

COLORADO HANDGUN LAWS

DEFINITIONS

18-12-202.2 "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 OFFICER 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.

18-12-202.3 "CHRONICALLY AND HABITUALLY USES ALCOHOLIC BEVERAGES TO THE EXTENT THAT THE APPLICANT'S NORMAL FACULTIES ARE IMPAIRED" MEANS:

- (a) THE APPLICANT HAS AT ANY TIME BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO SECTION 25-1-310 OR 25-1-311, C.R.S.; OR
- (b) WITHIN THE TEN-YEAR PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH THE PERMIT APPLICATION IS SUBMITTED, THE APPLICANT:
 - (I) HAS BEEN COMMITTED AS AN ALCOHOLIC PURSUANT TO SECTION 25-1-308 OR 25-1-309, C.R.S.; OR
 - (II) HAS HAD TWO OR MORE ALCOHOL-RELATED CONVICTIONS UNDER SECTION 42-4-1301 (1) OR (2), C.R.S. OR A LAW OF ANOTHER STATE THAT HAS SIMILAR ELEMENTS, OR REVOCATION RELATED TO MISDEMEANOR, ALCOHOL-RELATED CONVICTIONS UNDER SECTION 42-2-126, C.R.S., OR A LAW OF ANOTHER STATE THAT HAS SIMILAR ELEMENTS.

18-12-202.4 "HANDGUN" MEANS A HANDGUN AS DEFINED IN SECTION 18-12-101 (1) (e.5); EXCEPT THAT THE TERM DOES NOT INCLUDE A MACHINE GUN AS DEFINED IN SECTION 18-12-101 (1) (g).

18-12-202.5 "HANDGUN TRAINING CLASS" MEANS:

- (a) A LAW ENFORCEMENT TRAINING FIREARMS SAFETY COURSE;
- (b) A FIREARMS SAFETY COURSE OFFERED BY A LAW ENFORCEMENT AGENCY, AN INSTITUTION OR ORGANIZATION OR FIREARMS TRAINING SCHOOL, THAT IS OPEN TO THE GENERAL PUBLIC AND IS TAUGHT BY A CERTIFIED INSTRUCTOR; OR
- (c) A FIREARMS SAFETY COURSE OR CLASS THAT IS OFFERED AND TAUGHT BY A CERTIFIED INSTRUCTOR.

18-12-202.6 "PERMIT" MEANS A PERMIT TO CARRY A CONCEALED HANDGUN ISSUED PURSUANT TO THE PROVISIONS OF THIS ARTICLE 12 OF TITLE 18; EXCEPT THAT "PERMIT" DOES NOT INCLUDE A TEMPORARY EMERGENCY PERMIT ISSUED PURSUANT TO SECTION 18-12-209.

18-12-202.7 "SHERIFF" MEANS THE SHERIFF OF A COUNTY, OR HIS OR HER DESIGNEE, OR THE OFFICIAL WHO HAS THE DUTIES OF A SHERIFF IN A CITY AND COUNTY, OR HIS OR HER DESIGNEE.

18-12-202.8 "TRAINING CERTIFICATE" MEANS A CERTIFICATE, AFFIDAVIT, OR OTHER DOCUMENT ISSUED BY THE INSTRUCTOR, SCHOOL, CLUB, OR ORGANIZATION THAT CONDUCTS A HANDGUN TRAINING CLASS THAT EVIDENCES AN APPLICANT'S SUCCESSFUL COMPLETION OF THE CLASS REQUIREMENTS.

PURPOSE

The purpose of the application is to:

- Protect the safety of both the public and the permit holder, by reasonably ensuring that the permit holder is physically and mentally capable of safely handling a handgun and conducting him or herself appropriately while carrying a handgun.
- Provide a reasonable assurance that the permit holder is knowledgeable in the use of firearms and is informed of the statutory restrictions concerning the possession and use of firearms.
- Prevent the issuance of a permit to any person prohibited by law from possessing a firearm.

APPLICATION CRITERIA

Temporary Emergency Permits (C.R.S. 18-12-209): Colorado law establishes different criteria and fees for persons seeking a temporary emergency permit. See TEMPORARY EMERGENCY PERMITS below for details.

Concealed Handgun Permits (C.R.S. 18-12-203): To obtain a concealed handgun permit, one must:

- Be a legal resident of the State of Colorado. Members of the armed forces stationed pursuant to permanent duty station orders at a military installation in this state, and members of their immediate family living in Colorado, are considered legal residents.
- Be twenty-one (21) years of age or older.
- Not be ineligible to possess a firearm pursuant to C.R.S. 18-12-108 or federal law.
- Not have been convicted of perjury under C.R.S. 18-8-503, in relation to information provided or deliberately omitted on a permit application.
- Not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired.
- Not be an unlawful user of or addicted to a controlled substance as defined in C.R.S. 18-18-102(5). Whether an applicant is an unlawful user of or addicted to a controlled substance shall be determined as provided in federal law and regulations.
- Not be subject to:
 1. a restraining order issued pursuant to C.R.S. 18-1-1001 or 19-2-707, that is in effect at the time the application is submitted; or
 2. a permanent restraining order issued pursuant to Article 14 of Title 13, C.R.S.; or
 3. a temporary restraining order issued pursuant to Article 14 of Title 13, C.R.S., that is in effect at the time the application is submitted.

- Demonstrate competence with a handgun by submitting:
 1. Evidence of experience with a firearm through participation in organized shooting competitions or current military service; or
 2. Evidence that, at the time the application is submitted, the applicant is a certified instructor (see DEFINITIONS); or
 3. Proof of honorable discharge from a branch of the United States armed forces within the three years preceding submittal of the application; or
 4. 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 application; or
 5. A training certificate from a handgun training class obtained within the ten years preceding submittal of the application. The applicant shall submit the original training certificate or a photocopy thereof that includes the original signature of the class instructor. In obtaining a training certificate from a handgun training class, the applicant shall have discretion in selecting which handgun training class to complete.

POLICY

The Douglas County Sheriff's Office will conduct criminal history background investigations on all applicants, to include queries of national, state, and local databases, and shall issue or deny a permit within 90 days of receiving a completed application. If the applicant resides in a municipality or town, the Douglas County Sheriff's Office shall consult with the police department of the municipality or town in which the applicant resides. The Douglas County Sheriff's Office may also consult with other local law enforcement agencies.

Regardless of whether an applicant meets the criteria in the previous section, if the Douglas County Sheriff's Office has a reasonable belief that documented previous behavior by the applicant makes it likely the applicant will present a danger to self or others if the applicant receives a permit to carry a concealed handgun, the Douglas County Sheriff's Office may deny the permit. Accordingly, a permit will be denied to any person:

- Ineligible to possess a firearm pursuant to C.R.S. 18-12-108, having been convicted of a felony offense, or convicted of an attempt or conspiracy to commit a felony, under Colorado or any other state's law or under federal law, or having any unresolved felony charges pending under the laws of this state, any other state, or the United States.
- Convicted of perjury under C.R.S. 18-8-503.
- Previously convicted of third degree assault as described in C.R.S. 18-3-204, misdemeanor third degree sexual assault as described in C.R.S. 18-3-404, misdemeanor child abuse as described in C.R.S. 18-6-401, or any municipal ordinance or law of any other state or the United States that includes similar elements, where the offense involved domestic violence as defined in Code of Federal Regulations, subpart 178.11, or who has

any such unresolved charges pending under the laws of this state, any other state, or the United States.

- Is the subject of an outstanding warrant for arrest.
- Has been adjudicated a juvenile delinquent pursuant to Article 2 of Title 19, C.R.S., or similar laws of any other state for an act that would have constituted a felony had the applicant been an adult at the time of the commission of the act, or who has any unresolved charges for such an act pending under the laws of this state, any other state, or the United States.
- Is the subject of any valid restraining or emergency protection order, temporary or permanent, issued pursuant to C.R.S. 18-1-1001 or 19-2-707, that is in effect at the time the application is submitted.
- Who is an unlawful user of or addicted to any controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).
- Chronically and habitually uses alcoholic beverages to the extent that the applicant's normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that the applicant's normal faculties are impaired if the applicant has been committed as an alcoholic pursuant to C.R.S. 25-1-310 or 25-1-311 or has had two or more alcohol-related convictions or revocations under C.R.S. 42-4-1301 (1) or (2) or 42-2-126, or any law of another state that has similar elements, within the ten-year period immediately preceding the date on which the permit application is submitted. The prohibition specified shall not apply to an applicant who provides an affidavit, signed by a professional counselor who is licensed pursuant to Article 43 of Title 12, C.R.S. and specializes in alcohol addiction, stating that the applicant has been evaluated by the counselor and has been determined to be a recovering alcoholic who has refrained from using alcohol for at least three years; except it shall apply if the person was ever involuntarily committed as an alcoholic.
- Has been adjudicated mentally defective, which includes having been adjudicated incompetent to manage his or her own affairs, or has been committed to a mental institution.

CONDUCT

A permit holder, in compliance with the terms of a permit, may carry a concealed handgun as allowed by state law. The permit holder shall carry the permit, together with valid photo identification, at all times during which the permit holder is in actual possession of a concealed handgun and shall produce both documents upon demand by a law enforcement officer. Failure to produce a permit upon demand by a law enforcement officer raises a rebuttable presumption that the person does not have a permit. Failure to carry and produce a permit and valid photo identification upon demand is a class 1 petty offense.

A person who may lawfully possess a handgun may carry a handgun under the following circumstances without obtaining a permit:

1. The handgun is in the possession of a person who is in a private automobile or in some other private means of conveyance and who carries the handgun for a legal use, including self-defense [CRS 18-12-204(3)(a)(I)].
2. The handgun is in the possession of a person who is legally engaged in hunting activities within the state of Colorado [C.R.S. 18-12-204(3)(a)(II)].
3. The handgun is in the possession of a person in his or her own dwelling or place of business or on property owned or under his or her control at the time of the act of carrying the handgun [C.R.S. 18-12-105(2)(a)].

CARRY RESTRICTIONS

A permit to carry a concealed handgun authorizes the permit holder to carry a concealed handgun in all areas of the state except as follows:

1. A person may not carry a concealed handgun into a place where the carrying of firearms is prohibited by federal law;
2. A person may not carry a concealed handgun on to the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school;
3. A person may not carry a concealed handgun into a public building at which security personnel and electronic weapons screening devices are permanently in place;
4. A person may not carry a concealed handgun where a private property owner, private tenant, private employer, or private business entity disallows the carrying of firearms.

WAIVER OF PERMIT FEE

Fees shall be waived for retiring employees (within the first five years after retirement) of the issuing sheriff if all other requirements are met and the applicant was previously fingerprinted as part of a pre-employment background investigation conducted by the issuing sheriff.

PERIOD OF VALIDITY

This permit is valid for a period of five years after the date of issuance and may be renewed as provided in C.R.S.18-12-211.

RENEWAL

Within 120 days prior to the expiration of a permit, the permit holder may obtain a renewal form from the issuing sheriff's office and renew the permit by submitting to the issuing sheriff's office a completed renewal form, a notarized affidavit stating that the permit holder remains qualified pursuant to the criteria specified, and the submittal of a combined renewal fee of \$63.00, which includes the CBI's fee to conduct an NICS check and a criminal history records check of its files. Payment may be made by cash, check made payable to "Douglas County Sheriff," and Visa* or

Mastercard* (no other credit/debit cards accepted). *Credit card payments will be charged an additional non-refundable convenience fee of \$2.34, which cannot be waived.

A permit holder who fails to file a renewal form on or before the permit expiration date may renew the permit by paying a late fee of \$15.00 (\$15.40 if paying by Visa or Mastercard), in addition to the above mentioned renewal fees. No permit shall be renewed six months or more after its expiration date and the permit shall be deemed permanently expired. A person whose permit has permanently expired may reapply by submitting a new application and the required fees.

PERMIT SUSPENSION/REVOCAION/DENIAL

Any peace officer in the state of Colorado may confiscate a concealed handgun permit issued by any sheriff and return it to the issuing sheriff, when the peace officer has a reasonable suspicion that the permit holder falls into a category that would have barred issuance of the permit, or that the permit holder presents a danger to himself or herself or others. The Douglas County Sheriff will determine whether to suspend or revoke the permit. The suspension or revocation of a permit may be appealed directly to the sheriff if the permit holder believes the permit was unfairly confiscated, suspended, and/or revoked.

Any arrest for an alcohol or drug-related violation will result in suspension of the permit pending the resolution of any pending legal action on the matter. Any drug or alcohol-related conviction will result in revocation of the permit.

If an application is denied because the applicant fails to qualify under the criteria listed in C.R.S. 18-12-203 (1), or because the applicant presents a danger to self or others as described in C.R.S. 18-12-203 (2), the applicant shall be notified in writing of the grounds for denial and of the right to seek a second review of the application by the sheriff, to submit additional information for the record, and to seek judicial review pursuant to C.R.S. 18-12-207.

TEMPORARY EMERGENCY PERMITS

The Douglas County Sheriff may issue a temporary emergency permit to carry a concealed handgun to a person whom the sheriff has reason to believe may be in immediate danger. A person shall submit to the sheriff of the county in which the person resides or in which the circumstances giving rise to the emergency exist, the items specified in C.R.S. 18-12-205, except that an applicant for a temporary emergency permit need not submit documentary evidence demonstrating competence with a handgun.

The applicant for a temporary emergency permit may be eighteen years of age or older.

The applicant shall submit a combined temporary permit fee of \$55.50 to the Douglas County Sheriff's Office, which includes the CBI's fee to conduct an NICS and CBI file check. Payment may be made by cash, check made payable to "Douglas County Sheriff," or Visa* or Mastercard* (no other credit/debit cards accepted). *Payments by credit card will be charged an additional non-refundable convenience fee of \$1.27, which cannot be waived.

A temporary emergency permit is valid for a period of ninety days after the date of issuance, and upon application, may be renewed once. If the applicant is under 21 years of age, the sheriff

may, upon application, renew the permit for successive 90-day periods until the applicant reaches the age of 21.

MAINTENANCE OF PERMIT - ADDRESS CHANGE - INVALIDITY OF PERMIT

Within 30 days after a permit holder changes the address specified on his or her permit, or within three business days after his or her permit is lost, stolen or destroyed, the permit holder shall notify the Douglas County Sheriff's Office of the change of address or of the loss, theft, or destruction of the permit. Failure to notify the sheriff is a class 1 petty offense.

If a permit is lost, stolen, or destroyed, the permit is automatically invalid. The person to whom the permit was issued may obtain a duplicate permit upon submittal of a notarized statement to the Douglas County Sheriff's Office that the permit was lost, stolen, or destroyed, and the payment of a \$15.00 fee (\$16.11 if paying by credit card).

RECIPROCITY

Some states grant reciprocity to holders of Colorado concealed handgun permits (i.e. they recognize Colorado permits as being valid in the other state); others do not. This information changes periodically as state laws are amended. A current list of states granting reciprocity to Colorado concealed weapons permit holders is posted on the Colorado Bureau of Investigation's website and the County Sheriffs of Colorado's website.

DATABASES

Each sheriff shall maintain a list of permit holders. Upon request of another criminal justice agency, this information may be shared with the other criminal justice agencies for law enforcement purposes or to determine the validity of a permit.

Sheriff's may list permit holders in the Colorado Crime Information Center (CCIC) "Person of Interest" file. This secure database is available to law enforcement agencies only. Being listed in this database has no criminal implications, but will identify a permit holder who comes in contact with a law enforcement agency to facilitate notification of the issuing sheriff in the event of any misconduct or concerns regarding the permit holder.

**COLORADO STATUTES REGARDING DEADLY PHYSICAL FORCE AND CARRYING
CONCEALED FIREARMS**

18-1-704 Use of Physical Force in Defense of person

1. Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

2. Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

a) The actor has reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or

b) The other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary as defined in sections 18-4-202 to 184-04; or

c) The other person is committing or reasonably appears about to commit kidnapping as defined in section 18-3-301 or 18-3-302, robbery as defined in section 184-301 or 184-302, sexual assault as set forth in section 18-3-402 or 18-3-403, or assault as defined in sections 18-3-202 or 18-3-203.

3. Notwithstanding the provisions of subsection (1) of this section, a person is not justified in using physical force if:

a) With intent to cause bodily injury or death to another person, he provokes the use of unlawful physical force by that other person; or

b) He is the initial aggressor, except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or

c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

18-1-704.5 Use of Deadly Physical Force against an Intruder (“Make My Day law”)

(1) The general assembly hereby recognizes that the citizens of Colorado have a right to expect absolute safety within their own homes.

(2) Notwithstanding the provisions of section 18-1-704, any occupant of a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling, and when the occupant has a reasonable belief that such other person has committed a crime in the dwelling in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that such other person might use any physical force, no matter how slight, against any occupant.

(3) Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (2) of this section shall be immune from criminal prosecution for the use of such force.

(4) Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (2) of this section shall be immune from any civil liability for injuries or death resulting from the use of such force.

(5) As used in this section, unless the context otherwise requires, "dwelling" does not include any place of habitation in a detention facility, as defined in section 18-8-211 (4).

18-1-705 Use of Physical Force in Defense of Premises

A person in possession or control of any building, realty, or other premises, or a person who is licensed or privileged to be thereon, is justified in using reasonable and appropriate physical force upon another person when and to the extent that it is reasonably necessary to prevent or terminate what he reasonably believes to be the commission or attempted commission of an unlawful trespass by the other person in or upon the building, realty, or premises. However, he may use deadly force only in defense of himself or another as described in section 18-1-704, or when he reasonably believes it necessary to prevent what he reasonably believes to be an attempt by the trespasser to commit first degree arson.

18-1-706 Use of Physical Force in Defense of Property

A person is justified in using reasonably and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be an attempt by the other person to commit theft, criminal mischief, or criminal tampering involving property, but he may use deadly physical force under these circumstances only in defense of himself or another as described in section 18-1-704.

18-1-707 Use of Physical Force in Making an Arrest or in Preventing an Escape

(1) Except as provided in subsections (2) and (2.5) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

(a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

(I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

(II) Is attempting to escape by the use of a deadly weapon; or

(III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

(2.5)

(a) A peace officer is justified in using a chokehold upon another person for the purposes specified in subsection (1) of this section only when he or she reasonably believes that it is necessary:

(I) To defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force or infliction of bodily injury; or

(II) To effect an arrest, or to prevent the escape from custody, of a person whom he or she reasonably believes:

(A) Has committed or attempted to commit a felony involving or threatening the use of a deadly weapon; or

(B) Is attempting to escape by the use of physical force; or

(C) Indicates, except through a motor vehicle, that he or she is likely to endanger human life or to inflict serious bodily injury to another unless he or she is apprehended without delay.

(b) For the purposes of this subsection (2.5), "chokehold" means a method by which a person holds another person by putting his or her arm around the other person's neck with sufficient pressure to make breathing difficult or impossible and includes, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.

(3) Nothing in subsection (2) (b) or subsection (2.5) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

(4) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances that if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1), (2), and (2.5) of this section unless the warrant is invalid and is known by the officer to be invalid.

(5) Except as provided in subsection (6) of this section, a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using reasonable and appropriate physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction, unless he knows that the arrest or prospective arrest is not authorized.

(6) A person who has been directed to assist a peace officer under circumstances specified in subsection (5) of this section may use deadly physical force to effect an arrest or to prevent an escape only when:

(a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) He is directed or authorized by the peace officer to use deadly physical force and does not know, if that happens to be the case, that the peace officer himself is not authorized to use deadly physical force under the circumstances.

(7) A private person acting on his own account is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest, or to prevent the escape from custody of an arrested person who has committed an offense in his presence; but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

(8) A guard or peace officer employed in a detention facility is justified:

(a) In using deadly physical force when he reasonably believes it necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony or confined under the maximum security rules of any detention facility as such facility is defined in subsection (9) of this section;

(b) In using reasonable and appropriate physical force, but not deadly physical force, in all other circumstances when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

(9) "Detention facility" as used in subsection (8) of this section means any place maintained for the confinement, pursuant to law, of persons charged with or convicted of an offense, held pursuant to the "Colorado Children's Code", held for extradition, or otherwise confined pursuant to an order of a court.

18-12-105 Unlawfully Carrying a Concealed Weapon - Unlawful Possession of Weapons

1. A person commits a class 2 misdemeanor if such person knowingly and unlawfully:

a) Carries a knife concealed on or about his or her person; or

b) Carries a firearm concealed on or about his or her person; or

c) Without legal authority, carries, brings, or has in such person's possession a firearm or any explosive, incendiary, or other dangerous device on the property of or within any building in which the chambers, galleries, or offices of the general assembly, or either house thereof, are located, or in which a legislative hearing or meeting is being or is to be conducted, or in which the official offices of any member, officer, or

employee of the general assembly are located.

d) Deleted by Laws 1993, S.B.93-38, section 1, off. July 1, 1993.

2. It shall be an affirmative defense that the defendant was:

a) A person in his or her own dwelling or place of business or on property owned or under his or her control at the time of the act of carrying; or

b) A person in a private automobile or other private means of conveyance who carries a weapon for lawful protection of such person's or another's person or property while traveling; or

c) A person who, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1 as it existed prior to its repeal, or, if the weapon involved was a handgun, held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to Part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of Section 18-12-214; or

d) A peace officer, level I or level Ia, as defined in section 18-1-901(3)(1)(I) or (3)(1)(II)(A); or

e) A peace officer, level II, as defined in section 18-1-901(3)(1)(III), while on duty; or

f) A United States probation officer or a United States pretrial services officer while on duty and serving in the state of Colorado under the authority of rules and regulations promulgated by the judicial conference of the United States.

18-12-105.5 Unlawfully Carrying a Concealed Weapon - Unlawful Possession of Weapons - School, College, or University Grounds

1. A person commits a class 2 misdemeanor if such person knowingly and unlawfully and without legal authority carries, brings, or has in such person's possession a deadly weapon as defined in section 18-1-901(3)(e) in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior high, or high school or any public or private college, university, or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution which require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

2. Notwithstanding the provisions of section 18-1-106, upon a conviction for a violation of this section either within or upon the grounds of any public or private elementary, middle, junior high, or high school or vocational school, the defendant shall be a special offender and the court, if it determines that incarceration is appropriate, shall be required to sentence the defendant to a term that is greater than the twelve-month maximum sentence specified for the class 2 misdemeanor but not more than twice the twelve-month maximum term specified for the class 2 misdemeanor. In addition to such term of imprisonment, the court shall fine the defendant without suspension at least the maximum fine of one thousand dollars specified for the class 2 misdemeanor but not more than ten times the one thousand dollar maximum fine specified for the class 2 misdemeanor.

3. It shall not be an offense under this section if:
 - a) The weapon is unloaded and remains inside a motor vehicle while upon the real estate of any public or private college, university, or seminary; or
 - b) The person is in that person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying; or
 - c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling; or
 - d) The person, at the time to carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1 as said section existed prior to its repeal; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of Section 18-12-214 (3); or
 - (d.5) The weapon involved was a handgun and the person held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to Part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of Section 18-12-214 (3); or
 - e) The person is a peace officer, level I or level Ia, as defined in section 18-1-901(3)(1)(I) or (3)(1)(II)(A); or
 - f) The person is a peace officer, level II, as defined in section 18-1-901(3)(1)(III), while on duty; or
 - g) The person is a peace officer, level IIIa, as defined in section 18-1-901(3)(1)(IV.5), while on duty and under supervision; or
 - h) The person has possession of the weapon for use in an educational program approved by a school which program includes, but shall not be limited to, any course designed for the repair or maintenance of weapons.

18-12-106 Prohibited Use of Weapons

1. A person commits a class 2 misdemeanor if:
 - a) He knowingly and unlawfully aims a firearm at another person; or
 - b) Recklessly or with criminal negligence he discharges a firearm or shoots a bow and arrow; or
 - c) He knowingly sets a loaded gun, trap, or device designed to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present; or
 - d) The person has in his or her possession a firearm while the person is under the influence of intoxicating liquor or of a controlled substance, as defined in section 12-22-303 (7), C.R.S. Possession of a permit issued under section 18-12-105.1, as it existed prior to its repeal, or possession of a permit or a temporary emergency permit issued pursuant to Part 2 of this article is no defense to a violation of this subsection (1).

e) He knowingly aims, swings, or throws a throwing star or nunchaku as defined in this paragraph (e) at another person, or he knowingly possesses a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, non-accessible container. For purposes of this paragraph (e) “nunchaku” means an instrument consisting of two sticks, clubs, bars, or rods to be used as handles, connected by a rope, cord, wire, or chain, which is in the design of a weapon used in connection with the practice of a system of self-defense, and “throwing star” means a disk having sharp radiating points or any disk-shaped bladed object which is hand-held and thrown and which is in the design of a weapon used in connection with the practice of a system of self-defense.

18-12-110 Forfeiture of Firearms

Upon the motion of the prosecuting attorney after the conviction of a defendant, the court may order the forfeiture of any firearms which were used by the defendant during the course of the criminal episode which gave rise to said conviction as an element of sentencing or as a condition of probation or of a deferred sentence. Firearms forfeited under this section shall be disposed of pursuant to section 16-13-311, C.R.S.

18-12-213 Reciprocity

A permit to carry a concealed handgun or a concealed weapon that is issued to a person twenty-one years of age or older by a state that recognizes the validity of permits issued pursuant to this part shall be valid in this state in all respects as a permit issued pursuant to this part.

18-12-214 Authority Granted by Permit - Carry Restrictions.

(1) (a) A permit to carry a concealed handgun authorizes the permittee to carry a concealed handgun in all areas of the state, except as specifically limited in this section. A permit does not authorize the permittee to use a handgun in a manner that would violate a provision of state law. A local government does not have authority to adopt or enforce an ordinance or resolution that would conflict with any provision of this part.

(b) A peace officer may temporarily disarm a permittee, incident to a lawful stop of the permittee. The peace officer shall return the handgun to the permittee prior to discharging the permittee from the scene.

(2) A permit issued pursuant to this part does not authorize a person to carry a concealed handgun into a place where the carrying of firearms is prohibited by federal law.

(3) A permit issued pursuant to this part does not authorize a person to carry a concealed handgun onto the real property, or into any improvements erected thereon, of a public elementary, middle, junior high, or high school; except that:

(a) A permittee may have a handgun on the real property of the public school so long as the handgun remains in his or her vehicle and, if the permittee is not in the vehicle, the handgun is in a compartment within the vehicle and the vehicle is locked.

(b) A permittee who is employed or retained by contract by a school district as a school security officer may carry a concealed handgun onto the real property, or into any improvement erected thereon, of a public elementary, middle, junior high, or high school while permittee is on duty.

(c) A permittee may carry a concealed handgun on undeveloped real property owned by a school district that is used for hunting or other shooting sports.

(4) A permit issued pursuant to this part does not authorize a person to carry a concealed handgun into a public building at which:

(a) Security personnel and electronic weapons screening devices are permanently in place at each entrance to the building;

(b) Security personnel electronically screen each person who enters the building to determine whether the person is carrying a weapon of any kind; and

(c) Security personnel require each person who is carrying a weapon of any kind to leave the weapon in possession of security personnel while the person is in the building.

(5) Nothing in this part shall be construed to limit, restrict, or prohibit in any manner the existing rights of a private property owner, private tenant, private employer, or private business entity.

(6) The provisions of this section apply to temporary emergency permits issued pursuant to section 18-12-209.

24-20-202 Permit to Bear Arms

If the governor at any time issues his proclamation as provided in section 24-20-201 declaring the state or any county, city, town, or district within the state to be in a state of riot, or insurrection, or invasion, it is unlawful while said proclamation is in force for any person, firm, or corporation within the territory covered by said proclamation to purchase, manufacture for sale or use, receive, transport, carry, or use any firearm or ammunition or to sell, give away, or otherwise dispose of or permit others to obtain possession of any firearm or ammunition without a written permit from the governor or his regularly authorized representative. No permit shall be issued by the governor or his representative unless and until the person so desiring such permit satisfies the governor or his representative that the same is to be used in defense of his home, person, or property. This section shall not apply to legally authorized peace officers, or sheriffs, designated by the governor or his representative, or members of the National Guard of Colorado. No permit shall be issued to allow the purchase, manufacture for sale or use, receipt, use, transportation, or disposing of firearms or ammunition by anyone not a citizen of the United States or to anyone who has not been a resident of the state of Colorado for more than one year prior to the issuance of the proclamation mentioned in section 24-20-201.

30-10-523 Sheriff Permits for Concealed Weapons

The sheriff of each county and the official who has the duties of a sheriff in each city and county shall issue written permits to carry concealed handguns as provided in Part 2 of Article 12 of Title 18, C.R.S.

33-6-125 Possession of a Loaded Firearm in a Motor Vehicle

It is unlawful for any person, except a person authorized by law or by the division, to possess or have under his control any firearm, other than a pistol or revolver, in or on any motor vehicle unless the chamber of such firearm is unloaded. Any person in possession or in control of a rifle or shotgun in a motor vehicle shall allow any peace officer, as defined in section 33-1-102 (32), who is empowered and acting under the authority granted in section 33-6-101 to enforce articles 1 to 6 of this title to inspect the chamber of any rifle or shotgun in the motor vehicle. For the purposes of this section, a "muzzle-loader" shall be considered unloaded if it is not primed, and, for such purpose, "primed" means having a percussion cap on the nipple or flint in the striker and powder in the flash pan. Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of fifty dollars and an assessment of fifteen license suspension points.

PROOF OF FIREARMS TRAINING

Please check one pertaining to your application submittal.

- A training certificate from a handgun training class obtained within the ten years preceding submittal of this application. It must be the **original** training certificate or a photocopy that includes the **original signature** of the class instructor.

- Proof of honorable discharge from a branch of the United States armed forces (DD214) within the three years preceding submittal of this application.

- Proof of honorable discharge from a branch of the United States armed forces (DD214) that reflects pistol qualifications obtained within the ten years preceding submittal of this application.

- Evidence that, at the time this application is submitted, the applicant is a certified instructor (see DEFINITIONS).

- Evidence of experience with a firearm through participation in organized shooting competitions or current military service.

- A certificate showing retirement from a Colorado law enforcement agency that reflects pistol qualifications obtained within the ten years preceding submittal of this application.

NOTICE OF DISCLAIMER AND PERSONAL INQUIRY WAIVER

Handguns have been classified by both federal and Colorado law as deadly weapons. They are capable of causing death, serious injury, and property damage. I certify that I have read and understand the information provided in the application packet and the attached Colorado Revised Statutes pertaining to the use of deadly physical force, and agree that any violation will be cause for revocation of this permit.

By issuing this permit, the Sheriff of Douglas County; the government of Douglas County, Colorado; County Sheriffs of Colorado; and employees of any and all of the preceding shall not be held liable or responsible for the manner in which the permit holder uses the concealed handgun or the results of said use, including, but not limited to, the death of, or injury to, any person or damage to any property resulting either directly or indirectly from the intentional, reckless, negligent or accidental discharge of a handgun, or any criminal acts committed by the permit holder involving the use of the concealed handgun. Furthermore, the issuing county sheriff's office in no way stands as Warrantor or Guarantor of the structural, mechanical, or functional fitness of the concealed handgun for any purpose whatsoever.

By signing this application, I acknowledge and accept the terms contained in the Notice of Disclaimer. I hereby certify that all statements made by me in the completion of this application are, to the best of my knowledge, accurate, true, and complete. I understand that any false answer (deceitfully made), any willful material omission, or any fraud whatsoever constitutes a basis for rejection of this application with no further consideration. If fraud and/or deceit is subsequently discovered, such fraud and/or deceit will become grounds for rejection of this application and may result in criminal charges.

I fully understand that the issuing county sheriff's office conducts a background investigation of all applicants who are being considered for a concealed handgun permit. This investigation includes, but is not limited to, an investigation of military, police, and driving records, and character.

I hereby authorize any person who is contacted by the issuing county sheriff's office personnel to release any information to the issuing county sheriff's office pertaining to the background investigation including, but not limited to, military, police, and driving records, and character, for use by the issuing county sheriff's office in the consideration of my application.

I further agree to release and hold harmless the issuing county sheriff's office, its agencies, elected officials, officers, agents, and employees from any and all liability or claims which may arise out of the disclosure of such information to the issuing county sheriff's office in consideration of my application.

This authorization for the release of information shall be valid for a six (6) month period from the date hereof. Any release of claims or liability set forth herein shall survive the termination of the agreement.

NOTE TO RECIPIENT: A PHOTOCOPY REPRODUCTION OF THIS SIGNED REQUEST SHALL BE FOR ALL INTENTS AND PURPOSES AS VALID AS THE ORIGINAL. YOU MAY RETAIN THIS FORM IN YOUR FILES. THE ORIGINAL OF THIS FORM WILL REMAIN IN THE SHERIFF'S OFFICE CONCEALED HANDGUN PERMIT FILES.