

# Concealed Weapons and Firearms

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The General Assembly considered several pieces of legislation concerning firearms. Many of the bills had been considered in prior sessions but were not adopted. One of the nine bills introduced this session was adopted but was subsequently vetoed by the Governor (SB 99-205 regarding the authority of local governments to sue gun manufacturers.). The bills considered this legislative session are grouped into three categories: concealed weapons; juveniles and firearms; and local governments and firearms.

## Concealed Weapons

Four separate pieces of legislation were introduced to set up a system by which citizens could obtain permits to carry concealed weapons: Senate Bill 99-84, Senate Bill 99-108, Senate Bill 99-156, and HB 99-1316. However, none of the bills was adopted. Each of the bills expanded upon current law which simply gives a chief of police or a county sheriff the authority to issue a permit after a background check. While all of the bills contained, generally, the same provisions, some bills had specific provisions others did not have. However, as the bills progressed (or did not progress), through the legislative session, various provisions were added, deleted, and moved from one bill to the other. Following is a listing of the major provisions of the concealed weapons bills as introduced:

A sheriff (and not a chief of police) would issue permits to carry a concealed weapon.

Applicants for a concealed weapon must have been 21 years of age under Senate Bill 99-84 and H.B. 1316. An applicant would only have to be 18 under Senate Bill 99-156 and would have to be 25 under Senate Bill 99-108.

An applicant would submit an application to the sheriff in the jurisdiction in which he or she lives under all bills except Senate Bill 99-156, which would have allowed an applicant to apply in any jurisdiction in the state.

Three of the four bills specified that an applicant must complete either hunting safety training or an approved firearms safety course in order to obtain a permit. Senate Bill 99-156 prohibited a sheriff from imposing weapons-training requirements.

Prior felons or felons convicted of specific offenses such as domestic violence and sexual assault were prohibited from obtaining a concealed weapons permit under all the bills. In addition, applicants who

are the subject of a restraining order were prohibited from obtaining a concealed weapons permit under all of the bills except Senate Bill 99-108.

Persons who are chronic or habitual alcohol or drug users or who had two or more alcohol-related convictions within the prior ten years were prohibited from obtaining a concealed weapons permit under all of the bills except Senate Bill 99-156. Further, persons who have been committed to a mental institution or adjudicated a mental defective were ineligible for a concealed weapons permit unless the person obtained a certificate from a psychiatrist or a court order stating that the person is competent.

Permits would have been valid throughout the state under the provisions of all of the bills. All bills would have made permits valid for a four-year period after which the permit could be renewed except for HB 99-1316 which would have made a permit valid for a five-year period after which the permit could be renewed.

Two of the bills, Senate Bill 99-84 and HB 99-1316, would have required the permittee to carry the permit as well as valid photo identification when in possession of the concealed weapon. The other two bills did not address this issue.

All of the bills allowed the sheriff to establish the fee for a permit. Each bill limited the fee to \$100 except Senate Bill 99-108, which limited the fee to \$125.

Three of the bills required the sheriff to do a background check of the applicant. Senate Bill 99-108 only required a fingerprint check and a criminal history check from the Colorado Bureau of Investigation. Senate Bill 99-84 and HB 1316 required the sheriff to conduct a check of the National Insta-Check System. Senate Bill 99-156 required no background check but gave a sheriff discretion to request a CBI criminal history check.

Under Senate Bill 99-108, applicants who were denied a concealed weapon permit would be allowed to ask the sheriff to review his or her decision. If not satisfied, the applicant could then seek judicial review. Two other bills, Senate Bill 99-84 and HB 99-1316 would have allowed an applicant to proceed directly to judicial review without asking for a sheriff's review. Senate Bill 99-156 did not address this issue.

Three of the bills, Senate Bill 99-108, Senate Bill 99-84, and House Bill 99-1316, would have required a sheriff to revoke a permit upon receiving information that a permittee is no longer eligible to hold the permit. Senate Bill 99-156 did not address this issue.

Senate Bill 99-84 and House Bill 99-1316 placed restrictions on where a permittee could carry a weapon by specifying that a permittee could not carry a concealed weapon in any area where firearms are prohibited under federal law. Senate Bill 99-156 further specified that a permittee could not carry a concealed weapon in any government building or any school building, and specifically allowed private property owners to prohibit carrying a concealed weapon on the owner's private property. Senate Bill 99-108 did not address this issue.

## Firearms

Juveniles and firearms. The General Assembly considered two bills which were targeted at the availability of firearms by juveniles. Senate Bill 99-53 prohibited the unsafe storage of a handgun and required that a handgun be stored in a securely locked box, container, cabinet, or closet when a juvenile is likely to have access to the firearm. The bill created the class 5 felony of unsafely storing a loaded handgun when a juvenile obtains the handgun and uses it to injure or kill a person. The bill further created the class 3 misdemeanor of unsafely storing a loaded handgun when a juvenile obtains the handgun and possesses or exhibits the handgun in a public place or in a careless, angry, or threatening manner.

In another effort to prevent primarily juveniles, as well as others who are statutorily prohibited from possessing firearms, from possessing firearms, House Bill 99-1379 created the class 1 misdemeanor of knowingly purchasing or obtaining a firearm on behalf of or for transfer to a person who is ineligible to possess a firearm. This practice of obtaining a firearm for another is referred to as "straw purchasing."

Local governments and firearms. The General Assembly considered three bills which addressed the issue of firearms and local governments' rights. One of the three bills was adopted but vetoed by the Governor. Senate Bill 99-205 limits the authority of local governments to bring suit against firearms and ammunition manufacturers. Amidst reports that the cities of Chicago, Miami/Dade County, New Orleans, and Brooklyn have brought suits against firearms manufacturers for costs associated with damages caused by firearms (Brooklyn's suit was successful), the bill would have pre-empted cities and counties in Colorado from doing the same. The bill further clarified that only the state may sue a gun or firearms manufacturer for damages, abatement, or injunctive relief resulting from the design, manufacture, marketing, or sale of firearms or ammunition.

Of the two bills that were not adopted by the legislature, one specified the extent to which local governments could enact ordinances related to firearms and the other prohibited certain kinds of ordinances. House Bill 99-1169 would have allowed a local government to adopt an ordinance prohibiting a person from carrying a concealed weapon in any public building owned or leased by the local government, regardless of whether that person had a permit to carry a concealed weapon.

The other bill, House Bill 99-1305, would have prohibited any local government from adopting any ordinance that restricts an individual's right to own, possess, carry, use, or sell a firearm which is a greater restriction than any provision under state law. The bill specified those circumstances under which a local government may adopt ordinances related to firearms including regulations to prohibit the discharge of firearms within the boundaries of the jurisdiction and to regulate firearms in any building owned or occupied by the municipality.

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