

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0675.01 Richard Sweetman x4333

HOUSE BILL 13-1169

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A BILL FOR AN ACT

101      **CONCERNING ALLOWING A VALID COLORADO CONCEALED HANDGUN**  
102           **PERMIT TO SUBSTITUTE AS AN OTHERWISE REQUIRED CRIMINAL**  
103           **BACKGROUND CHECK PURSUANT TO THE TRANSFER OF A**  
104           **FIREARM.**

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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://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, 2013, 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, 2014, each sheriff of the state shall ensure that each permit that he or she issues or renews conforms to the template.

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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, 2014, IS EXEMPT FROM THE BACKGROUND CHECK  
12 REQUIREMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION IF, AT THE  
13 TIME OF THE TRANSFER OR ATTEMPTED TRANSFER OF A FIREARM, HE OR  
14 SHE PRESENTS TO A GUN 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 A 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 2014.

4 (1.5) (a) ON AND AFTER JANUARY 1, 2014, 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 24-33.5-428, C.R.S.; EXCEPT THAT  
8 A SHERIFF MAY ISSUE A TEMPORARY EMERGENCY PERMIT AS PROVIDED IN  
9 SECTION 18-12-209.

10 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO  
11 THE CONTRARY, ON AND AFTER JANUARY 1, 2014, A SHERIFF SHALL NOT  
12 RENEW A PERMIT OTHER THAN A PERMIT THAT CONFORMS TO THE  
13 TEMPLATE ESTABLISHED BY THE BUREAU PURSUANT TO SECTION  
14 24-33.5-428, C.R.S.; EXCEPT THAT A SHERIFF MAY RENEW A PERMIT AS  
15 DESCRIBED IN SECTION 18-12-211 (3).

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

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

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

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

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

3           **18-12-207. Judicial review - permit denial - permit suspension**  
4 **- permit revocation - confiscation and forfeiture.** (4) IF A SHERIFF  
5 REVOKES A PERMIT, HE OR SHE SHALL CONFISCATE THE PERMIT FROM THE  
6 PERMIT HOLDER, AND THE PERMIT HOLDER SHALL FORFEIT HIS OR HER  
7 PERMIT.

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

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

22           **SECTION 7.** In Colorado Revised Statutes, **amend** 18-12-211 as  
23 follows:

24           **18-12-211. Renewal of permits.** (1) Within one hundred twenty  
25 days prior to expiration of a permit, the permittee may obtain a renewal  
26 form from the issuing sheriff and renew the permit by submitting to the  
27 issuing sheriff a completed renewal form, a notarized affidavit stating that

1 the permittee remains qualified pursuant to the criteria specified in section  
2 18-12-203 (1) (a) to (1) (g), and the required renewal fee not to exceed  
3 fifty dollars, as set by the sheriff pursuant to section 18-12-205 (5). The  
4 renewal form shall meet the requirements specified in section 18-12-205  
5 (1) for an application. The sheriff shall verify pursuant to section  
6 18-12-205 (4) that the permittee meets the criteria specified in section  
7 18-12-203 (1) (a) to (1) (g) and is not a danger as described in section  
8 18-12-203 (2) and, EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS  
9 SECTION, shall either renew or deny the renewal of the permit in  
10 accordance with the provisions of section 18-12-206 (1). If the sheriff  
11 denies renewal of a permit, the permittee may seek a second review of the  
12 renewal application by the sheriff and may submit additional information  
13 for the record. The permittee may also seek judicial review as provided  
14 in section 18-12-207.

15 (2) (a) A permittee who fails to file a renewal form on or before  
16 the permit expiration date may renew the permit by paying a late fee of  
17 fifteen dollars in addition to the renewal fee established pursuant to  
18 subsection (1) of this section. No permit shall be renewed six months or  
19 more after its expiration date, and the permit shall be deemed to have  
20 permanently expired. A person whose permit has permanently expired  
21 may reapply for a permit, but the person shall submit an application for  
22 a permit and the fee required pursuant to section 18-12-205. A person  
23 who knowingly and intentionally files false or misleading information or  
24 deliberately omits material information required under this section is  
25 subject to criminal prosecution for perjury under section 18-8-503.

26 (b) IF A PERMITTEE FAILS TO FILE A RENEWAL FORM ON OR BEFORE  
27 THE PERMIT EXPIRATION DATE, HIS OR HER PERMIT SHALL BE INVALID

1 FROM THE PERMIT EXPIRATION DATE UNTIL SUCH TIME AS THE PERMIT IS  
2 RENEWED BY THE SHERIFF WHO ISSUED THE PERMIT.

3 (3) ON AND AFTER JANUARY 1, 2014, A SHERIFF SHALL NOT RENEW  
4 A PERMIT THAT WAS ISSUED BEFORE JANUARY 1, 2014; EXCEPT THAT A  
5 SHERIFF MAY RENEW SUCH A PERMIT PURSUANT TO THE PROVISIONS OF  
6 THIS SECTION IF THE SHERIFF CONFISCATES THE PERMIT THAT WAS ISSUED  
7 BEFORE JANUARY 1, 2014, AND ISSUES IN ITS PLACE A PERMIT THAT  
8 CONFORMS TO THE TEMPLATE ESTABLISHED BY THE BUREAU PURSUANT TO  
9 SECTION 24-33.5-428, C.R.S.

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

12 **18-12-217. Exception to federal background check**  
13 **requirement.** (1) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A  
14 PERSON WHO HOLDS A VALID PERMIT TO CARRY A CONCEALED HANDGUN,  
15 WHICH PERMIT WAS ISSUED TO THE PERSON OR RENEWED PURSUANT TO  
16 THE CRITERIA DESCRIBED IN SECTION 18-12-203 ON OR AFTER JANUARY 1,  
17 2014, SHALL NOT BE REQUIRED TO SUBMIT TO AN INSTANT CRIMINAL  
18 BACKGROUND CHECK, AS DESCRIBED IN SECTION 24-33.5-424, C.R.S., AS  
19 A PREREQUISITE TO RECEIVING THE TRANSFER OF A FIREARM IF HE OR SHE  
20 PRESENTS TO THE TRANSFEROR OF THE FIREARM:

21 (a) THE PERMIT; AND

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

26 (2) NOTWITHSTANDING 18 U.S.C. SEC. 922 (t) (1), A LICENSED  
27 IMPORTER, MANUFACTURER, OR DEALER OF FIREARMS SHALL NOT BE

1 REQUIRED TO CONTACT THE COLORADO BUREAU OF INVESTIGATION OR  
2 THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AS  
3 DESCRIBED IN SECTION 24-33.5-424, C.R.S., BEFORE TRANSFERRING  
4 POSSESSION OF A FIREARM TO A PERSON WHO HOLDS AND PRESENTS:

5 (a) A VALID PERMIT TO CARRY A CONCEALED HANDGUN, WHICH  
6 PERMIT WAS ISSUED TO THE PERSON OR RENEWED PURSUANT TO THE  
7 PROVISIONS OF THIS ARTICLE ON OR AFTER JANUARY 1, 2014; AND

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

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

14 **24-33.5-412. Functions of bureau - legislative review.** (1) The  
15 bureau has the following authority:

16 (r) To conduct criminal history records checks pursuant to section  
17 24-72-305.3; and

18 (t) ON AND AFTER OCTOBER 1, 2013, TO ESTABLISH AND MAINTAIN  
19 A TEMPLATE ESTABLISHING A UNIFORM APPEARANCE FOR PERMITS TO  
20 CARRY A CONCEALED HANDGUN PURSUANT TO SECTION 24-33.5-427.

21 **SECTION 10.** In Colorado Revised Statutes, **add** 24-33.5-428 as  
22 follows:

23 **24-33.5-428. Permits to carry concealed handguns - template**  
24 **required.** (1) ON OR BEFORE OCTOBER 1, 2013, THE BUREAU SHALL  
25 ESTABLISH AND MAKE AVAILABLE TO EACH SHERIFF IN THE STATE A  
26 TEMPLATE FOR PERMITS TO CARRY CONCEALED HANDGUNS, WHICH  
27 PERMITS ARE ISSUED BY SHERIFFS PURSUANT TO ARTICLE 12 OF TITLE 18,



1 C.R.S.

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

4 (a) IS RESISTANT TO TAMPERING AND FORGERY;

5 (b) SATISFIES THE PROVISIONS OF ARTICLE 12 OF TITLE 18, C.R.S.;

6 (c) CONTAINS THE SAME ITEMS OF INFORMATION AND IS UNIFORM  
7 IN APPEARANCE; AND

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

9 (I) THE NAME AND ADDRESS OF THE PERMITTEE;

10 (II) A COLOR PHOTOGRAPH OF THE PERMITTEE;

11 (III) THE SIGNATURE OF THE SHERIFF; AND

12 (IV) THE TELEPHONE NUMBER OF THE OFFICE OF THE SHERIFF WHO  
13 ISSUED THE PERMIT.

14 **SECTION 11. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.