

Document: C.R.S. 18-12-206

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Colorado Revised Statutes Annotated Title 18. Criminal Code (Arts. 1 – 26) Article 12. Offenses Relating to Firearms and Weapons (Pts. 1 – 5) Part 2. Permits to Carry Concealed Handguns (§§ 18-12-201 – 18-12-216)

18-12-206. Sheriff - issuance or denial of permits - report.

(1) Within ninety days after the date of receipt of the items specified in section 18-12-205, a sheriff shall:

(a) Approve the permit application and issue the permit; or

(b) Deny the permit application based solely on the ground that the applicant fails to qualify under the criteria listed in section 18-12-203 (1) or that the applicant would be a danger as described in section 18-12-203 (2). If the sheriff denies the permit application, he or she shall notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to seek a second review of the application by the sheriff, to submit additional information for the record, and to seek judicial review pursuant to section 18-12-207.

(2) If the sheriff does not receive the results of the fingerprint checks conducted by the bureau and by the federal bureau of investigation within ninety days after receiving a permit application, the sheriff shall determine whether to grant or deny the permit application without considering the fingerprint check information. If, upon receipt of the information, the sheriff finds that the permit was issued or denied erroneously, based on the criteria specified in section 18-12-203 (1) and (2), the sheriff shall either revoke or issue the permit, whichever is appropriate.

(3)

(a) Each sheriff shall maintain a list of the persons to whom he or she issues permits pursuant to this part 2. Upon request by another criminal justice agency for law enforcement purposes, the sheriff may, at his or her discretion, share information from the list of permittees with a law enforcement agency for

the purpose of determining the validity of a permit. A database maintained pursuant to this subsection

(3) and any database operated by a state agency that includes permittees shall be searchable only by name.

(b)

(I) Notwithstanding the provisions of paragraph (a) of this subsection (3), on and after July 1, 2011, a sheriff shall not share information from the list of permittees with a law enforcement agency for the purpose of creating a statewide database of permittees, and any law enforcement agency that receives information concerning permittees from a sheriff shall not use the information to create or maintain a statewide database of permittees. Any information concerning a permittee that is included in a statewide database pursuant to paragraph (a) of this subsection (3) shall be removed from the database no later than July 1, 2011.

(II) Repealed.

(c) Except for suspected violations of sections 18-12-105 and 18-12-105.5, a peace officer may not use or search a database of permittees maintained by a law enforcement agency to establish reasonable suspicion for a traffic stop, or when contacting an individual, to justify probable cause for a search or seizure of a person or a person's vehicle or property.

(4) Each sheriff shall annually prepare a report specifying, at a minimum, the number of permit applications received during the year for which the report was prepared, the number of permits issued during the year, the number of permits denied during the year, the reasons for denial, the number of revocations during the year, and the reasons for the revocations. The report shall not include the name of a person who applies for a permit, regardless of whether the person receives or is denied a permit. Each sheriff shall submit the report on or before March 1, 2004, and on or before March 1 each year thereafter, to the members of the general assembly. In addition, each sheriff shall provide a copy of the annual report prepared pursuant to this subsection (4) to a member of the public upon request.

History

Source: **L. 2003:**Entire part added, p. 642, § 1, effective May 17. **L. 2007:**(3)(b) amended and (3)(c) added, p. 777, §§ 1, 2, effective May 14. **L. 2017:**(3)(b)(II) repealed,(SB 17-294), ch. 264, p. 1393, § 39, effective May 25.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 18

C.R.S. Title 18, Art. 12

C.R.S. Title 18, Art. 12, Pt. 2

State Notes

ANNOTATION

Sheriff's decision not to reissue concealed handgun permit was a quasi-judicial decision.

Copley v. Robinson, 224 P.3d 431 (Colo. App. 2009).

Sheriff's refusal to reissue concealed handgun permit was based on proceedings and procedures that violated applicant's procedural due process rights.

Copley v. Robinson, 224 P.3d 431 (Colo. App. 2009).

Applicant was denied due process because he was not apprised of or allowed to review adverse evidence or given the opportunity to confront adverse evidence and witnesses. Copley v. Robinson, 224 P.3d 431 (Colo. App. 2009).

Sheriff's findings of fact and conclusions of law, prepared on remand from the district court, did not satisfy statutory requirement for a written statement stating the grounds for suspension or revocation. By the time case proceeded to district court, it was too late for sheriff to inform applicant of the evidence against him and the grounds for sheriff's decision in order to provide applicant with a reasonable opportunity to exercise his statutory rights to supplement the record or request a second review to confront such evidence. Copley v. Robinson, 224 P.3d 431 (Colo. App. 2009).

Colorado Revised Statutes Annotated

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