

## CHAPTER 206

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 07-1174**

BY REPRESENTATIVE(S) White, Borodkin, Casso, Labuda, Levy, Primavera, and Green;  
also SENATOR(S) Bacon, Groff, and Tupa.

**AN ACT**

**CONCERNING A REPEAL OF THE PROHIBITION AGAINST A STATEWIDE DATABASE FOR PERSONS  
HOLDING PERMITS TO CARRY CONCEALED HANDGUNS.**

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

**SECTION 1.** 18-12-206 (3) (b), Colorado Revised Statutes, is amended to read:

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

(3) (b) (I) Notwithstanding the provisions of paragraph (a) of this subsection (3), on and after July 1, ~~2007~~ 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, ~~2007~~ 2011.

(II) PRIOR TO THE REPEAL IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE STATE AUDITOR'S OFFICE SHALL CONDUCT A PERFORMANCE AUDIT OF THE STATEWIDE DATABASE OF PERMITTEES AS PROVIDED IN SECTION 2-3-118, C.R.S.

**SECTION 2.** 18-12-206 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**18-12-206. Sheriff - issuance or denial of permits - report.** (3) (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 PERMITEES 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

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

OR SEIZURE OF A PERSON OR A PERSON'S VEHICLE OR PROPERTY.

**SECTION 3.** Part 1 of article 3 of title 2, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**2-3-118. Performance audit of statewide database of permittees - repeal.**

(1) THE STATE AUDITOR SHALL CONDUCT OR CAUSE TO BE CONDUCTED A PERFORMANCE AUDIT OF THE STATEWIDE DATABASE OF PERMITTEES IDENTIFIED IN SECTION 18-12-206 (3) (b), C.R.S., MAINTAINED BY THE COLORADO BUREAU OF INVESTIGATION IN THE DEPARTMENT OF PUBLIC SAFETY. IN ADDITION TO SUCH OTHER ISSUES AS MAY BE IDENTIFIED BY THE STATE AUDITOR'S OFFICE, THE AUDIT SHALL ADDRESS:

- (a) THE ACCURACY OF THE INFORMATION CONTAINED IN THE DATABASE;
- (b) THE SECURITY OF THE INFORMATION CONTAINED IN THE DATABASE;
- (c) THE BENEFIT OF THE DATABASE FOR LAW ENFORCEMENT IN THE STATE OF COLORADO; AND
- (d) THE BENEFIT OF THE DATABASE FOR PUBLIC SAFETY.

(2) THE STATE AUDITOR SHALL SUBMIT ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS IN THE FORM OF A WRITTEN REPORT TO THE MEMBERS OF THE LEGISLATIVE AUDIT COMMITTEE OF THE GENERAL ASSEMBLY AND TO THE MEMBERS OF THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, AND TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY NO LATER THAN JANUARY 1, 2011.

(3) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2011.

**SECTION 4. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 14, 2007