

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 13, 2021

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB21-1255 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, line 9 strike "(d)(8) or (g)(8)" and substitute
- 2 "(d)(8), ~~or~~ (g)(8), OR (g)(9)".

- 3 Page 3, line 10, after "(1)," insert "AND THE ACT OF DOMESTIC VIOLENCE
- 4 INVOLVED THE THREAT OF USE, USE OF, OR ATTEMPTED USE OF PHYSICAL
- 5 FORCE,".

- 6 Page 5, line 26, strike "WITHIN SEVEN" and substitute "NOT LESS THAN
- 7 EIGHT BUT NOT MORE THAN TWELVE".

- 8 Page 6, strike line 1.

- 9 Page 6, line 11, strike "TYPE" and substitute "MAKE AND MODEL".

- 10 Page 6, line 12, after "FIREARM," insert "ANY REASON THE RESPONDENT
- 11 IS STILL IN IMMEDIATE POSSESSION OR CONTROL OF SUCH FIREARM,".

- 12 Page 6, line 21, strike "IN COURT OR".

- 13 Page 6, line 25, strike "SECTION." and substitute "SECTION, AND THE
- 14 RESPONDENT SHALL FILE THE SIGNED DECLARATION AT THE SAME TIME
- 15 THE RESPONDENT FILES THE AFFIDAVIT PURSUANT TO SUBSECTION (5)(b)
- 16 OF THIS SECTION.".

1 Page 7, after line 5 insert:

2 "(e) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
3 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THERE IS
4 PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY
5 WITH THE PROVISIONS OF THIS SECTION, THE COURT SHALL DETERMINE
6 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT
7 HAS FAILED TO RELINQUISH ALL FIREARMS OR A CONCEALED CARRY
8 PERMIT IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION. IF
9 PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT
10 THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE
11 ITEMS TO BE TAKEN INTO CUSTODY."

12 Page 10, line 16, strike "Not more than" and substitute "~~Not more than~~".

13 Page 10, strike line 17 and substitute "~~three business days after~~".

14 Page 10, line 18, strike "the relinquishment, the" and substitute "~~the~~
15 ~~relinquishment; The~~".

16 Page 10, line 24, strike "relinquishment." and substitute "relinquishment
17 AT THE SAME TIME THE RESPONDENT FILES THE SIGNED AFFIDAVIT
18 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION."

19 Page 12, line 16, after "OR" insert "(g)(9) OR".

20 Page 12, line 18, after "(1)," insert "AND THE ACT OF DOMESTIC VIOLENCE
21 INVOLVED THE THREAT OF USE, USE OF, OR ATTEMPTED USE OF PHYSICAL
22 FORCE,".

23 Page 13, strike line 13 and substitute "~~defendant up to seventy-two hours~~
24 ADDITIONAL TIME BASED ON A SHOWING OF GOOD CAUSE to".

25 Page 15, lines 3 and 4, strike "THIS SUBSECTION (9) BY REQUIRING THE
26 DEFENDANT TO COMPLY WITH".

27 Page 15, line 19, strike "TYPE" and substitute "MAKE AND MODEL" and
28 after "FIREARM," insert "ANY REASON THE DEFENDANT IS STILL IN
29 IMMEDIATE POSSESSION OR CONTROL OF SUCH FIREARM,".

30 Page 16, line 2, strike "IN COURT OR".



1 Page 16, line 7, strike "SECTION." and substitute "SECTION, AND THE
2 DEFENDANT SHALL FILE THE SIGNED DECLARATION AT THE SAME TIME THE
3 DEFENDANT FILES THE AFFIDAVIT PURSUANT TO SUBSECTION (9)(e)(II) OF
4 THIS SECTION."

5 Page 16, after line 19 insert:

6 "(VI) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
7 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THERE IS
8 PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY
9 WITH THE PROVISIONS OF THIS SECTION, THE COURT SHALL DETERMINE
10 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT
11 HAS FAILED TO RELINQUISH ALL FIREARMS OR A CONCEALED CARRY
12 PERMIT IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION. IF
13 PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT
14 THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE
15 ITEMS TO BE TAKEN INTO CUSTODY."

16 Page 20, line 2, strike "Not more than" and substitute "~~Not more than~~".

17 Page 20, strike line 3 and substitute "~~three business days after~~".

18 Page 20, line 4, strike "the relinquishment, the" and substitute "~~the~~
19 ~~relinquishment, The~~".

20 Page 20, line 11, strike "relinquishment." and substitute "relinquishment
21 AT THE SAME TIME THE DEFENDANT FILES THE SIGNED AFFIDAVIT
22 PURSUANT TO SUBSECTION (9)(e)(II) OF THIS SECTION."

23 Page 24, line 20, strike "WITHIN SEVEN" and substitute "NOT LESS THAN
24 EIGHT BUT NOT MORE THAN TWELVE".

25 Page 24, lines 21 and 22, strike "THIS SUBSECTION (8) BY REQUIRING THE
26 DEFENDANT TO COMPLY WITH".

27 Page 25, line 5, strike "TYPE OF EACH FIREARM," and substitute "MAKE
28 AND MODEL OF EACH FIREARM, ANY REASON THE DEFENDANT IS STILL IN
29 IMMEDIATE POSSESSION OR CONTROL OF SUCH FIREARM,".

30 Page 25, line 14, strike "IN COURT OR".



1 Page 25, strike line 18 and substitute "SECTION, AND THE DEFENDANT
2 SHALL FILE THE SIGNED DECLARATION AT THE SAME TIME THE DEFENDANT
3 FILES THE AFFIDAVIT PURSUANT TO SUBSECTION (8)(e)(II) OF THIS
4 SECTION."

5 Page 25, after line 25 insert:

6 "(V) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
7 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THERE IS
8 PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY
9 WITH THE PROVISIONS OF THIS SECTION, THE COURT SHALL DETERMINE
10 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT
11 HAS FAILED TO RELINQUISH ALL FIREARMS OR A CONCEALED CARRY
12 PERMIT IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION. IF
13 PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT
14 THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE
15 ITEMS TO BE TAKEN INTO CUSTODY."

16 Page 29, line 7, strike "Not more than" and substitute "~~Not more than~~".

17 Page 29, strike line 8 and substitute "~~three business days after~~".

18 Page 29, line 9, strike "the relinquishment, the" and substitute "~~the~~
19 ~~relinquishment~~, The".

20 Page 29, line 16, strike "relinquishment." and substitute "relinquishment
21 AT THE SAME TIME THE DEFENDANT FILES THE SIGNED AFFIDAVIT
22 PURSUANT TO SUBSECTION (8)(e)(II) OF THIS SECTION."

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