

HB1174_L.007

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB24-1174 be amended as follows:

1 Amend the Judiciary Committee Report, dated February 13, 2024, page
2 1, line 1, strike "page 5," and substitute "page 4, lines 9 and 10, strike
3 "THE COLORADO BUREAU OF INVESTIGATION" and substitute "A SHERIFF".
4 Page 5 of the bill,".

5 Page 2 of the report, after line 6 insert:

6 "Page 8 of the bill, strike lines 2 through 7 and substitute:

7 "**verification.** (1) EACH SHERIFF SHALL VERIFY AS A FIREARMS
8 INSTRUCTOR A PERSON WHOSE PRINCIPAL PLACE TO CONDUCT FIREARMS
9 TRAINING IS IN THE SHERIFF'S COUNTY AND WHO:

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

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

14 Page 2 of the report, after line 17 insert:

15 "Page 8 of the bill, line 20, strike "THE COLORADO BUREAU OF
16 INVESTIGATION" and substitute "A SHERIFF".

17 Page 8 of the bill, line 24, strike "THE COLORADO BUREAU OF
18 INVESTIGATION" and substitute "EACH SHERIFF".

19 Page 8 of the bill, line 25, strike "VERIFIED INSTRUCTORS" and substitute
20 "FIREARMS INSTRUCTORS VERIFIED BY THE SHERIFF".

21 Page 8 of the bill, line 26, strike "BUREAU'S" and substitute "SHERIFF'S".

22 Page 9 of the bill, lines 1 and 2, strike "THE COLORADO BUREAU OF
23 INVESTIGATION, PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24,"
24 and substitute "A SHERIFF".

25 Page 9 of the bill, lines 5 and 6, strike "THE COLORADO BUREAU OF
26 INVESTIGATION, PURSUANT TO THE PROVISIONS OF ARTICLE 4 OF TITLE 24,"
27 and substitute "A SHERIFF".

28 Page 9 of the bill, after line 13 insert:

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

1 Page 9 of the bill, line 14, strike "THE COLORADO BUREAU OF
2 INVESTIGATION" and substitute "A SHERIFF".

3 Page 9 of the bill, strike lines 18 through 23.

4 Page 10 of the bill, after line 24 insert:

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

7 **18-12-207. Judicial review - permit denial - permit suspension**
8 **- permit revocation - denial, suspension, or revocation of instructor**
9 **verification.** (3) Notwithstanding any other provision of law to the
10 contrary, at a judicial review sought pursuant to SUBSECTION (1) OF this
11 section, the sheriff shall have the burden of proving by a preponderance
12 of the evidence that the applicant or permittee is ineligible to possess a
13 permit under the criteria listed in section 18-12-203 (1) or, if the denial,
14 suspension, or revocation was based on the sheriff's determination that the
15 person would be a danger as provided in section 18-12-203 (2), the sheriff
16 shall have the burden of proving the determination by clear and
17 convincing evidence. Following completion of the review, the court may
18 award attorney fees to the prevailing party.

19 (4) (a) IF A SHERIFF DENIES A PERSON'S APPLICATION FOR
20 VERIFICATION AS A FIREARMS INSTRUCTOR OR SUSPENDS OR REVOKES A
21 PERSON'S FIREARMS INSTRUCTOR VERIFICATION, THE PERSON MAY SEEK
22 JUDICIAL REVIEW OF THE SHERIFF'S DECISION. THE PROCEDURE AND
23 TIMELINES DESCRIBED IN SUBSECTION (2) OF THIS SECTION APPLY TO
24 JUDICIAL REVIEW OF A SHERIFF'S DECISION PURSUANT TO THIS SUBSECTION
25 (4).

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

33 Renumber succeeding sections accordingly.

34 Page 12 of the bill, lines 23 and 24, strike "THE COLORADO BUREAU OF
35 INVESTIGATION" and substitute "A SHERIFF".

36 Page 12 of the bill, line 26, strike "5, and 6" and substitute "6, and 7".

37 Page 13 of the bill, line 8, strike "5, and 6" and substitute "6, and 7".

** *** ** *** **