

SB25-003

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Boesenecker

1 Amend the Judiciary Committee Report, dated March 11, 2025, page 4,
2 line 4, strike "CARD." and substitute "CARD.

3 (E) IF A SHERIFF DENIES A PERSON'S FIREARMS SAFETY COURSE
4 CARD APPLICATION OR REVOKES A PERSON'S FIREARMS SAFETY COURSE
5 ELIGIBILITY CARD, THE SHERIFF SHALL NOTIFY THE PERSON IN WRITING,
6 STATING THE GROUNDS FOR DENIAL OR REVOCATION AND INFORMING THE
7 PERSON OF THE RIGHT TO SEEK JUDICIAL REVIEW PURSUANT TO
8 SUBSECTION (5)(b)(X) OF THIS SECTION.".

9 Page 4, line 10, strike "CARD." and substitute "CARD.

10 (X) (A) IF A SHERIFF DENIES A PERSON'S FIREARMS SAFETY COURSE
11 ELIGIBILITY CARD APPLICATION OR REVOKES A PERSON'S FIREARMS SAFETY
12 COURSE ELIGIBILITY CARD, THE PERSON MAY SEEK JUDICIAL REVIEW OF
13 THE SHERIFF'S DECISION.

14 (B) THE PROCEDURES SPECIFIED IN RULE 106 (a)(4) AND (b) OF
15 THE COLORADO RULES OF CIVIL PROCEDURE GOVERN THE PROCEDURE AND
16 TIMELINES FOR FILING A COMPLAINT, AN ANSWER, AND BRIEFS FOR
17 JUDICIAL REVIEW PURSUANT TO THIS SUBSECTION (5)(b)(X). AT A
18 JUDICIAL REVIEW SOUGHT PURSUANT TO THIS SUBSECTION (5)(b)(X), THE
19 SHERIFF HAS THE BURDEN OF PROVING BY A PREPONDERANCE OF THE
20 EVIDENCE THAT THE PERSON IS INELIGIBLE FOR A FIREARMS SAFETY
21 COURSE ELIGIBILITY CARD; EXCEPT THAT IF THE DENIAL OR REVOCATION
22 IS BECAUSE THE SHERIFF HAS DETERMINED THAT THE APPLICANT WILL
23 PRESENT A DANGER TO THEMSELF OR OTHERS PURSUANT TO SUBSECTION
24 (5)(b)(VI), OF THIS SECTION, THE SHERIFF HAS THE BURDEN OF PROVING
25 THAT DETERMINATION BY CLEAR AND CONVINCING EVIDENCE.

26 (C) FOLLOWING COMPLETION OF THE REVIEW, THE COURT MAY
27 AWARD ATTORNEY FEES TO THE PREVAILING PARTY.".

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