTH IN
7 SECTION 18-12-214.

8 (b) NOTHING IN THIS SUBSECTION (3) PROHIBITS A PERSON FROM
9 APPLYING FOR AND OBTAINING A PERMIT TO CARRY A CONCEALED
10 HANDGUN PURSUANT TO PART 2 OF THIS ARTICLE 12 FOR THE PURPOSE OF
11 USING THE PERMIT TO CARRY A CONCEALED HANDGUN IN A STATE THAT
12 RECOGNIZES THE VALIDITY OF A PERMIT ISSUED IN COLORADO.

13 **SECTION 2.** In Colorado Revised Statutes, 18-12-105.5, **amend**
14 (3) introductory portion, (3)(d.5), and (3)(h); and **add** (3)(i) as follows:

15 **18-12-105.5. Unlawfully carrying a weapon - unlawful**
16 **possession of weapons - school, college, or university grounds.** (3) It
17 ~~shall not be~~ IS NOT an offense under this section if:

18 (d.5) The weapon involved was a handgun and the person held a
19 valid permit to carry a concealed handgun ~~or a temporary emergency~~
20 ~~permit~~ issued pursuant to part 2 of this ~~article~~ ARTICLE 12; except that it
21 shall be an offense under this section if the person was carrying a
22 concealed handgun in violation of ~~the provisions of~~ section 18-12-214
23 (3); or

24 (h) The person has possession of the weapon for use in an
25 educational program approved by a school which program includes, but
26 ~~shall not be~~ IS NOT limited to, any course designed for the repair or
27 maintenance of weapons; OR

1 (i) THE PERSON WAS LAWFULLY CARRYING A CONCEALED
2 HANDGUN PURSUANT TO THE AUTHORITY GRANTED IN SECTION 18-12-105
3 (3); EXCEPT THAT IT IS AN OFFENSE UNDER THIS SECTION IF THE PERSON
4 WAS CARRYING THE CONCEALED HANDGUN IN VIOLATION OF SECTION
5 18-12-214 (3).

6 **SECTION 3.** In Colorado Revised Statutes, 18-12-106, **amend,**
7 **as it will become effective March 1, 2022,** (1)(d) as follows:

8 **18-12-106. Prohibited use of weapons - definitions.** (1) A
9 person commits a class 1 misdemeanor if:

10 (d) The person has in his or her possession a firearm while the
11 person is under the influence of intoxicating liquor or of a controlled
12 substance, as defined in section 18-18-102 (5). Possession of a permit
13 issued under section 18-12-105.1, as it existed prior to its repeal, or
14 possession of a permit ~~or a temporary emergency permit~~ issued pursuant
15 to part 2 of this ~~article~~ ARTICLE 12 is no defense to a violation of this
16 subsection (1).

17 **SECTION 4.** In Colorado Revised Statutes, 18-12-201, **amend**
18 (1)(c), (2)(a), and (2)(b); and **repeal** (1)(d) and (2)(c) as follows:

19 **18-12-201. Legislative declaration.** (1) The general assembly
20 finds that:

21 (c) Inconsistency regarding issuance of permits results in the
22 arbitrary and capricious denial of permits to carry concealed handguns
23 based on the jurisdiction of residence rather than the qualifications for
24 obtaining a permit; AND

25 ~~(d) Officials of local governments are uniquely equipped to make~~
26 ~~determinations as to where concealed handguns can be carried in their~~
27 ~~local jurisdictions; and~~

1 (2) Based on the findings specified in subsection (1) of this
2 section, the general assembly concludes that:

3 (a) The criteria and procedures for issuing permits to carry
4 concealed handguns is a matter of statewide concern; AND

5 (b) It is necessary to provide statewide uniform standards for
6 issuing permits to carry concealed handguns for self-defense. ~~and~~

7 (c) ~~Whether concealed handguns can be carried in a specific area~~
8 ~~is a matter of state and local concern.~~

9 **SECTION 5.** In Colorado Revised Statutes, 18-12-202, **amend**
10 (6) as follows:

11 **18-12-202. Definitions.** As used in this part 2, unless the context
12 otherwise requires:

13 (6) "Permit" means a permit to carry a concealed handgun issued
14 pursuant to the provisions of this part 2. ~~except that "permit" does not~~
15 ~~include a temporary emergency permit issued pursuant to section~~
16 ~~18-12-209.~~

17 **SECTION 6.** In Colorado Revised Statutes, 18-12-203, **amend**
18 (3)(a) as follows:

19 **18-12-203. Criteria for obtaining a permit.** (3) (a) The sheriff
20 shall deny OR revoke ~~or refuse to renew~~ a permit if an applicant or a
21 permittee fails to meet one of the criteria listed in subsection (1) of this
22 section and may deny OR revoke ~~or refuse to renew~~ a permit on the
23 grounds specified in subsection (2) of this section.

24 **SECTION 7.** In Colorado Revised Statutes, 18-12-204, **amend**
25 (1)(b) and (3)(a) introductory portion; **repeal** (2)(b); and **add** (1)(c) as
26 follows:

27 **18-12-204. Permit contents - validity - carrying requirements.**

1 (1) (b) A permit is valid for ~~a period of five years after the date of~~
2 ~~issuance and may be renewed as provided in section 18-12-211~~ THE LIFE
3 OF THE PERMIT HOLDER UNLESS SUSPENDED OR REVOKED. A permit issued
4 pursuant to this part 2 ~~including a temporary emergency permit issued~~
5 ~~pursuant to section 18-12-209~~, is effective in all areas of the state, except
6 as otherwise provided in section 18-12-214.

7 (c) A PERMIT, OTHER THAN A TEMPORARY EMERGENCY PERMIT,
8 ISSUED PURSUANT TO THIS PART 2 PRIOR TO THE EFFECTIVE DATE OF THIS
9 SUBSECTION (1)(c) THAT IS VALID ON THE EFFECTIVE DATE OF THIS
10 SUBSECTION (1)(c) DOES NOT EXPIRE AND IS VALID FOR THE LIFE OF THE
11 PERMIT HOLDER UNLESS SUSPENDED OR REVOKED. THE ISSUING SHERIFF
12 SHALL PROVIDE A PERMITTEE A REPLACEMENT PERMIT WITHOUT AN
13 EXPIRATION DATE UPON REQUEST OF THE PERMITTEE AND RECEIPT OF A
14 FIFTEEN DOLLAR FEE.

15 (2) (b) ~~The provisions of paragraph (a) of this subsection (2) apply~~
16 ~~to temporary emergency permits issued pursuant to section 18-12-209.~~

17 (3) (a) A person who may lawfully possess a handgun may carry
18 a handgun under the following circumstances ~~without obtaining a permit~~
19 and the handgun shall not be considered concealed:

20 **SECTION 8.** In Colorado Revised Statutes, 18-12-205, **amend**
21 (5) as follows:

22 **18-12-205. Sheriff - application - procedure - background**
23 **check.** (5) The sheriff in each county or city and county in the state shall
24 establish the amount of the ~~new and renewal permit fees~~ FEE within his
25 ~~or her~~ THE SHERIFF'S jurisdiction. The amount of the ~~new and renewal~~
26 ~~permit fees shall~~ FEE MUST comply with the limits specified in ~~paragraph~~
27 ~~(b) of subsection (2)~~ SUBSECTION (2)(b) of this section ~~and section~~

1 ~~18-12-211 (1), respectively. The fee amounts shall~~ AND MUST reflect the
2 actual direct and indirect costs to the sheriff of processing permit
3 applications ~~and renewal applications~~ pursuant to this part 2.

4 **SECTION 9.** In Colorado Revised Statutes, 18-12-207, **amend**
5 (1) as follows:

6 **18-12-207. Judicial review - permit denial - permit suspension**
7 **- permit revocation.** (1) If a sheriff denies a permit application ~~refuses~~
8 ~~to renew a permit,~~ or suspends or revokes a permit, the applicant or
9 permittee may seek judicial review of the sheriff's decision. The applicant
10 or permittee may seek judicial review either in lieu of or subsequent to the
11 sheriff's second review.

12 **SECTION 10.** In Colorado Revised Statutes, 18-12-208, **amend**
13 (1) and (2)(a) as follows:

14 **18-12-208. Colorado bureau of investigation - duties.** (1) Upon
15 receipt of a permit applicant's fingerprints from a sheriff pursuant to
16 section 18-12-205 (4), ~~or upon a sheriff's request pursuant to section~~
17 ~~18-12-211 (1),~~ the bureau shall process the full set of fingerprints to
18 obtain any available state criminal justice information or federal
19 information pursuant to section 16-21-103 (5) ~~C.R.S.~~, and shall report any
20 information received to the sheriff. In addition, within ten days after
21 receiving the fingerprints, the bureau shall forward one set of the
22 fingerprints to the federal bureau of investigation for processing to obtain
23 any available state criminal justice information or federal information.

24 (2) The bureau shall use the fingerprints received pursuant to this
25 part 2 solely for the purposes of:

26 (a) Obtaining information for the issuance ~~or renewal~~ of permits;
27 and

1 **SECTION 11.** In Colorado Revised Statutes, **repeal** 18-12-209
2 as follows:

3 **18-12-209. Issuance by sheriffs of temporary emergency**
4 **permits.** ~~(1) Notwithstanding any provisions of this part 2 to the~~
5 ~~contrary, a sheriff, as provided in this section, may issue a temporary~~
6 ~~emergency permit to carry a concealed handgun to a person whom the~~
7 ~~sheriff has reason to believe may be in immediate danger.~~

8 ~~(2) (a) To receive a temporary emergency permit, a person shall~~
9 ~~submit to the sheriff of the county or city and county in which the person~~
10 ~~resides or in which the circumstances giving rise to the emergency exist~~
11 ~~the items specified in section 18-12-205; except that an applicant for a~~
12 ~~temporary emergency permit need not submit documentary evidence~~
13 ~~demonstrating competence with a handgun as required under section~~
14 ~~18-12-205 (3)(a), and the applicant shall submit a temporary permit fee~~
15 ~~not to exceed twenty-five dollars, as set by the sheriff. Upon receipt of the~~
16 ~~documents and fee, the sheriff shall request that the bureau conduct a~~
17 ~~criminal history record check of the bureau files and a search of the~~
18 ~~national instant criminal background check system. The sheriff may issue~~
19 ~~a temporary emergency permit to the applicant if the sheriff determines~~
20 ~~the person may be in immediate danger and the criminal history record~~
21 ~~check shows that the applicant meets the criteria specified in section~~
22 ~~18-12-203; except that the applicant need not demonstrate competence~~
23 ~~with a handgun and the applicant may be eighteen years of age or older.~~

24 ~~(b) (I) A temporary emergency permit issued pursuant to this~~
25 ~~section is valid for a period of ninety days after the date of issuance. Prior~~
26 ~~to or within ten days after expiration of a temporary emergency permit,~~
27 ~~the permittee may apply to the sheriff of the county or city and county in~~

1 which the person resides or in which the circumstances giving rise to the
2 emergency exist for renewal of the permit. The sheriff may renew a
3 temporary emergency permit once for an additional ninety-day period;
4 except that, if the permittee is younger than twenty-one years of age, the
5 sheriff may renew the temporary emergency permit for subsequent
6 ninety-day periods until the permittee reaches twenty-one years of age.

7 (H) If the sheriff is not the same sheriff who issued the temporary
8 emergency permit to the permittee:

9 (A) The permittee shall submit to the renewing sheriff, in addition
10 to the materials described in section 18-12-205, a legible photocopy of the
11 temporary emergency permit; and

12 (B) The renewing sheriff shall contact the office of the sheriff
13 who issued the temporary emergency permit and confirm that the issuing
14 sheriff has not revoked or suspended the temporary emergency permit.

15 **SECTION 12.** In Colorado Revised Statutes, 18-12-210, **repeal**
16 (3) as follows:

17 **18-12-210. Maintenance of permit - address change - invalidity**
18 **of permit.** (3) ~~The provisions of this section apply to temporary~~
19 ~~emergency permits issued pursuant to section 18-12-209.~~

20 **SECTION 13.** In Colorado Revised Statutes, **repeal** 18-12-211
21 as follows:

22 **18-12-211. Renewal of permits.** (1) (a) ~~Within one hundred~~
23 ~~twenty days prior to expiration of a permit, the permittee may obtain a~~
24 ~~renewal form from the sheriff of the county or city and county in which~~
25 ~~the permittee resides or from the sheriff of the county or city and county~~
26 ~~in which the permittee maintains a secondary residence or owns or leases~~
27 ~~real property used by the permittee in a business and renew the permit by~~

1 submitting to the sheriff a completed renewal form, a notarized affidavit
2 stating that the permittee remains qualified pursuant to the criteria
3 specified in section 18-12-203 (1)(a) to (1)(g), and the required renewal
4 fee not to exceed fifty dollars, as set by the sheriff pursuant to section
5 18-12-205 (5). The renewal form must meet the requirements specified
6 in section 18-12-205 (1) for an application.

7 (b) If the sheriff is not the same sheriff who issued the permit to
8 the permittee:

9 (I) The permittee shall submit to the renewing sheriff, in addition
10 to the materials described in paragraph (a) of this subsection (1), a legible
11 photocopy of the permit; and

12 (II) The renewing sheriff shall contact the office of the sheriff
13 who issued the permit and confirm that the issuing sheriff has not revoked
14 or suspended the permit.

15 (c) The sheriff shall verify pursuant to section 18-12-205 (4) that
16 the permittee meets the criteria specified in section 18-12-203 (1)(a) to
17 (1)(g) and is not a danger as described in section 18-12-203 (2) and shall
18 either renew or deny the renewal of the permit in accordance with the
19 provisions of section 18-12-206 (1). If the sheriff denies renewal of a
20 permit, the permittee may seek a second review of the renewal application
21 by the sheriff and may submit additional information for the record. The
22 permittee may also seek judicial review as provided in section 18-12-207.

23 (2) A permittee who fails to file a renewal form on or before the
24 permit expiration date may renew the permit by paying a late fee of
25 fifteen dollars in addition to the renewal fee established pursuant to
26 subsection (1) of this section. No permit shall be renewed six months or
27 more after its expiration date, and the permit shall be deemed to have

1 ~~permanently expired. A person whose permit has permanently expired~~
2 ~~may reapply for a permit, but the person shall submit an application for~~
3 ~~a permit and the fee required pursuant to section 18-12-205. A person~~
4 ~~who knowingly and intentionally files false or misleading information or~~
5 ~~deliberately omits material information required under this section is~~
6 ~~subject to criminal prosecution for perjury under section 18-8-503.~~

7 **SECTION 14.** In Colorado Revised Statutes, 18-12-212, **amend**
8 (2) as follows:

9 **18-12-212. Exemption.** (2) Notwithstanding any provision of this
10 part 2 to the contrary, a retired peace officer, level I or Ia, as defined in
11 section 18-1-901 (3)(I)(I) and (3)(I)(II), as said section existed prior to its
12 repeal in 2003, within the first five years after retirement may obtain a
13 permit by submitting to the sheriff of the jurisdiction in which the retired
14 peace officer resides a letter signed by the sheriff or chief of police of the
15 jurisdiction by which the peace officer was employed immediately prior
16 to retirement attesting that the retired officer meets the criteria specified
17 in section 18-12-203 (1). A retired peace officer who submits a letter
18 pursuant to this subsection (2) is not subject to the fingerprint or criminal
19 history check requirements specified in this part 2 and is not required to
20 pay the permit application fee. Upon receipt of a letter submitted pursuant
21 to this subsection (2), the sheriff shall issue the permit. ~~A permit issued~~
22 ~~pursuant to this subsection (2) may not be renewed. Upon expiration of~~
23 ~~the permit, the permittee may apply for a new permit as provided in this~~
24 ~~part 2.~~

25 **SECTION 15.** In Colorado Revised Statutes, 18-12-214, **amend**
26 (1)(a); and **repeal** (1)(c), (2.5), (3.5), and (6) as follows:

27 **18-12-214. Authority granted by permit - carrying restrictions**

1 - **local authority.** (1) (a) A permit to carry a concealed handgun
2 authorizes the permittee to carry a concealed handgun in all areas of the
3 state, except as specifically limited in this section. A permit does not
4 authorize the permittee to use a handgun in a manner that would violate
5 a provision of state law. A LOCAL GOVERNMENT DOES NOT HAVE THE
6 AUTHORITY TO ADOPT OR ENFORCE AN ORDINANCE OR RESOLUTION THAT
7 WOULD CONFLICT WITH ANY PROVISION OF THIS PART 2.

8 (c) ~~(f) A local government, including a special district, or the~~
9 ~~governing board of an institution of higher education, including the board~~
10 ~~of directors of the Auraria higher education center, may enact an~~
11 ~~ordinance, resolution, rule, or other regulation that prohibits a permittee~~
12 ~~from carrying a concealed handgun in a building or specific area within~~
13 ~~the local government's or governing board's jurisdiction, or for a special~~
14 ~~district, in a building or specific area under the direct control or~~
15 ~~management of the district, including a building or facility managed~~
16 ~~pursuant to an agreement between the district and a contractor. An~~
17 ~~ordinance, resolution, or other regulation prohibiting a permittee from~~
18 ~~carrying a concealed handgun may only impose a civil penalty for a~~
19 ~~violation and require the person to leave the premises. For a first offense,~~
20 ~~the ordinance, resolution, or other regulation may not impose a fine that~~
21 ~~exceeds fifty dollars and may not impose a sentence of incarceration. A~~
22 ~~person who does not leave the premises when required may be subject to~~
23 ~~criminal penalties.~~

24 (H) ~~If a local government or governing board prohibits carrying~~
25 ~~a concealed handgun in a building or specific area, the local government~~
26 ~~or governing board shall post signs at the public entrances to the building~~
27 ~~or specific area informing persons that carrying a concealed handgun is~~

1 ~~prohibited in the building or specific area. The notice required by this~~
2 ~~section may be included on a sign describing open carry restrictions~~
3 ~~posted in accordance with section 29-11.7-104.~~

4 (2.5) ~~A permit issued pursuant to this part 2 does not authorize a~~
5 ~~person to carry a concealed handgun into a place where the carrying of~~
6 ~~concealed handguns is prohibited by a local ordinance, resolution, rule,~~
7 ~~or other regulation.~~

8 (3.5) ~~A permit issued pursuant to this part 2 does not authorize a~~
9 ~~person to carry a concealed handgun onto the real property, or into any~~
10 ~~improvements erected thereon, of a public college or university if the~~
11 ~~carrying of concealed handguns is prohibited by the governing board of~~
12 ~~the college or university.~~

13 (6) ~~The provisions of this section apply to temporary emergency~~
14 ~~permits issued pursuant to section 18-12-209.~~

15 **SECTION 16.** In Colorado Revised Statutes, **amend** 29-11.7-104
16 as follows:

17 **29-11.7-104. Regulation - carrying - posting.** (1) A local
18 government may enact an ordinance, regulation, or other law that
19 prohibits the open carrying of a firearm, OTHER THAN A HANDGUN, in a
20 building or specific area within the local government's jurisdiction. If a
21 local government enacts an ordinance, regulation, or other law that
22 prohibits the open carrying of a firearm, OTHER THAN A HANDGUN, in a
23 building or specific area, the local government shall post signs at the
24 public entrances to the building or specific area informing persons that
25 the open carrying of firearms, OTHER THAN HANDGUNS, is prohibited in
26 the building or specific area.

27 (2) A LOCAL GOVERNMENT DOES NOT HAVE THE AUTHORITY TO

1 ENACT AN ORDINANCE, REGULATION, OR OTHER LAW THAT PROHIBITS THE
2 OPEN CARRYING OF A HANDGUN IN A BUILDING OR SPECIFIC AREA WITHIN
3 THE LOCAL GOVERNMENT'S JURISDICTION.

4 **SECTION 17.** In Colorado Revised Statutes, 25-20.5-1206,
5 **amend** (3) as follows:

6 **25-20.5-1206. Rules - report.** (3) On or before December 31,
7 2027, and on or before December 31 every fifth year thereafter, the office
8 shall issue a report to the general assembly summarizing gun violence
9 prevention measures adopted by local jurisdictions pursuant to article
10 11.7 of title 29. ~~or section 18-12-214.~~ The office shall make the report
11 publicly available on its website or, if the office does not have a dedicated
12 website, on a web page of the department's website. Notwithstanding
13 section 24-1-136 (11)(a)(I), the report required pursuant to this subsection
14 (3) continues indefinitely.

15 **SECTION 18. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2022 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.