

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0017.01 Jacob Baus x2173

HOUSE BILL 23-1143

HOUSE SPONSORSHIP

Kipp and Armagost, Bird, Boesenecker, Dickson, Duran, Jodeh, Lindsay, Marshall, McCluskie, Snyder, Valdez, Weissman

SENATE SPONSORSHIP

Gonzales and Kirkmeyer,

House Committees

Judiciary
Appropriations

Senate Committees

Judiciary

A BILL FOR AN ACT

101 **CONCERNING MEASURES RELATED TO SEEKING FEDERAL**
102 **AUTHORIZATION FOR CERTAIN IMMIGRANTS TO POSSESS**
103 **FIREARMS TO BE A PEACE OFFICER.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the peace officers standards and training (P.O.S.T.) board to seek authorization from the United States attorney general for persons who have deferred action status from the federal immigration and naturalization service to possess a firearm in order to be a certified peace officer or reserve peace officer.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
2nd Reading Unamended
April 6, 2023

HOUSE
3rd Reading Unamended
March 6, 2023

HOUSE
Amended 2nd Reading
March 3, 2023

If the authorization is granted by the United States attorney general, every law enforcement agency is required to amend its written firearms policy to implement the provided authorization.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-31-320 as
3 follows:

4 **24-31-320. Persons with deferred action for childhood**
5 **arrivals status - rules - definition.** (1) THE P.O.S.T. BOARD MAY
6 PROMULGATE RULES FOR THE ADMINISTRATION OF OR COMPLIANCE WITH
7 REQUIREMENTS FOR AN ELIGIBLE IMMIGRANT WHO IS SEEKING A
8 CERTIFICATE ISSUED PURSUANT TO THIS PART 3.

9 (2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
10 OTHERWISE REQUIRES, "ELIGIBLE IMMIGRANT" MEANS A PERSON WHO HAS
11 BEEN FORMALLY GRANTED AND MAINTAINS A VALID DEFERRED ACTION
12 FOR CHILDHOOD ARRIVALS STATUS BY THE FEDERAL IMMIGRATION AND
13 NATURALIZATION SERVICE, OR ANY SUCCESSOR AGENCY, OR A PERSON
14 WHO HAS APPLIED TO OBTAIN ASYLUM STATUS.

15 **SECTION 2.** In Colorado Revised Statutes, 16-2.5-101, **amend**
16 (2) as follows:

17 **16-2.5-101. Peace officer - description - general authority.**
18 (2) (a) A peace officer certified by the peace officers standards and
19 training board shall have the authority to carry firearms at all times,
20 concealed or otherwise, subject to the written firearms policy created by
21 the agency employing the peace officer. All other peace officers shall
22 have the authority to carry firearms, concealed or otherwise, while
23 engaged in the performance of their duties or as otherwise authorized by
24 the written policy of the agency employing the officer.

1 (b) (I) A LAW ENFORCEMENT AGENCY MAY AMEND ITS WRITTEN
2 FIREARMS POLICY, OR USE AN EXISTING POLICY, AUTHORIZING THE
3 POSSESSION OF A FIREARM BY AN ELIGIBLE IMMIGRANT, AS DEFINED BY
4 SECTION 24-31-320 (2). A FIREARMS POLICY MUST COMPLY WITH ANY
5 FEDERAL LAW OR REGULATION PROMULGATED BY THE UNITED STATES
6 DEPARTMENT OF JUSTICE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
7 EXPLOSIVES, OR ANY SUCCESSOR AGENCY, GOVERNING POSSESSION OF A
8 FIREARM AND ANY RELATED EXCEPTIONS.

9 (II) AN ELIGIBLE IMMIGRANT MAY ENROLL IN A TRAINING
10 ACADEMY, AS DEFINED BY SECTION 24-31-301 (6), IF THE ELIGIBLE
11 IMMIGRANT IS EMPLOYED BY A LAW ENFORCEMENT AGENCY AND THE
12 AGENCY'S WRITTEN FIREARMS POLICY AUTHORIZES THE ELIGIBLE
13 IMMIGRANT TO POSSESS AND USE A FIREARM AT THE ACADEMY, AND
14 PERMITS TRANSPORTING, STORING, CLEANING, AND MAINTAINING THE
15 FIREARM OUTSIDE OF INSTRUCTIONAL HOURS, AS APPROPRIATE.

16 (III) THE LAW ENFORCEMENT AGENCY THAT EMPLOYS THE
17 ELIGIBLE IMMIGRANT SHALL NOTIFY THE P.O.S.T. BOARD, IN A MANNER
18 DETERMINED BY BOARD RULE PURSUANT TO SECTION 24-31-320 (1), THAT
19 THE ELIGIBLE IMMIGRANT IS COMPLIANT WITH THE AGENCY'S WRITTEN
20 FIREARMS POLICY WHILE ATTENDING A TRAINING ACADEMY.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly; except
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V
25 of the state constitution against this act or an item, section, or part of this
26 act within such period, then the act, item, section, or part will not take
27 effect unless approved by the people at the general election to be held in

- 1 November 2024 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.