

CHAPTER 388

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 24-1174

BY REPRESENTATIVE(S) Duran and Snyder, Amabile, Bacon, Bird, Boesenecker, Brown, Clifford, Daugherty, deGruy Kennedy, Epps, Froelich, Garcia, Hamrick, Hernandez, Herod, Jodeh, Joseph, Kipp, Lindsay, Lindstedt, Mabrey, Marvin, McCormick, Ortiz, Parenti, Ricks, Rutinel, Sirota, Titone, Weissman, Willford, Woodrow, McCluskie; also SENATOR(S) Mullica, Bridges, Cutter, Fields, Gonzales, Hansen, Jaquez Lewis, Kolker, Sullivan.

AN ACT

CONCERNING PERMITS TO CARRY A CONCEALED HANDGUN, AND, IN CONNECTION THEREWITH, ESTABLISHING STANDARDS FOR CONCEALED HANDGUN TRAINING CLASSES.

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

SECTION 1. In Colorado Revised Statutes, 18-12-202, **amend** (8); **repeal** (2) and (5); and **add** (3.5), (6.5), and (9) as follows:

18-12-202. Definitions. As used in this part 2, unless the context otherwise requires:

(2) ~~"Certified instructor" means an instructor for a firearms safety course who is certified as a firearms instructor by:~~

(a) ~~A county, municipal, state, or federal law enforcement agency;~~

(b) ~~The peace officers standards and training board created in section 24-31-302, C.R.S.;~~

(c) ~~A federal military agency; or~~

(d) ~~A national nonprofit organization that certifies firearms instructors, operates national firearms competitions, and provides training, including courses in personal protection, in small arms safety, use, and marksmanship.~~

(3.5) "CONCEALED HANDGUN TRAINING CLASS" MEANS A CONCEALED HANDGUN

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

TRAINING CLASS AS DESCRIBED IN SECTION 18-12-202.5 AND DOES NOT INCLUDE A REFRESHER CLASS.

(5) (a) ~~"Handgun training class" means:~~

~~(I) A law enforcement training firearms safety course;~~

~~(II) A firearms safety course offered by a law enforcement agency, an institution of higher education, or a public or private institution or organization or firearms training school, that is open to the general public and is taught by a certified instructor; or~~

~~(III) A firearms safety course or class that is offered and taught by a certified instructor.~~

~~(b) Notwithstanding paragraph (a) of this subsection (5), "handgun training class" does not include any firearms safety course that allows a person to complete the entire course:~~

~~(I) Via the internet or an electronic device; or~~

~~(II) In any location other than the physical location where the certified instructor offers the course.~~

(6.5) "REFRESHER CLASS" MEANS A CONCEALED HANDGUN REFRESHER CLASS AS DESCRIBED IN SECTION 18-12-202.5 (4).

(8) "Training certificate" means a certificate ~~affidavit, or other document~~ issued by ~~the instructor, school, club, or organization that~~ A VERIFIED INSTRUCTOR WHO CONDUCTS A CONCEALED handgun training class OR A REFRESHER CLASS that evidences an applicant's successful completion of the class requirements.

(9) "VERIFIED INSTRUCTOR" MEANS AN INSTRUCTOR FOR A FIREARMS SAFETY COURSE VERIFIED AS A FIREARMS INSTRUCTOR BY A SHERIFF PURSUANT TO SECTION 18-12-202.7.

SECTION 2. In Colorado Revised Statutes, **add** 18-12-202.5 as follows:

18-12-202.5. Concealed handgun training class - refresher class - rules. (1) A CONCEALED HANDGUN TRAINING CLASS IS ANY OF THE FOLLOWING:

(a) A LAW ENFORCEMENT TRAINING FIREARMS SAFETY COURSE; OR

(b) A FIREARMS SAFETY COURSE TAUGHT BY A VERIFIED INSTRUCTOR AND OFFERED BY A LAW ENFORCEMENT AGENCY; AN INSTITUTION OF HIGHER EDUCATION; OR A PUBLIC OR PRIVATE INSTITUTION, ORGANIZATION, OR FIREARMS TRAINING SCHOOL, THAT IS OPEN TO THE GENERAL PUBLIC AND IS TAUGHT BY A VERIFIED INSTRUCTOR.

(2) A CONCEALED HANDGUN TRAINING CLASS MUST BE HELD IN PERSON WITH THE INSTRUCTOR OF THE CLASS AT THE SAME LOCATION AS THE STUDENTS, AND NO PART

OF THE CLASS MAY BE CONDUCTED VIA THE INTERNET. A CONCEALED HANDGUN TRAINING CLASS MUST PROVIDE A MINIMUM OF EIGHT HOURS OF INSTRUCTION, INCLUDING THE LIVE-FIRE SHOOTING EXERCISE DESCRIBED IN SUBSECTION (3)(g) OF THIS SECTION AND THE WRITTEN CONCEALED HANDGUN COMPETENCY EXAM DESCRIBED IN SUBSECTION (3)(h) OF THIS SECTION. THE EIGHT HOURS OF INSTRUCTION IN A COURSE DO NOT NEED TO BE CONSECUTIVE.

(3) A CONCEALED HANDGUN TRAINING CLASS MUST INCLUDE THE FOLLOWING ELEMENTS:

(a) INSTRUCTION REGARDING KNOWLEDGE AND SAFE HANDLING OF FIREARMS AND AMMUNITION;

(b) INSTRUCTION REGARDING SAFE STORAGE OF FIREARMS AND CHILD SAFETY;

(c) INSTRUCTION REGARDING SAFE FIREARMS SHOOTING FUNDAMENTALS;

(d) INSTRUCTION REGARDING FEDERAL AND STATE LAWS PERTAINING TO THE LAWFUL PURCHASE, OWNERSHIP, TRANSPORTATION, USE, AND POSSESSION OF FIREARMS, INCLUDING INSTRUCTION ON EXTREME RISK PROTECTION ORDERS DESCRIBED IN ARTICLE 14.5 OF TITLE 13, REQUIREMENTS FOR REPORTING LOST OR STOLEN FIREARMS DESCRIBED IN SECTION 18-12-113, SECURE FIREARMS STORAGE REQUIREMENTS DESCRIBED IN SECTION 18-12-114, AND ANY OTHER STATE LAW ENACTED WITHIN FIVE YEARS BEFORE THE CLASS THAT PERTAINS TO THE PURCHASE, OWNERSHIP, TRANSPORTATION, USE, AND POSSESSION OF FIREARMS;

(e) INSTRUCTION REGARDING STATE LAW PERTAINING TO THE USE OF DEADLY FORCE FOR SELF-DEFENSE;

(e.5) INSTRUCTION REGARDING BEST PRACTICES TO ENSURE CONCEALED HANDGUN PERMIT HOLDERS SAFELY INTERACT WITH LAW ENFORCEMENT PERSONNEL WHO ARE RESPONDING TO AN EMERGENCY;

(f) INSTRUCTION REGARDING TECHNIQUES FOR AVOIDING A CRIMINAL ATTACK AND HOW TO MANAGE A VIOLENT CONFRONTATION, INCLUDING CONFLICT RESOLUTION AND JUDGMENTAL USE OF LETHAL FORCE;

(g) A REQUIREMENT THAT A STUDENT ACHIEVE A MINIMUM SEVENTY PERCENT ACCURACY SCORE, AS DETERMINED BY THE INSTRUCTOR, IN A LIVE-FIRE SHOOTING EXERCISE CONDUCTED ON A RANGE, WHICH REQUIRES DISCHARGING AT LEAST FIFTY ROUNDS OF AMMUNITION AND WHICH DOES NOT NEED TO BE CONDUCTED IN A SINGLE DAY; AND

(h) A REQUIREMENT THAT A STUDENT ACHIEVE A PASSING SCORE OF AT LEAST EIGHTY PERCENT ON A WRITTEN CONCEALED HANDGUN COMPETENCY EXAM THAT TESTS A STUDENT'S KNOWLEDGE OF THE SUBJECTS DESCRIBED IN SUBSECTIONS (3)(a) TO (3)(f) OF THIS SECTION. THE EXAM MUST BE ADMINISTERED AS AN OPEN BOOK EXAM.

(4) (a) A CONCEALED HANDGUN REFRESHER CLASS REQUIRES A STUDENT TO DEMONSTRATE SAFETY AND COMPETENCE WITH A HANDGUN. A REFRESHER CLASS

MUST BE TAUGHT BY A VERIFIED INSTRUCTOR AND MUST INCLUDE INSTRUCTION ON CHANGES TO FEDERAL AND STATE LAWS RELATED TO FIREARMS ENACTED WITHIN FIVE YEARS BEFORE THE REFRESHER CLASS; A LIVE-FIRE SHOOTING EXERCISE CONDUCTED ON A RANGE, WHICH REQUIRES DISCHARGING AT LEAST FIFTY ROUNDS OF AMMUNITION; AND A WRITTEN CONCEALED HANDGUN COMPETENCY EXAM THAT TESTS A STUDENT'S KNOWLEDGE OF THE SUBJECTS DESCRIBED IN SUBSECTIONS (3)(a) TO (3)(f) OF THIS SECTION.

(b) A REFRESHER CLASS MUST BE HELD IN PERSON WITH THE INSTRUCTOR OF THE CLASS AT THE SAME LOCATION AS THE STUDENTS, AND NO PART OF THE CLASS MAY BE CONDUCTED VIA THE INTERNET. A REFRESHER CLASS MUST INCLUDE AT LEAST TWO HOURS OF INSTRUCTION, INCLUDING THE LIVE-FIRE EXERCISE AND THE WRITTEN EXAM. IN ORDER TO COMPLETE A REFRESHER CLASS, A STUDENT MUST ACHIEVE A MINIMUM SEVENTY PERCENT ACCURACY SCORE, AS DETERMINED BY THE INSTRUCTOR, IN THE LIVE-FIRE SHOOTING EXERCISE AND A PASSING SCORE OF AT LEAST EIGHTY PERCENT ON THE WRITTEN EXAM. THE EXAM MUST BE ADMINISTERED AS AN OPEN BOOK EXAM.

(c) A TRAINING CERTIFICATE ISSUED FOR THE COMPLETION OF A REFRESHER CLASS IS VALID FOR RENEWAL OF A PERMIT TO CARRY A CONCEALED HANDGUN PURSUANT TO SECTION 18-12-211, BUT IS NOT VALID FOR AN INITIAL APPLICATION FOR A PERMIT TO CARRY A CONCEALED HANDGUN PURSUANT TO SECTION 18-12-203 (1)(h)(VI).

(5) A VERIFIED INSTRUCTOR SHALL PROVIDE A TRAINING CERTIFICATE THAT INCLUDES THE PRINTED NAME AND ORIGINAL SIGNATURE OF THE CLASS INSTRUCTOR TO ANY STUDENT WHO COMPLETES A CONCEALED HANDGUN TRAINING CLASS OR A REFRESHER CLASS SO THAT THE STUDENT MAY SUBMIT THE CERTIFICATE TO A SHERIFF AS PART OF AN INITIAL APPLICATION FOR, OR AN APPLICATION FOR RENEWAL OF, A PERMIT TO CARRY A CONCEALED HANDGUN. THE TRAINING CERTIFICATE MUST CLEARLY INDICATE WHETHER THE STUDENT COMPLETED A CONCEALED HANDGUN TRAINING CLASS OR A REFRESHER CLASS.

(6) A CONCEALED HANDGUN TRAINING CLASS AND A REFRESHER CLASS IS SUBJECT TO THE REQUIREMENTS OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.

SECTION 3. In Colorado Revised Statutes, **add** 18-12-202.7 as follows:

18-12-202.7. Concealed handgun training class - instructor verification.

(1) EACH SHERIFF SHALL VERIFY AS A FIREARMS INSTRUCTOR A PERSON WHOSE PRINCIPAL PLACE TO CONDUCT FIREARMS TRAINING IS IN THE SHERIFF'S COUNTY AND WHO:

(a) SATISFIES THE REQUIREMENTS FOR VERIFICATION DESCRIBED IN THIS SECTION;
AND

(b) PAYS ANY FEE REQUIRED PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(2) TO BECOME A VERIFIED INSTRUCTOR, AN APPLICANT MUST:

(a) HOLD A VALID PERMIT TO CARRY A CONCEALED HANDGUN ISSUED PURSUANT

THIS PART 2 THAT IS NOT A TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO SECTION 18-12-209; AND

(b) BE CERTIFIED AS A FIREARMS INSTRUCTOR BY ONE OF THE FOLLOWING ENTITIES THAT HAS INSTRUCTORS CERTIFIED BY A NATIONALLY RECOGNIZED ORGANIZATION THAT CUSTOMARILY OFFERS FIREARMS TRAINING:

(I) A FEDERAL, STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT AGENCY;

(II) A COLLEGE OR UNIVERSITY;

(III) A NATIONALLY RECOGNIZED ORGANIZATION THAT CUSTOMARILY OFFERS FIREARMS TRAINING; OR

(IV) A FIREARMS TRAINING SCHOOL.

(3) (a) AN INSTRUCTOR VERIFICATION ISSUED PURSUANT TO THIS SECTION IS VALID FOR TEN YEARS AND MAY BE RENEWED AT ANY TIME PRIOR TO EXPIRATION.

(b) A SHERIFF SHALL ISSUE EVIDENCE OF VERIFICATION TO A VERIFIED INSTRUCTOR. THE EVIDENCE OF VERIFICATION MUST INCLUDE THE DATE OF EXPIRATION OF THE VERIFICATION.

(c) EACH SHERIFF SHALL MAINTAIN A RECORD OF FIREARMS INSTRUCTORS VERIFIED BY THE SHERIFF AND SHALL POST A LIST OF VERIFIED INSTRUCTORS ON THE SHERIFF'S WEBSITE. THE LIST MUST INCLUDE THE EXPIRATION DATE OF AN INSTRUCTOR'S VERIFICATION.

(4) (a) A SHERIFF SHALL REVOKE A VERIFICATION ISSUED PURSUANT TO THIS SECTION IF THE VERIFIED INSTRUCTOR CEASES TO MEET THE REQUIREMENTS FOR VERIFICATION.

(b) A SHERIFF MAY REVOKE OR SUSPEND A VERIFICATION ISSUED PURSUANT TO THIS SECTION IF THE VERIFIED INSTRUCTOR PROVIDES INSTRUCTION IN A CONCEALED HANDGUN TRAINING CLASS OR REFRESHER CLASS THAT FAILS TO MEET THE REQUIREMENTS FOR THE CLASS PURSUANT TO THIS PART 2 AND THAT RESULTS IN THE ISSUANCE OF A TRAINING CERTIFICATE. A PERSON WHO HAS HAD A VERIFICATION SUSPENDED PURSUANT TO THIS SUBSECTION (4)(b) MAY APPLY FOR REINSTATEMENT NO EARLIER THAN THIRTY DAYS FOLLOWING SUSPENSION.

(c) IF A SHERIFF DENIES A PERSON'S APPLICATION FOR VERIFICATION AS A FIREARMS INSTRUCTOR OR SUSPENDS OR REVOKES A PERSON'S FIREARMS INSTRUCTOR VERIFICATION, THE SHERIFF SHALL NOTIFY THE PERSON IN WRITING. THE NOTICE MUST STATE THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION AND INFORM THE PERSON OF THE RIGHT TO SEEK JUDICIAL REVIEW PURSUANT TO SECTION 18-12-207.

(5) A SHERIFF MAY ESTABLISH AND IMPOSE A FEE TO COVER THE ACTUAL DIRECT AND INDIRECT COSTS OF PROCESSING APPLICATIONS AND ISSUING AND RENEWING VERIFICATIONS PURSUANT TO THIS SECTION.

SECTION 4. In Colorado Revised Statutes, 18-12-203, **amend** (1)(h)(I) and (1)(h)(VI); and **add** (1)(c.5) as follows:

18-12-203. Criteria for obtaining a permit. (1) Beginning May 17, 2003, except as set forth in this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who:

(c.5) HAS NOT BEEN CONVICTED OF ANY OF THE OFFENSES DESCRIBED IN SECTION 24-33.5-424 (3)(b.3) COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1)(c.5), IF THE OFFENSE IS CLASSIFIED AS A MISDEMEANOR, AND THE APPLICANT HAS NOT BEEN CONVICTED IN ANOTHER STATE OR JURISDICTION, INCLUDING A MILITARY OR FEDERAL JURISDICTION, OF AN OFFENSE THAT, IF COMMITTED IN COLORADO, WOULD CONSTITUTE ANY OF THE OFFENSES DESCRIBED IN SECTION 24-33.5-424 (3)(b.3) CLASSIFIED AS A MISDEMEANOR OFFENSE, WITHIN FIVE YEARS PRIOR TO FILING THE PERMIT APPLICATION;

(h) Demonstrates competence with a handgun by submitting:

(I) Evidence of experience with a firearm through participation in organized shooting competitions, ~~or current military service,~~ OR CURRENT CERTIFICATION AS A PEACE OFFICER PURSUANT TO ARTICLE 2.5 OF TITLE 16;

(VI) A training certificate from a CONCEALED handgun training class obtained within the ~~ten years~~ ONE YEAR preceding submittal of the application. The applicant shall submit the original training certificate ~~or a photocopy thereof~~ that includes the PRINTED NAME AND original signature of the ~~class~~ VERIFIED instructor. To the extent permitted by ~~section 18-12-202 (5)~~ SECTION 18-12-202.5, in obtaining a training certificate from a CONCEALED handgun training class, the applicant ~~shall have~~ HAS discretion in selecting which CONCEALED handgun training class to complete.

SECTION 5. In Colorado Revised Statutes, 18-12-207, **amend** (3); and **add** (4) as follows:

18-12-207. Judicial review - permit denial - permit suspension - permit revocation - denial, suspension, or revocation of instructor verification.

(3) Notwithstanding any other provision of law to the contrary, at a judicial review sought pursuant to SUBSECTION (1) OF 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.

(4) (a) IF A SHERIFF DENIES A PERSON'S APPLICATION FOR VERIFICATION AS A FIREARMS INSTRUCTOR OR SUSPENDS OR REVOKES A PERSON'S FIREARMS INSTRUCTOR VERIFICATION, THE PERSON MAY SEEK JUDICIAL REVIEW OF THE SHERIFF'S DECISION. THE PROCEDURE AND TIMELINES DESCRIBED IN SUBSECTION (2) OF THIS SECTION APPLY TO JUDICIAL REVIEW OF A SHERIFF'S DECISION PURSUANT TO THIS SUBSECTION (4).

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, AT A JUDICIAL REVIEW SOUGHT PURSUANT TO THIS SUBSECTION (4), THE SHERIFF HAS THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT THE PERSON DOES NOT MEET THE REQUIREMENTS TO BE VERIFIED AS A FIREARMS INSTRUCTOR OR SATISFIES THE CRITERIA FOR SUSPENSION OR REVOCATION OF A FIREARMS INSTRUCTOR VERIFICATION.

SECTION 6. In Colorado Revised Statutes, 18-12-211, **amend** (1)(a); and **add** (3) 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 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 DEMONSTRATING COMPETENCE WITH A HANDGUN, AS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, AND submitting to the sheriff a completed renewal form; ~~a notarized~~ AN 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 must meet the requirements specified in section 18-12-205 (1) for an application.

(3) A PERMITTEE SEEKING RENEWAL PURSUANT TO THIS SECTION MAY DEMONSTRATE COMPETENCE WITH A HANDGUN BY SUBMITTING:

(a) EVIDENCE OF DEMONSTRATING COMPETENCE WITH FIREARMS THROUGH PARTICIPATION IN ORGANIZED SHOOTING COMPETITIONS, CURRENT MILITARY SERVICE, OR CURRENT CERTIFICATION AS A PEACE OFFICER PURSUANT TO ARTICLE 2.5 OF TITLE 16;

(b) EVIDENCE THAT, AT THE TIME THE APPLICATION IS SUBMITTED, THE APPLICANT IS A VERIFIED INSTRUCTOR;

(c) PROOF OF HONORABLE DISCHARGE FROM A BRANCH OF THE UNITED STATES ARMED FORCES THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED WITHIN THE TEN YEARS PRECEDING SUBMITTAL OF THE RENEWAL FORM;

(d) A CERTIFICATE SHOWING RETIREMENT FROM A COLORADO LAW ENFORCEMENT AGENCY THAT REFLECTS PISTOL QUALIFICATIONS OBTAINED WITHIN THE TEN YEARS PRECEDING SUBMITTAL OF THE RENEWAL FORM; OR

(e) A TRAINING CERTIFICATE THAT INCLUDES THE ORIGINAL SIGNATURE OF THE CLASS INSTRUCTOR FROM A CONCEALED HANDGUN TRAINING CLASS OR A REFRESHER CLASS, DESCRIBED IN SECTION 18-12-202.5, OBTAINED WITHIN SIX MONTHS PRIOR TO SUBMITTING A RENEWAL FORM.

SECTION 7. In Colorado Revised Statutes, 18-12-215, **amend** (2) as follows:

18-12-215. Immunity. (2) A law enforcement officer or agency, medical personnel, and an organization that offers CONCEALED handgun training classes OR

REFRESHER CLASSES and its personnel who in good faith provide information regarding an applicant ~~shall not be~~ ARE NOT liable for any damages that may result from issuance or denial of a permit.

SECTION 8. In Colorado Revised Statutes, 6-1-707, **add** (1)(f) as follows:

6-1-707. Use of title or degree - deceptive trade practice. (1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(f) CLAIMS TO BE A VERIFIED INSTRUCTOR FOR A FIREARMS SAFETY COURSE THAT SATISFIES THE REQUIREMENTS FOR A CONCEALED HANDGUN TRAINING CLASS DESCRIBED IN SECTION 18-12-202.5, UNLESS THE PERSON IS VERIFIED AS A FIREARMS INSTRUCTOR BY A SHERIFF PURSUANT TO SECTION 18-12-202.7.

SECTION 9. Act subject to petition - effective date. Sections 1, 4, 6, and 7 of this act take effect July 1, 2025, and the remainder of this act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor; except that sections 1, 4, 6, and 7 of this act take effect July 1, 2025.

Approved: June 4, 2024