

CHAPTER 27

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 14-1166

BY REPRESENTATIVE(S) Vigil, Buckner, Conti, Coram, Garcia, Gardner, Ginal, Hamner, Hullinghorst, Joshi, Kagan, Landgraf, Lebsack, May, Mitsch Bush, Moreno, Navarro, Nordberg, Pabon, Pettersen, Priola, Rankin, Rosenthal, Ryden, Salazar, Schafer, Scott, Singer, Sonnenberg, Swalm, Szabo, Tyler, Williams, Wilson, Wright, Young; also SENATOR(S) Tochtrop, Aguilar, Balmer, Baumgardner, Brophy, Cadman, Crowder, Grantham, Guzman, Heath, Herpin, Hill, Hodge, Jahn, Johnston, Kefalas, Kerr, King, Lambert, Lundberg, Marble, Newell, Renfroe, Rivera, Scheffel, Todd, Ulibarri, Zenzinger.

AN ACT**CONCERNING THE RENEWAL OF CONCEALED HANDGUN PERMITS BY COLORADO COUNTY SHERIFFS.**

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

SECTION 1. In Colorado Revised Statutes, 18-12-205, **amend** (2) (a) as follows:

18-12-205. Sheriff - application - procedure - background check. (2) (a) An applicant shall complete the permit application form and return it, in person, to the sheriff of the county or city and county in which the applicant resides OR to the sheriff of the county or city and county in which the applicant maintains a secondary residence or owns or leases real property used by the applicant in a business. ~~or to the sheriff that previously issued a permit to the applicant.~~ The applicant shall sign the completed permit application form in person before the sheriff. The applicant shall provide his or her signature voluntarily upon a sworn oath that the applicant knows the contents of the permit application and that the information contained in the permit application is true and correct. An applicant who knowingly and intentionally makes a false or misleading statement on a permit application or deliberately omits any material information requested on the application commits perjury as described in section 18-8-503. Upon conviction, the applicant shall be punished as provided in section 18-1.3-501. In addition, the applicant shall be denied the right to obtain or possess a permit, and the sheriff shall revoke the applicant's permit if issued prior to conviction.

SECTION 2. In Colorado Revised Statutes, 18-12-209, **amend** (2) as follows:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

18-12-209. Issuance by sheriffs of temporary emergency permits. (2) (a) To receive a temporary emergency permit, a person shall submit to the sheriff of the county or city and county in which the person resides or in which the circumstances giving rise to the emergency exist the items specified in section 18-12-205; except that an applicant for a temporary emergency permit need not submit documentary evidence demonstrating competence with a handgun as required under section 18-12-205 (3) (a), and the applicant shall submit a temporary permit fee not to exceed twenty-five dollars, as set by the sheriff. Upon receipt of the documents and fee, the sheriff shall request that the bureau conduct a criminal history record check of the bureau files and a search of the national instant criminal background check system. The sheriff may issue a temporary emergency permit to the applicant if the sheriff determines the person may be in immediate danger and the criminal history record check shows that the applicant meets the criteria specified in section 18-12-203; except that the applicant need not demonstrate competence with a handgun and the applicant may be eighteen years of age or older.

(b) (I) A temporary emergency permit issued pursuant to this section is valid for a period of ninety days after the date of issuance. Prior to or within ten days after expiration of a temporary emergency permit, the permittee may apply to the ~~issuing~~ sheriff OF THE COUNTY OR CITY AND COUNTY IN WHICH THE PERSON RESIDES OR IN WHICH THE CIRCUMSTANCES GIVING RISE TO THE EMERGENCY EXIST for renewal of the permit. The ~~issuing~~ sheriff may renew a temporary emergency permit once for an additional ninety-day period; except that, if the permittee is younger than twenty-one years of age, the sheriff may renew the temporary emergency permit for subsequent ninety-day periods until the permittee reaches twenty-one years of age.

(II) IF THE SHERIFF IS NOT THE SAME SHERIFF WHO ISSUED THE TEMPORARY EMERGENCY PERMIT TO THE PERMITTEE:

(A) THE PERMITTEE SHALL SUBMIT TO THE RENEWING SHERIFF, IN ADDITION TO THE MATERIALS DESCRIBED IN SECTION 18-12-205, A LEGIBLE PHOTOCOPY OF THE TEMPORARY EMERGENCY PERMIT; AND

(B) THE RENEWING SHERIFF SHALL CONTACT THE OFFICE OF THE SHERIFF WHO ISSUED THE TEMPORARY EMERGENCY PERMIT AND CONFIRM THAT THE ISSUING SHERIFF HAS NOT REVOKED OR SUSPENDED THE TEMPORARY EMERGENCY PERMIT.

SECTION 3. In Colorado Revised Statutes, 18-12-211, **amend** (1) as follows:

18-12-211. Renewal of permits. (1) (a) Within one hundred twenty days prior to expiration of a permit, the permittee may obtain a renewal form from the ~~issuing~~ sheriff OF THE COUNTY OR CITY AND COUNTY IN WHICH THE PERMITTEE RESIDES OR FROM THE SHERIFF OF THE COUNTY OR CITY AND COUNTY IN WHICH THE PERMITTEE MAINTAINS A SECONDARY RESIDENCE OR OWNS OR LEASES REAL PROPERTY USED BY THE PERMITTEE IN A BUSINESS and renew the permit by submitting to the ~~issuing~~ sheriff a completed renewal form, a notarized affidavit stating that the permittee remains qualified pursuant to the criteria specified in section 18-12-203 (1) (a) to (1) (g), and the required renewal fee not to exceed fifty dollars, as set by the sheriff pursuant to section 18-12-205 (5). The renewal form ~~shall~~ MUST meet the requirements specified in section 18-12-205 (1) for an application.

(b) IF THE SHERIFF IS NOT THE SAME SHERIFF WHO ISSUED THE PERMIT TO THE PERMITTEE:

(I) THE PERMITTEE SHALL SUBMIT TO THE RENEWING SHERIFF, IN ADDITION TO THE MATERIALS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1), A LEGIBLE PHOTOCOPY OF THE PERMIT; AND

(II) THE RENEWING SHERIFF SHALL CONTACT THE OFFICE OF THE SHERIFF WHO ISSUED THE PERMIT AND CONFIRM THAT THE ISSUING SHERIFF HAS NOT REVOKED OR SUSPENDED THE PERMIT.

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

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 14, 2014