

18-12-201. Legislative declaration.

(1) The general assembly finds that:

(a) There exists a widespread inconsistency among jurisdictions within the state with regard to the issuance of permits to carry concealed handguns;

(b) (Deleted by amendment, L. 2021.)

(c) Inconsistency regarding issuance of permits results in the arbitrary and capricious denial of permits to carry concealed handguns based on the jurisdiction of residence rather than the qualifications for obtaining a permit;

(d) Officials of local governments are uniquely equipped to make determinations as to where concealed handguns can be carried in their local jurisdictions; and

(e) It is necessary that the state occupy the field of regulation of issuing concealed handgun permits because there is a prevailing state interest in ensuring that no citizen is arbitrarily denied a concealed handgun permit.

(2) Based on the findings specified in subsection (1) of this section, the general assembly concludes that:

(a) The criteria and procedures for issuing permits to carry concealed handguns is a matter of statewide concern;

(b) It is necessary to provide statewide uniform standards for issuing permits to carry concealed handguns for self-defense; and

(c) Whether concealed handguns can be carried in a specific area is a matter of state and local concern.

(3) In accordance with the findings and conclusions specified in subsections (1) and (2) of this section, the general assembly hereby instructs each sheriff to implement and administer the provisions of this part 2. The general assembly does not delegate to the sheriffs the authority to regulate or restrict the issuance of permits provided for in this part 2 beyond the provisions of this part 2. An action or rule that encumbers the permit process by placing burdens on the applicant beyond those sworn statements and specified documents detailed in this part 2 or that creates restrictions beyond those specified in this part 2 is in conflict with the intent of this part 2 and is prohibited.