

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 23-0017.01 Jacob Baus x2173

**HOUSE BILL 23-1143**

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**HOUSE SPONSORSHIP**

**Kipp and Armagost,**

**SENATE SPONSORSHIP**

**Gonzales,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101    **CONCERNING MEASURES RELATED TO SEEKING FEDERAL**  
102            **AUTHORIZATION FOR CERTAIN IMMIGRANTS TO POSSESS**  
103            **FIREARMS TO BE A PEACE OFFICER.**

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**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 requires the peace officers standards and training (P.O.S.T.) board to seek authorization from the United States attorney general for persons who have deferred action status from the federal immigration and naturalization service to possess a firearm in order to be a certified peace officer or reserve peace officer.

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

If the authorization is granted by the United States attorney general, every law enforcement agency is required to amend its written firearms policy to implement the provided authorization.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-31-320 as  
3 follows:

4 **24-31-320. Persons with deferred action for childhood arrivals**  
5 **status - peace officer eligibility - federal authorization - report - rules**  
6 **- definition.** (1) THE P.O.S.T. BOARD SHALL SEEK, AT A MINIMUM,  
7 FEDERAL AUTHORIZATION FROM THE ATTORNEY GENERAL OF THE UNITED  
8 STATES TO WAIVE ANY FEDERAL PROHIBITION CONCERNING:

9 (a) THE RECEIPT OR POSSESSION OF A FIREARM AND AMMUNITION  
10 BY AN ELIGIBLE IMMIGRANT SO THAT THE ELIGIBLE IMMIGRANT MAY  
11 POSSESS A FIREARM AND AMMUNITION CONSISTENT WITH THE FULL  
12 AUTHORITY PROVIDED TO A PEACE OFFICER OR RESERVE PEACE OFFICER IN  
13 THE PERFORMANCE OF THE OFFICER'S DUTIES, AND AS AUTHORIZED BY THE  
14 WRITTEN POLICY OF THE LAW ENFORCEMENT AGENCY EMPLOYING THE  
15 ELIGIBLE IMMIGRANT, AND ANY TRAINING OR EXAMINATION REQUIRED TO  
16 BE A CERTIFIED PEACE OFFICER OR RESERVE PEACE OFFICER; AND

17 (b) THE ISSUANCE OF A FIREARM AND AMMUNITION BY A LAW  
18 ENFORCEMENT AGENCY TO AN ELIGIBLE IMMIGRANT SO THAT THE ELIGIBLE  
19 IMMIGRANT MAY POSSESS A FIREARM AND AMMUNITION CONSISTENT WITH  
20 THE FULL AUTHORITY PROVIDED TO A PEACE OFFICER OR RESERVE PEACE  
21 OFFICER IN THE PERFORMANCE OF THE OFFICER'S DUTIES, AND AS  
22 AUTHORIZED BY THE WRITTEN POLICY OF THE LAW ENFORCEMENT AGENCY  
23 EMPLOYING THE ELIGIBLE IMMIGRANT, AND ANY TRAINING OR  
24 EXAMINATION REQUIRED TO BE A CERTIFIED PEACE OFFICER OR RESERVE

1 PEACE OFFICER.

2 (2) IF THE ATTORNEY GENERAL OF THE UNITED STATES GRANTS A  
3 WAIVER PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE P.O.S.T.  
4 BOARD SHALL, WITHIN THIRTY DAYS AFTER RECEIVING THE WAIVER,  
5 NOTIFY EVERY LAW ENFORCEMENT AGENCY IN THIS STATE OF THE SCOPE  
6 OF THE WAIVER AUTHORIZED BY THE ATTORNEY GENERAL OF THE UNITED  
7 STATES.

8 (3) WITHIN THIRTY DAYS AFTER RECEIVING THE NOTICE  
9 DESCRIBED IN SUBSECTION (2) OF THIS SECTION, EVERY LAW  
10 ENFORCEMENT AGENCY SHALL AMEND ITS WRITTEN FIREARMS POLICY  
11 CONSISTENT WITH THE SCOPE OF THE WAIVER AUTHORIZED BY THE  
12 ATTORNEY GENERAL OF THE UNITED STATES. WITHIN THIRTY DAYS AFTER  
13 AMENDING ITS POLICY, THE LAW ENFORCEMENT AGENCY SHALL SUBMIT ITS  
14 AMENDED WRITTEN FIREARMS POLICY TO THE P.O.S.T. BOARD FOR REVIEW  
15 AND APPROVAL.

16 (4) THE P.O.S.T. BOARD MAY PROMULGATE RULES THAT ARE  
17 NECESSARY TO ADMINISTER THIS SECTION.

18 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
19 REQUIRES:

20 (a) "ELIGIBLE IMMIGRANT" MEANS PERSON WHO HAS BEEN  
21 FORMALLY GRANTED AND MAINTAINS A VALID DEFERRED ACTION STATUS  
22 BY THE IMMIGRATION AND NATURALIZATION SERVICE, OR ANY SUCCESSOR  
23 AGENCY.

24 (b) "LAW ENFORCEMENT AGENCY" MEANS ANY AGENCY THAT  
25 EMPLOYS A PEACE OFFICER DESCRIBED IN PART 1 OF ARTICLE 2.5 OF TITLE  
26 16.

27 **SECTION 2.** In Colorado Revised Statutes, 16-2.5-101, **amend**

1 (2) as follows:

2 **16-2.5-101. Peace officer - description - general authority.**

3 (2) (a) A peace officer certified by the peace officers standards and  
4 training board shall have the authority to carry firearms at all times,  
5 concealed or otherwise, subject to the written firearms policy created by  
6 the agency employing the peace officer. All other peace officers shall  
7 have the authority to carry firearms, concealed or otherwise, while  
8 engaged in the performance of their duties or as otherwise authorized by  
9 the written policy of the agency employing the officer.

10 (b) IF THE ATTORNEY GENERAL OF THE UNITED STATES GRANTS A  
11 WAIVER PURSUANT TO SECTION 24-31-320, EVERY LAW ENFORCEMENT  
12 AGENCY SHALL AMEND ITS WRITTEN FIREARMS POLICY CONSISTENT WITH  
13 THE SCOPE OF THE WAIVER AUTHORIZED BY THE ATTORNEY GENERAL OF  
14 THE UNITED STATES AS REQUIRED BY SECTION 24-31-320.

15 **SECTION 3. 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 2024 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.