

LAW FIRM OF BRIAN DEBAUCHE, LLC

Brian DeBauche, Esq.

401 Kalamath Street, Denver CO 80204-5023
Telephone (303) 571-5023 Facsimile (303) 571-5043
e-mail debauchelan@comcast.net

DATE: June 25, 2020

By mail and facsimile transmission to:

Larimer County Sheriff's Department

2501 Midpoint Drive
Fort Collins, CO 80525

Larimer County Attorney

224 Canyone Avenue #200
Fort Collins CO 80521

Re: Concealed Weapons Permit
Case No. n/a

To whom it may concern:

This is now the second letter from Guns for Everyone, a local non-profit organization that advocates for responsible, educated gun ownership. I last wrote to Larimer County in May, addressing these same issues. It was everyone's belief that those issues were resolved then, but apparently they were not.

This letter will advocate for issuance of a concealed weapons permit after an individual has completed a handgun training course as described in C.R.S. 18-12-203(1)(h)(VI), with part of that course provided on-line through live internet streaming services. The dispute described to this writer appears to hinge on the interpretation of part of title 18 that indicates the *entire* course cannot be presented on-line. Previously Larimer County took the position that if this class was conducted on-line and in person, the education was in some sense incomplete. The Larimer County Sheriff is now posting on its own web site that the class is again, 'after investigation', no longer approved.

. The advocacy and training provided by GFE was presented in parts during the pandemic; some on-line, and a portion in person with suitable precautions against COVID-19 transmission. This was adopted to limit contact and adhere to state-ordered social distancing requirements. The Governor's Office made it abundantly clear that remote and video options for education would be necessary during this time.

To repeat the legal analysis from our earlier letter, I point to the following paraphrase: "The only

definition of such a class appears in the section, C.R.S. 18-12-202(5)(a)(III). The only applicable definition of a 'handgun training class' appears in this section, and describes only two types of classes, ultimately; a law enforcement training course which most members of the public cannot access; or a private course, taught by either a 'training school', or a 'certified instructor'. C.R.S. 18-12-202(5)(a)(III). The limitations on such a course are described immediately afterward, and requires that “the entire course” not be taught by internet or electronic device. *Id.*, at (5)(b). Guns for Everyone does not teach the ‘entire course’ by internet, as indicated earlier. The law as written does not forbid a portion of the course from provision by on-line instruction, and it does not provide a blanket restriction against any on-line teaching. Furthermore, if the legislature intended to express such a limitation, it could have easily indicated in the written terms of the law. The absence of such language in the law must be considered a deliberate choice by lawmakers. See *Walgreen Co. v. Charnes*, 819 P.2d 1039, 1044 (Colo.1991).”

The law remains quite clear that the Sheriff is specifically denied the ability to regulate permits further. The legislature made this expressly clear in C.R.S. 18-12-201(3), which indicates the following:

The general assembly does not delegate to the sheriffs the authority to regulate or restrict the issuance of permits provided for in this part 2 beyond the provisions of this part 2. An action or rule that encumbers the permit process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this part 2 or that creates restrictions beyond those specified in this part 2 is in conflict with the intent of this part 2 and is prohibited.

The new posting of both an ‘investigation’ and resulting decision by the Sheriff of Larimer County, suggests the Sheriff in this county will refuse certifications from this organization and these classes. The resulting opinion or policy by the Sheriff also appears to violate C.R.S. 18-12-201(3). I pointed out before, and continue to indicate, that the entire course is not taught on-line. I ask that the county take a firm position on this issue so we may either resolve this by agreement, or submit same for judicial determination. Please respond within seven (7) business days.

Please again review the position of the county on these classes; and confirm that your office will accept the classes during the pandemic as meeting the statutory guidelines.

Thank you for your attention in this matter. If you have any questions, please call our office.

Sincerely,

Brian DeBauche, Esq.
Attorney at Law