

CHAPTER 121

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 23-1143

BY REPRESENTATIVE(S) Kipp and Armagost, Bird, Boesecker, Dickson, Duran, Jodeh, Lindsay, Marshall, Snyder, Valdez, Weissman, McCluskie;
also SENATOR(S) Gonzales and Kirkmeyer, Coleman, Cutter, Hinrichsen, Jaquez Lewis, Marchman, Priola, Winter F.

AN ACT

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

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

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

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

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

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

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

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.

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

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

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

SECTION 3. Act subject to petition - effective date. 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.

Approved: April 27, 2023