

Document: C.R.S. 18-12-207

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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)

18-12-207. Judicial review - permit denial - permit suspension - permit revocation.

(1) If a sheriff denies a permit application, refuses to renew a permit, or suspends or revokes a permit, the applicant or permittee may seek judicial review of the sheriff's decision. The applicant or permittee may seek judicial review either in lieu of or subsequent to the sheriff's second review.

(2) The procedure and time lines for filing a complaint, an answer, and briefs for judicial review pursuant to this section shall be in accordance with the procedures specified in rule 106 (a)(4) and (b) of the Colorado rules of civil procedure.

(3) Notwithstanding any other provision of law to the contrary, at a judicial review sought pursuant to this section, the sheriff shall have the burden of proving by a preponderance of the evidence that the applicant or permittee is ineligible to possess a permit under the criteria listed in section 18-12-203 (1) or, if the denial, suspension, or revocation was based on the sheriff's determination that the person would be a danger as provided in section 18-12-203 (2), the sheriff shall have the burden of proving the determination by clear and convincing evidence. Following completion of the review, the court may award attorney fees to the prevailing party.

History

Source: L. 2003:Entire part added, p. 644, § 1, effective May 17.

▼ 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

Colorado Revised Statutes Annotated

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