

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0511.02 Michael Dohr x4347

**SENATE BILL 23-170**

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**SENATE SPONSORSHIP**

**Sullivan and Fenberg,** Fields, Jaquez Lewis, Kolker

**HOUSE SPONSORSHIP**

**Bacon and Weissman,** Boesenecker, Duran, Froelich, Garcia, Jodeh, Joseph, Kipp, Parenti, Vigil, Woodrow

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING EXTREME RISK PROTECTION ORDERS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill repeals and reenacts the statutory article related to extreme risk protection orders.

Under current law a family or household member and a law enforcement officer or agency can petition for an extreme risk protection order. The bill expands the list of who can petition for an extreme risk protection order to include licensed medical care providers, licensed mental health-care providers, licensed educators, and district attorneys.

The bill requires the office of gun violence prevention to expend

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

funds annually on a public education campaign regarding the availability of, and the process for requesting, an extreme risk protection order.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**  
3 **with amendments,** article 14.5 of title 13 as follows:

4 **13-14.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 14.5  
5 IS THE "DEPUTY ZACKARI PARRISH III VIOLENCE PREVENTION ACT".

6 **13-14.5-102. Definitions.** AS USED IN THIS ARTICLE 14.5, UNLESS  
7 THE CONTEXT OTHERWISE CLEARLY REQUIRES:

8 (1) "COMMUNITY MEMBER" MEANS A LICENSED HEALTH- CARE  
9 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL WHO, THROUGH A  
10 DIRECT PROFESSIONAL RELATIONSHIP, PROVIDED CARE TO THE  
11 RESPONDENT WITHIN SIX MONTHS BEFORE REQUESTING THE PROTECTION  
12 ORDER OR AN EDUCATOR WHO, THROUGH A DIRECT PROFESSIONAL  
13 RELATIONSHIP, INTERACTED WITH THE RESPONDENT OR THE RESPONDENT'S  
14 CHILD WITHIN SIX MONTHS BEFORE REQUESTING THE PROTECTION ORDER.

15 (2) "EDUCATOR" MEANS A TEACHER EMPLOYED TO INSTRUCT  
16 STUDENTS OR A SCHOOL ADMINISTRATOR IN A SCHOOL DISTRICT, PRIVATE  
17 SCHOOL, CHARTER SCHOOL INSTITUTE, OR AN INDIVIDUAL CHARTER  
18 SCHOOL; OR A FACULTY MEMBER AT AN INSTITUTION OF HIGHER  
19 EDUCATION.

20 (3) "EXTREME RISK PROTECTION ORDER" MEANS EITHER A  
21 TEMPORARY ORDER OR A CONTINUING ORDER GRANTED PURSUANT TO THIS  
22 ARTICLE 14.5.

23 (4) "FACULTY MEMBER" MEANS A PRESIDENT, DEAN, PROFESSOR,  
24 ADMINISTRATOR, INSTRUCTOR, OR RESEARCH WORKER AT AN INSTITUTION  
25 OF HIGHER EDUCATION.

1           (5) "FAMILY OR HOUSEHOLD MEMBER" MEANS, WITH RESPECT TO  
2 A RESPONDENT, ANY:

3           (a) PERSON RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE  
4 RESPONDENT;

5           (b) PERSON WHO HAS A CHILD IN COMMON WITH THE RESPONDENT,  
6 REGARDLESS OF WHETHER SUCH PERSON HAS BEEN MARRIED TO THE  
7 RESPONDENT OR HAS LIVED TOGETHER WITH THE RESPONDENT AT ANY  
8 TIME;

9           (c) PERSON WHO REGULARLY RESIDES OR REGULARLY RESIDED  
10 WITH THE RESPONDENT WITHIN THE LAST SIX MONTHS;

11           (d) DOMESTIC PARTNER OF THE RESPONDENT;

12           (e) PERSON WHO HAS A BIOLOGICAL OR LEGAL PARENT-CHILD  
13 RELATIONSHIP WITH THE RESPONDENT, INCLUDING STEPPARENTS AND  
14 STEPCHILDREN AND GRANDPARENTS AND GRANDCHILDREN;

15           (f) PERSON WHO IS ACTING OR HAS ACTED AS THE RESPONDENT'S  
16 LEGAL GUARDIAN; AND

17           (g) PERSON IN ANY OTHER RELATIONSHIP DESCRIBED IN SECTION  
18 18-6-800.3 (2) WITH THE RESPONDENT.

19           (6) "FIREARM" HAS THE SAME MEANING AS IN SECTION 18-1-901  
20 (3)(h).

21           (7) "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER THAT  
22 IS:

23           (a) EMPLOYED BY A POLITICAL SUBDIVISION OF THE STATE AND  
24 CERTIFIED BY THE P.O.S.T BOARD PURSUANT TO SECTION 16-2.5-102;

25           (b) AUTHORIZED BY SECTION 16-2.5-113 WHEN ASSISTANCE IS  
26 REQUESTED BY AN INDIVIDUAL OR ENTITY PURSUANT TO SECTION  
27 24-33.5-412;

1           (c) AUTHORIZED BY SECTION 16-2.5-114 AND WHO INTERACTED  
2 WITH THE RESPONDENT IN THE SCOPE OF THE LAW ENFORCEMENT  
3 OFFICER'S OFFICIAL DUTIES;

4           (d) EMPLOYED BY A DISTRICT ATTORNEY, DESIGNATED BY A  
5 DISTRICT ATTORNEY, AND AUTHORIZED BY SECTION 16-2.5-132 OR  
6 16-2.5-133;

7           (e) EMPLOYED BY THE DEPARTMENT OF LAW, DESIGNATED BY THE  
8 ATTORNEY GENERAL, AND AUTHORIZED BY SECTION 16-2.5-128,  
9 16-2.5-129, OR 16-2.5-130;

10           (f) AUTHORIZED BY SECTION 16-2.5-136, 16-2.5-137, OR  
11 16-2.5-138;

12           (g) AUTHORIZED BY SECTION 16-2.5-120; OR

13           (h) AUTHORIZED BY SECTION 16-2.5-149.

14           (8) "LICENSED HEALTH-CARE PROFESSIONAL" MEANS A SCHOOL  
15 NURSE WHO HOLDS A CURRENT NURSING LICENSE THROUGH THE  
16 DEPARTMENT OF REGULATORY AGENCIES AND WHO HAS APPLIED FOR OR  
17 HOLDS A SPECIAL SERVICES LICENSE FROM THE DEPARTMENT OF  
18 EDUCATION PURSUANT TO ARTICLE 60.5 OF TITLE 22 OR A PHYSICIAN,  
19 PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE WHO  
20 IS A PRIMARY PROVIDER OF HEALTH SERVICES TO A RESPONDENT; A  
21 PSYCHIATRIST; OR A LICENSED EMERGENCY ROOM MEDICAL CARE  
22 PROVIDER, LICENSED PURSUANT TO TITLE 12.

23           (9) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST,  
24 LICENSED PROFESSIONAL SOCIAL WORKER, MARRIAGE AND FAMILY  
25 THERAPIST, LICENSED PROFESSIONAL COUNSELOR, OR ADDICTION  
26 COUNSELOR LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO ARTICLE  
27 245 OF TITLE 12; A PSYCHOLOGIST CANDIDATE, CLINICAL SOCIAL WORKER

1 CANDIDATE, MARRIAGE AND FAMILY THERAPIST CANDIDATE, LICENSED  
2 PROFESSIONAL COUNSELOR CANDIDATE, OR ADDICTION COUNSELOR  
3 CANDIDATE REGISTERED PURSUANT TO SECTION 12-245-304 (3),  
4 12-245-404 (4), 12-245-504 (4), 12-245-604 (4), OR 12-245-804 (3.7),  
5 RESPECTIVELY; A SCHOOL COUNSELOR WHO HOLDS A SPECIAL SERVICES  
6 PROVIDER LICENSE WITH A SCHOOL COUNSELOR ENDORSEMENT ISSUED  
7 PURSUANT TO ARTICLE 60.5 OF TITLE 22 OR WHO IS OTHERWISE ENDORSED  
8 OR ACCREDITED BY A NATIONAL ASSOCIATION TO PROVIDE SCHOOL  
9 COUNSELING SERVICES; OR AN UNLICENSED PSYCHOTHERAPIST  
10 REGISTERED PURSUANT TO SECTION 12-245-703.

11 (10) "PETITIONER" MEANS THE PERSON WHO PETITIONS FOR AN  
12 EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5.

13 (11) "RESPONDENT" MEANS THE PERSON WHO IS IDENTIFIED AS THE  
14 RESPONDENT IN A PETITION FILED PURSUANT TO THIS ARTICLE 14.5.

15 **13-14.5-103. Temporary extreme risk protection orders.**

16 (1) (a) A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT, A  
17 COMMUNITY MEMBER, OR A LAW ENFORCEMENT OFFICER OR AGENCY MAY  
18 REQUEST A TEMPORARY EXTREME RISK PROTECTION ORDER WITHOUT  
19 NOTICE TO THE RESPONDENT BY INCLUDING IN THE PETITION FOR THE  
20 EXTREME RISK PROTECTION ORDER AN AFFIDAVIT, SIGNED UNDER OATH  
21 AND PENALTY OF PERJURY, SUPPORTING THE ISSUANCE OF A TEMPORARY  
22 EXTREME RISK PROTECTION ORDER THAT SETS FORTH THE FACTS TENDING  
23 TO ESTABLISH THE GROUNDS OF THE PETITION OR THE REASON FOR  
24 BELIEVING THEY EXIST AND, IF THE PETITIONER IS A FAMILY OR  
25 HOUSEHOLD MEMBER OR COMMUNITY MEMBER, ATTESTING THAT THE  
26 PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER OR COMMUNITY  
27 MEMBER. THE PETITION MUST COMPLY WITH THE REQUIREMENTS OF

1 SECTION 13-14.5-104 (3). IF THE PETITIONER IS A LAW ENFORCEMENT  
2 OFFICER OR LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT OFFICER  
3 OR LAW ENFORCEMENT AGENCY SHALL CONCURRENTLY FILE A SWORN  
4 AFFIDAVIT FOR A SEARCH WARRANT PURSUANT TO SECTION 16-3-301.5 TO  
5 SEARCH FOR ANY FIREARMS IN THE POSSESSION OR CONTROL OF THE  
6 RESPONDENT AT A LOCATION OR LOCATIONS TO BE NAMED IN THE  
7 WARRANT. IF A PETITION FILED PURSUANT TO SECTION 27-65-106 IS ALSO  
8 FILED AGAINST THE RESPONDENT, A COURT OF COMPETENT JURISDICTION  
9 MAY HEAR THAT PETITION AT THE SAME TIME AS THE HEARING FOR A  
10 TEMPORARY EXTREME RISK PROTECTION ORDER OR THE HEARING FOR A  
11 CONTINUING EXTREME RISK PROTECTION ORDER.

12 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
13 CONTRARY, A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH  
14 PROFESSIONAL AUTHORIZED TO FILE A PETITION FOR A TEMPORARY  
15 EXTREME RISK PROTECTION ORDER, UPON FILING THE PETITION FOR A  
16 TEMPORARY EXTREME RISK PROTECTION ORDER, IS AUTHORIZED TO  
17 DISCLOSE PROTECTED HEALTH INFORMATION, OF THE RESPONDENT AS  
18 NECESSARY FOR THE FULL INVESTIGATION AND DISPOSITION OF THE  
19 REQUEST FOR A TEMPORARY EXTREME RISK PROTECTION ORDER. WHEN  
20 DISCLOSING PROTECTED HEALTH INFORMATION, THE LICENSED  
21 HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL SHALL  
22 MAKE REASONABLE EFFORTS TO LIMIT PROTECTED HEALTH INFORMATION  
23 TO THE MINIMUM NECESSARY TO ACCOMPLISH THE FILING OF THE  
24 PETITION. UPON RECEIPT OF A PETITION BY A LICENSED HEALTH-CARE  
25 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL, AND FOR GOOD CAUSE  
26 SHOWN, THE COURT MAY ISSUE ORDERS TO OBTAIN ANY RECORDS OR  
27 DOCUMENTS RELATING TO DIAGNOSIS, PROGNOSIS, OR TREATMENT, AND

1 CLINICAL RECORDS, OF THE RESPONDENT AS NECESSARY FOR THE FULL  
2 INVESTIGATION AND DISPOSITION OF THE PETITION FOR A TEMPORARY  
3 EXTREME RISK PROTECTION ORDER. THE COURT SHALL SEAL ALL RECORDS  
4 AND OTHER HEALTH INFORMATION RECEIVED THAT CONTAIN PROTECTED  
5 HEALTH INFORMATION. THE DECISION OF A LICENSED HEALTH-CARE  
6 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL TO DISCLOSE OR NOT  
7 TO DISCLOSE RECORDS OR DOCUMENTS RELATING TO THE DIAGNOSIS,  
8 PROGNOSIS, OR TREATMENT, AND CLINICAL RECORDS OF A RESPONDENT,  
9 WHEN MADE REASONABLY AND IN GOOD FAITH, SHALL NOT BE THE BASIS  
10 FOR ANY CIVIL OR CRIMINAL LIABILITY WITH RESPECT TO THE LICENSED  
11 HEALTH-CARE PROFESSIONAL OR LICENSED MENTAL HEALTH  
12 PROFESSIONAL.

13 (2) IN CONSIDERING WHETHER TO ISSUE A TEMPORARY EXTREME  
14 RISK PROTECTION ORDER PURSUANT TO THIS SECTION, THE COURT SHALL  
15 CONSIDER ALL RELEVANT EVIDENCE, INCLUDING THE EVIDENCE DESCRIBED  
16 IN SECTION 13-14.5-105 (3).

17 (3) IF A COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE  
18 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION  
19 13-14.5-105 (3), THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING  
20 PERSONAL INJURY TO SELF OR OTHERS IN THE NEAR FUTURE BY HAVING IN  
21 THE RESPONDENT'S CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,  
22 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE A  
23 TEMPORARY EXTREME RISK PROTECTION ORDER.

24 (4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK  
25 PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY  
26 THE PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING  
27 THE DAY THE PETITION IS FILED. THE COURT MAY SCHEDULE A HEARING BY

1 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY  
2 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO  
3 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL  
4 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE  
5 CONDUCTING A TELEPHONIC HEARING. A COPY OF THE TELEPHONE  
6 HEARING MUST BE PROVIDED TO THE RESPONDENT PRIOR TO THE HEARING  
7 FOR AN EXTREME RISK PROTECTION ORDER.

8 (5) (a) IN ACCORDANCE WITH SECTION 13-14.5-105(1), THE COURT  
9 SHALL SCHEDULE A HEARING WITHIN FOURTEEN DAYS AFTER THE  
10 ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION ORDER TO  
11 DETERMINE IF A THREE-HUNDRED-SIXTY-FOUR-DAY EXTREME RISK  
12 PROTECTION ORDER SHOULD BE ISSUED PURSUANT TO THIS ARTICLE 14.5.  
13 NOTICE OF THAT HEARING DATE MUST BE INCLUDED WITH THE  
14 TEMPORARY EXTREME RISK PROTECTION ORDER THAT IS SERVED ON THE  
15 RESPONDENT. THE COURT SHALL PROVIDE NOTICE OF THE HEARING DATE  
16 TO THE PETITIONER.

17 (b) ANY TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED  
18 EXPIRES ON THE DATE AND TIME OF THE HEARING ON THE EXTREME RISK  
19 PROTECTION ORDER PETITION OR THE WITHDRAWAL OF THE PETITION.

20 (6) A TEMPORARY EXTREME RISK PROTECTION ORDER MUST  
21 INCLUDE:

- 22 (a) A STATEMENT OF THE GROUNDS ASSERTED FOR THE ORDER;
- 23 (b) THE DATE AND TIME THE ORDER WAS ISSUED;
- 24 (c) THE DATE AND TIME THE ORDER EXPIRES;
- 25 (d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE  
26 PLEADING SHOULD BE FILED;
- 27 (e) THE DATE AND TIME OF THE SCHEDULED HEARING;



1 (f) THE REQUIREMENTS FOR SURRENDER OF FIREARMS PURSUANT  
2 TO SECTION 13-14.5-108; AND

3 (g) THE FOLLOWING STATEMENT:

4 TO THE SUBJECT OF THIS TEMPORARY EXTREME RISK  
5 PROTECTION ORDER: THIS ORDER IS VALID UNTIL THE DATE  
6 AND TIME NOTED ABOVE. YOU MAY NOT HAVE IN YOUR  
7 CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS,  
8 RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM  
9 WHILE THIS ORDER IS IN EFFECT. YOU MUST IMMEDIATELY  
10 SURRENDER TO THE (INSERT NAME OF LAW ENFORCEMENT  
11 AGENCY IN THE JURISDICTION WHERE THE RESPONDENT  
12 RESIDES) ALL FIREARMS IN YOUR CUSTODY OR POSSESSION,  
13 AND ANY CONCEALED CARRY PERMIT ISSUED TO YOU. A  
14 HEARING WILL BE HELD ON THE DATE AND AT THE TIME  
15 NOTED ABOVE TO DETERMINE IF AN EXTREME RISK  
16 PROTECTION ORDER SHOULD BE ISSUED. FAILURE TO APPEAR  
17 AT THAT HEARING MAY RESULT IN A COURT ENTERING AN  
18 ORDER AGAINST YOU THAT IS VALID FOR THREE HUNDRED  
19 SIXTY FOUR DAYS. AN ATTORNEY WILL BE APPOINTED TO  
20 REPRESENT YOU, OR YOU MAY SEEK THE ADVICE OF YOUR  
21 OWN ATTORNEY AT YOUR OWN EXPENSE AS TO ANY MATTER  
22 CONNECTED WITH THIS ORDER.

23 (7) A LAW ENFORCEMENT OFFICER SHALL SERVE A TEMPORARY  
24 EXTREME RISK PROTECTION ORDER CONCURRENTLY WITH THE NOTICE OF  
25 HEARING AND PETITION AND A NOTICE THAT INCLUDES REFERRALS TO  
26 APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE, BEHAVIORAL  
27 HEALTH, AND COUNSELING RESOURCES, IN THE SAME MANNER AS

1 PROVIDED FOR IN SECTION 13-14.5-105 FOR SERVICE OF THE NOTICE OF  
2 HEARING WHERE THE RESPONDENT RESIDES.

3 (8) (a) IF THE COURT ISSUES A TEMPORARY EXTREME RISK  
4 PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS  
5 FOR THE COURT'S ISSUANCE.

6 (b) IF THE COURT DECLINES TO ISSUE A TEMPORARY EXTREME RISK  
7 PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS  
8 FOR THE COURT'S DENIAL.

9 **13-14.5-104. Petition for extreme risk protection order.**

10 (1) (a) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE  
11 FILED BY A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT, A  
12 COMMUNITY MEMBER, OR A LAW ENFORCEMENT OFFICER OR AGENCY. IF  
13 THE PETITION IS FILED BY A LAW ENFORCEMENT OFFICER OR AGENCY, A  
14 COUNTY OR CITY ATTORNEY SHALL REPRESENT THE OFFICER OR AGENCY  
15 IN ANY JUDICIAL PROCEEDING UPON REQUEST. IF THE PETITION IS FILED BY  
16 A FAMILY OR HOUSEHOLD MEMBER OR COMMUNITY MEMBER, THE  
17 PETITIONER, TO THE BEST OF THE PETITIONER'S ABILITY, SHALL NOTIFY THE  
18 LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE  
19 RESPONDENT RESIDES OF THE PETITION AND THE HEARING DATE WITH  
20 ENOUGH ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR  
21 ATTENDANCE. UPON THE FILING OF A PETITION, THE COURT SHALL APPOINT  
22 AN ATTORNEY TO REPRESENT THE RESPONDENT, AND THE COURT SHALL  
23 INCLUDE THE APPOINTMENT IN THE NOTICE OF HEARING PROVIDED TO THE  
24 RESPONDENT PURSUANT TO SECTION 13-14.5-105 (1)(a). THE RESPONDENT  
25 MAY REPLACE THE ATTORNEY WITH AN ATTORNEY OF THE RESPONDENT'S  
26 OWN SELECTION AT ANY TIME AT THE RESPONDENT'S OWN EXPENSE. THE  
27 COURT SHALL PAY THE ATTORNEY FEES FOR AN ATTORNEY APPOINTED FOR

1 THE RESPONDENT.

2 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
3 CONTRARY, A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH  
4 PROFESSIONAL AUTHORIZED TO FILE A PETITION FOR AN EXTREME RISK  
5 PROTECTION ORDER, UPON FILING THE PETITION FOR AN EXTREME RISK  
6 PROTECTION ORDER, IS AUTHORIZED TO DISCLOSE PROTECTED HEALTH  
7 INFORMATION, OF THE RESPONDENT AS NECESSARY FOR THE FULL  
8 INVESTIGATION AND DISPOSITION OF THE PETITION FOR AN EXTREME RISK  
9 PROTECTION ORDER. WHEN DISCLOSING PROTECTED HEALTH  
10 INFORMATION, THE LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL  
11 HEALTH PROFESSIONAL SHALL MAKE REASONABLE EFFORTS TO LIMIT  
12 PROTECTED HEALTH INFORMATION TO THE MINIMUM NECESSARY TO  
13 ACCOMPLISH THE FILING OF THE REQUEST. UPON RECEIPT OF A PETITION BY  
14 A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH  
15 PROFESSIONAL AND FOR GOOD CAUSE SHOWN, THE COURT MAY ISSUE  
16 ORDERS TO OBTAIN ANY RECORDS OR DOCUMENTS RELATING TO  
17 DIAGNOSIS, PROGNOSIS, OR TREATMENT, AND CLINICAL RECORDS, OF THE  
18 RESPONDENT AS NECESSARY FOR THE FULL INVESTIGATION AND  
19 DISPOSITION OF THE PETITION FOR AN EXTREME RISK PROTECTION ORDER.  
20 THE COURT SHALL SEAL ALL RECORDS AND OTHER HEALTH INFORMATION  
21 RECEIVED THAT CONTAIN PROTECTED HEALTH INFORMATION. THE  
22 DECISION OF A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL  
23 HEALTH PROFESSIONAL TO DISCLOSE OR NOT TO DISCLOSE RECORDS OR  
24 DOCUMENTS RELATING TO THE DIAGNOSIS, PROGNOSIS, OR TREATMENT,  
25 AND CLINICAL RECORDS OF A RESPONDENT, WHEN MADE REASONABLY AND  
26 IN GOOD FAITH, MUST NOT BE THE BASIS FOR ANY CIVIL OR CRIMINAL  
27 LIABILITY WITH RESPECT TO THE LICENSED HEALTH-CARE PROFESSIONAL

1 OR MENTAL HEALTH PROFESSIONAL.

2 (2) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MUST  
3 BE FILED IN THE COUNTY WHERE THE RESPONDENT RESIDES.

4 (3) A PETITION MUST:

5 (a) ALLEGE THAT THE RESPONDENT POSES A SIGNIFICANT RISK OF  
6 CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN THE  
7 RESPONDENT'S CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,  
8 POSSESSING, OR RECEIVING A FIREARM AND MUST BE ACCOMPANIED BY AN  
9 AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY, STATING THE  
10 SPECIFIC STATEMENTS, ACTIONS, OR FACTS THAT GIVE RISE TO A  
11 REASONABLE FEAR OF FUTURE DANGEROUS ACTS BY THE RESPONDENT;

12 (b) IDENTIFY THE NUMBER, TYPES, AND LOCATIONS OF ANY  
13 FIREARMS THE PETITIONER BELIEVES TO BE IN THE RESPONDENT'S CURRENT  
14 OWNERSHIP, POSSESSION, CUSTODY, OR CONTROL;

15 (c) IDENTIFY WHETHER THE RESPONDENT IS REQUIRED TO POSSESS,  
16 CARRY, OR USE A FIREARM AS A CONDITION OF THE RESPONDENT'S  
17 CURRENT EMPLOYMENT;

18 (d) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC  
19 ABUSE PROTECTION ORDER OR EMERGENCY PROTECTION ORDER  
20 GOVERNING THE PETITIONER OR RESPONDENT;

21 (e) IDENTIFY WHETHER THERE IS A PENDING LAWSUIT, COMPLAINT,  
22 PETITION, OR OTHER ACTION BETWEEN THE PARTIES TO THE PETITION; AND

23 (f) IF THE PETITIONER IS NOT A LAW ENFORCEMENT AGENCY,  
24 IDENTIFY WHETHER THE PETITIONER INFORMED A LOCAL LAW  
25 ENFORCEMENT AGENCY REGARDING THE RESPONDENT.

26 (4) THE COURT SHALL VERIFY THE TERMS OF ANY EXISTING ORDER  
27 IDENTIFIED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION GOVERNING

1 THE PARTIES. THE COURT MAY NOT DELAY GRANTING RELIEF BECAUSE OF  
2 THE EXISTENCE OF A PENDING ACTION BETWEEN THE PARTIES. A PETITION  
3 FOR AN EXTREME RISK PROTECTION ORDER MAY BE GRANTED WHETHER OR  
4 NOT THERE IS A PENDING ACTION BETWEEN THE PARTIES.

5 (5) IF THE PETITION STATES THAT DISCLOSURE OF THE PETITIONER'S  
6 ADDRESS WOULD RISK HARM TO THE PETITIONER OR ANY MEMBER OF THE  
7 PETITIONER'S FAMILY OR HOUSEHOLD, THE PETITIONER'S ADDRESS MAY BE  
8 OMITTED FROM ALL DOCUMENTS FILED WITH THE COURT. IF THE  
9 PETITIONER HAS NOT DISCLOSED AN ADDRESS PURSUANT TO THIS SECTION,  
10 THE PETITIONER MUST DESIGNATE AN ALTERNATIVE ADDRESS AT WHICH  
11 THE RESPONDENT MAY SERVE NOTICE OF ANY MOTIONS. IF THE PETITIONER  
12 IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE ADDRESS OF RECORD  
13 MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

14 (6) A COURT OR PUBLIC AGENCY SHALL NOT CHARGE A FEE FOR  
15 FILING OR SERVICE OF PROCESS TO A PETITIONER SEEKING RELIEF  
16 PURSUANT TO THIS ARTICLE 14.5. A PETITIONER OR RESPONDENT MUST BE  
17 PROVIDED THE NECESSARY NUMBER OF CERTIFIED COPIES, FORMS, AND  
18 INSTRUCTIONAL BROCHURES FREE OF CHARGE.

19 (7) A PERSON IS NOT REQUIRED TO POST A BOND TO OBTAIN RELIEF  
20 IN ANY PROCEEDING PURSUANT TO THIS SECTION.

21 (8) THE DISTRICT AND COUNTY COURTS OF THE STATE OF  
22 COLORADO HAVE JURISDICTION OVER PROCEEDINGS PURSUANT TO THIS  
23 ARTICLE 14.5.

24 **13-14.5-105. Hearings on petition - grounds for order issuance.**

25 (1) (a) UPON FILING OF THE PETITION, THE COURT SHALL ORDER A  
26 HEARING TO BE HELD AND PROVIDE A NOTICE OF HEARING TO THE  
27 RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING NO

1 LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK  
2 PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY  
3 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY  
4 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO  
5 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL  
6 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE  
7 CONDUCTING A TELEPHONIC HEARING.

8 (b) BEFORE THE NEXT COURT DAY, THE COURT CLERK SHALL  
9 FORWARD A COPY OF THE NOTICE OF HEARING AND PETITION TO THE LAW  
10 ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT  
11 RESIDES FOR SERVICE UPON THE RESPONDENT.

12 (c) A COPY OF THE NOTICE OF HEARING AND PETITION MUST BE  
13 SERVED UPON THE RESPONDENT IN ACCORDANCE WITH THE RULES FOR  
14 SERVICE OF PROCESS AS PROVIDED IN RULE 4 OF THE COLORADO RULES OF  
15 CIVIL PROCEDURE OR RULE 304 OF THE COLORADO RULES OF COUNTY  
16 COURT CIVIL PROCEDURE. SERVICE ISSUED PURSUANT TO THIS SECTION  
17 TAKES PRECEDENCE OVER THE SERVICE OF OTHER DOCUMENTS, UNLESS  
18 THE OTHER DOCUMENTS ARE OF A SIMILAR EMERGENCY NATURE.

19 (d) THE COURT MAY, AS PROVIDED IN SECTION 13-14.5-103, ISSUE  
20 A TEMPORARY EXTREME RISK PROTECTION ORDER PENDING THE HEARING  
21 ORDERED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION. THE  
22 TEMPORARY EXTREME RISK PROTECTION ORDER MUST BE SERVED  
23 CONCURRENTLY WITH THE NOTICE OF HEARING AND PETITION.

24 (2) UPON HEARING THE MATTER, IF THE COURT FINDS BY CLEAR  
25 AND CONVINCING EVIDENCE, BASED ON THE EVIDENCE PRESENTED  
26 PURSUANT TO SUBSECTION (3) OF THIS SECTION, THAT THE RESPONDENT  
27 POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR

1 OTHERS BY HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL A  
2 FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM, THE  
3 COURT SHALL ISSUE AN EXTREME RISK PROTECTION ORDER FOR A PERIOD  
4 OF THREE HUNDRED SIXTY-FOUR DAYS.

5 (3) IN DETERMINING WHETHER GROUNDS FOR AN EXTREME RISK  
6 PROTECTION ORDER EXIST, THE COURT MAY CONSIDER ANY RELEVANT  
7 EVIDENCE, INCLUDING BUT NOT LIMITED TO ANY OF THE FOLLOWING:

8 (a) A RECENT ACT OR CREDIBLE THREAT OF VIOLENCE BY THE  
9 RESPONDENT AGAINST SELF OR OTHERS, WHETHER OR NOT SUCH VIOLENCE  
10 OR CREDIBLE THREAT OF VIOLENCE INVOLVES A FIREARM;

11 (b) A PATTERN OF ACTS OR CREDIBLE THREATS OF VIOLENCE BY  
12 THE RESPONDENT WITHIN THE PAST YEAR, INCLUDING BUT NOT LIMITED TO  
13 ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT AGAINST  
14 SELF OR OTHERS;

15 (c) A VIOLATION BY THE RESPONDENT OF A CIVIL PROTECTION  
16 ORDER ISSUED PURSUANT TO ARTICLE 14 OF THIS TITLE 13;

17 (d) A PREVIOUS OR EXISTING EXTREME RISK PROTECTION ORDER  
18 ISSUED AGAINST THE RESPONDENT AND A VIOLATION OF A PREVIOUS OR  
19 EXISTING EXTREME RISK PROTECTION ORDER;

20 (e) A CONVICTION OF THE RESPONDENT FOR A CRIME THAT  
21 INCLUDED AN UNDERLYING FACTUAL BASIS OF DOMESTIC VIOLENCE AS  
22 DEFINED IN SECTION 18-6-800.3 (1);

23 (f) THE RESPONDENT'S OWNERSHIP, ACCESS TO, OR INTENT TO  
24 POSSESS A FIREARM;

25 (g) A CREDIBLE THREAT OF OR THE UNLAWFUL OR RECKLESS USE  
26 OF A FIREARM BY THE RESPONDENT;

27 (h) THE HISTORY OF USE, ATTEMPTED USE, OR THREATENED USE OF

1 UNLAWFUL PHYSICAL FORCE BY THE RESPONDENT AGAINST ANOTHER  
2 PERSON, OR THE RESPONDENT'S HISTORY OF STALKING ANOTHER PERSON,  
3 AS DESCRIBED IN SECTION 18-3-602;

4 (i) ANY PRIOR ARREST OF THE RESPONDENT FOR A CRIME LISTED  
5 IN SECTION 24-4.1-302 (1) OR SECTION 18-9-202;

6 (j) EVIDENCE OF THE RESPONDENT'S ABUSE OF CONTROLLED  
7 SUBSTANCES OR ALCOHOL;

8 (k) WHETHER THE RESPONDENT IS REQUIRED TO POSSESS, CARRY,  
9 OR USE A FIREARM AS A CONDITION OF THE RESPONDENT'S CURRENT  
10 EMPLOYMENT; AND

11 (l) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR  
12 AMMUNITION BY THE RESPONDENT.

13 (4) THE COURT MAY:

14 (a) EXAMINE UNDER OATH THE PETITIONER, THE RESPONDENT, AND  
15 ANY WITNESSES THEY MAY PRODUCE, OR, IN LIEU OF EXAMINATION,  
16 CONSIDER SWORN AFFIDAVITS OF THE PETITIONER, THE RESPONDENT, AND  
17 ANY WITNESSES THEY MAY PRODUCE; AND

18 (b) REQUEST THAT THE COLORADO BUREAU OF INVESTIGATION  
19 CONDUCT A CRIMINAL HISTORY RECORD CHECK RELATED TO THE  
20 RESPONDENT AND PROVIDE THE RESULTS TO THE COURT UNDER SEAL.

21 (5) THE COURT SHALL ALLOW THE PETITIONER AND RESPONDENT  
22 TO PRESENT EVIDENCE AND CROSS-EXAMINE WITNESSES AND BE  
23 REPRESENTED BY AN ATTORNEY AT THE HEARING.

24 (6) IN A HEARING PURSUANT TO THIS ARTICLE 14.5, THE RULES OF  
25 EVIDENCE APPLY TO THE SAME EXTENT AS IN A CIVIL PROTECTION ORDER  
26 PROCEEDING PURSUANT TO ARTICLE 14 OF THIS TITLE 13.

27 (7) DURING THE HEARING, THE COURT SHALL CONSIDER ANY



1 AVAILABLE MENTAL HEALTH EVALUATION OR CHEMICAL DEPENDENCY  
2 EVALUATION PROVIDED TO THE COURT.

3 (8)(a) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE  
4 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE  
5 STANDARD FOR A COURT-ORDERED EVALUATION FOR PERSONS WITH  
6 MENTAL HEALTH DISORDERS PURSUANT TO SECTION 27-65-106. IF THE  
7 COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN,  
8 IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION ORDER, THE  
9 COURT SHALL ORDER MENTAL HEALTH TREATMENT AND EVALUATION  
10 AUTHORIZED PURSUANT TO SECTION 27-65-106 (4)(d).

11 (b) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE  
12 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE  
13 STANDARD FOR AN EMERGENCY COMMITMENT PURSUANT TO SECTION  
14 27-81-111. IF THE COURT DETERMINES THAT THE RESPONDENT MEETS THE  
15 STANDARD, THEN, IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION  
16 ORDER, THE COURT SHALL ORDER AN EMERGENCY COMMITMENT  
17 PURSUANT TO SECTION 27-81-111.

18 (9) AN EXTREME RISK PROTECTION ORDER MUST INCLUDE:

19 (a) A STATEMENT OF THE GROUNDS SUPPORTING THE ISSUANCE OF  
20 THE ORDER;

21 (b) THE DATE AND TIME THE ORDER WAS ISSUED;

22 (c) THE DATE AND TIME THE ORDER EXPIRES;

23 (d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE  
24 PLEADING SHOULD BE FILED;

25 (e) THE REQUIREMENTS FOR RELINQUISHMENT OF A FIREARM AND  
26 CONCEALED CARRY PERMIT PURSUANT TO SECTION 13-14.5-108; AND

27 (f) THE FOLLOWING STATEMENT:

1 TO THE SUBJECT OF THIS EXTREME RISK PROTECTION  
2 ORDER: THIS ORDER WILL LAST UNTIL THE DATE AND TIME  
3 NOTED ABOVE. IF YOU HAVE NOT DONE SO ALREADY, YOU  
4 MUST IMMEDIATELY SURRENDER ANY FIREARMS IN YOUR  
5 CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED  
6 CARRY PERMIT ISSUED TO YOU. YOU MAY NOT HAVE IN  
7 YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE,  
8 POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE  
9 A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU HAVE THE  
10 RIGHT TO REQUEST ONE HEARING TO TERMINATE THIS  
11 ORDER DURING THE PERIOD THAT THIS ORDER IS IN EFFECT,  
12 STARTING FROM THE DATE OF THIS ORDER AND CONTINUING  
13 THROUGH ANY RENEWALS. YOU MAY SEEK THE ADVICE OF  
14 AN ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS  
15 ORDER.

16 (10) WHEN THE COURT ISSUES AN EXTREME RISK PROTECTION  
17 ORDER, THE COURT SHALL INFORM THE RESPONDENT THAT THE  
18 RESPONDENT IS ENTITLED TO REQUEST TERMINATION OF THE ORDER IN THE  
19 MANNER PRESCRIBED BY SECTION 13-14.5-107. THE COURT SHALL  
20 PROVIDE THE RESPONDENT WITH A FORM TO REQUEST A TERMINATION  
21 HEARING.

22 (11) (a) IF THE COURT ISSUES AN EXTREME RISK PROTECTION  
23 ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE  
24 COURT'S ISSUANCE.

25 (b) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK  
26 PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS  
27 FOR THE COURT'S DENIAL.

1 (12) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK  
2 PROTECTION ORDER BUT ORDERED A TEMPORARY EXTREME RISK  
3 PROTECTION ORDER AND A LAW ENFORCEMENT AGENCY TOOK CUSTODY  
4 OF THE RESPONDENT'S CONCEALED CARRY PERMIT OR THE RESPONDENT  
5 SURRENDERED THE RESPONDENT'S CONCEALED CARRY PERMIT AS A  
6 RESULT OF THE TEMPORARY EXTREME RISK PROTECTION ORDER, THE  
7 SHERIFF WHO ISSUED THE CONCEALED CARRY PERMIT SHALL REISSUE THE  
8 CONCEALED CARRY PERMIT TO THE RESPONDENT WITHIN THREE DAYS, AT  
9 NO CHARGE TO THE RESPONDENT.

10 (13) IF THE COURT ISSUES AN EXTREME RISK PROTECTION ORDER  
11 AND THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR AGENCY OR  
12 COMMUNITY MEMBER, THE PETITIONER SHALL MAKE A GOOD-FAITH  
13 EFFORT TO PROVIDE NOTICE OF THE ORDER TO A FAMILY OR HOUSEHOLD  
14 MEMBER OF THE RESPONDENT AND TO ANY KNOWN THIRD PARTY WHO  
15 MAY BE AT DIRECT RISK OF VIOLENCE. THE NOTICE MUST INCLUDE  
16 REFERRALS TO APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE,  
17 BEHAVIORAL HEALTH, AND COUNSELING RESOURCES.

18 **13-14.5-106. Service of protection orders.** (1) AN EXTREME  
19 RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 MUST  
20 BE SERVED PERSONALLY UPON THE RESPONDENT, EXCEPT AS OTHERWISE  
21 PROVIDED IN THIS ARTICLE 14.5.

22 (2) THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE  
23 THE RESPONDENT RESIDES SHALL SERVE THE RESPONDENT PERSONALLY.

24 (3) THE COURT CLERK SHALL FORWARD A COPY OF THE EXTREME  
25 RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 ON OR  
26 BEFORE THE NEXT COURT DAY TO THE LAW ENFORCEMENT AGENCY  
27 SPECIFIED IN THE ORDER FOR SERVICE. SERVICE OF AN ORDER ISSUED

1 PURSUANT TO THIS ARTICLE 14.5 TAKES PRECEDENCE OVER THE SERVICE  
2 OF OTHER DOCUMENTS, UNLESS THE OTHER DOCUMENTS ARE OF A SIMILAR  
3 EMERGENCY NATURE.

4 (4) IF THE LAW ENFORCEMENT AGENCY CANNOT COMPLETE  
5 SERVICE UPON THE RESPONDENT WITHIN FIVE DAYS, THE LAW  
6 ENFORCEMENT AGENCY SHALL NOTIFY THE PETITIONER. THE PETITIONER  
7 SHALL THEN PROVIDE ANY ADDITIONAL INFORMATION REGARDING THE  
8 RESPONDENT'S WHEREABOUTS TO THE LAW ENFORCEMENT AGENCY TO  
9 EFFECT SERVICE. THE LAW ENFORCEMENT AGENCY MAY REQUEST  
10 ADDITIONAL TIME TO ALLOW FOR THE PROPER AND SAFE PLANNING AND  
11 EXECUTION OF THE COURT ORDER.

12 (5) IF AN EXTREME RISK PROTECTION ORDER ENTERED BY THE  
13 COURT STATES THAT THE RESPONDENT APPEARED IN PERSON BEFORE THE  
14 COURT, THE NECESSITY FOR FURTHER SERVICE IS WAIVED, AND PROOF OF  
15 SERVICE OF THAT ORDER IS NOT NECESSARY.

16 (6) RETURNS OF SERVICE PURSUANT TO THIS ARTICLE 14.5 MUST  
17 BE MADE IN ACCORDANCE WITH THE APPLICABLE COURT RULES.

18 (7) IF THE RESPONDENT IS A VETERAN AND THERE ARE ANY  
19 CRIMINAL CHARGES AGAINST THE RESPONDENT THAT RESULT FROM THE  
20 SERVICE OR ENFORCEMENT OF THE EXTREME RISK PROTECTION ORDER, THE  
21 JUDGE SHALL REFER THE CASE TO A VETERANS COURT IF THE JURISDICTION  
22 HAS A VETERANS COURT AND THE CHARGES ARE VETERANS COURT  
23 ELIGIBLE.

24 **13-14.5-107. Termination or renewal of protection orders.**

25 (1) **Termination.** (a) THE RESPONDENT MAY SUBMIT ONE WRITTEN  
26 REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION  
27 ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE

1 ORDER IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO  
2 TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET  
3 A DATE FOR A HEARING. NOTICE OF THE REQUEST AND DATE OF HEARING  
4 MUST BE SERVED ON THE PETITIONER IN ACCORDANCE WITH THE  
5 COLORADO RULES OF CIVIL PROCEDURE OR COLORADO RULES OF COUNTY  
6 COURT CIVIL PROCEDURE. THE COURT SHALL SET THE HEARING FOURTEEN  
7 DAYS AFTER THE FILING OF THE REQUEST FOR A HEARING TO TERMINATE  
8 AN EXTREME RISK PROTECTION ORDER. THE COURT SHALL TERMINATE THE  
9 EXTREME RISK PROTECTION ORDER IF THE RESPONDENT ESTABLISHES BY  
10 CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT NO LONGER  
11 POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR  
12 OTHERS BY HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL A  
13 FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM. THE  
14 COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE  
15 OF THE CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

16 (b) THE COURT MAY CONTINUE THE HEARING IF THE COURT  
17 DETERMINES THAT IT CANNOT ENTER A TERMINATION ORDER AT THE  
18 HEARING BUT DETERMINES THAT THERE IS A STRONG POSSIBILITY THAT  
19 THE COURT COULD ENTER A TERMINATION ORDER AT A FUTURE DATE  
20 BEFORE THE EXPIRATION OF THE EXTREME RISK PROTECTION ORDER. IF  
21 THE COURT CONTINUES THE HEARING, THE COURT SHALL SET THE DATE  
22 FOR THE NEXT HEARING PRIOR TO THE DATE FOR THE EXPIRATION OF THE  
23 EXTREME RISK PROTECTION ORDER.

24 (2) **Renewal.** (a) THE COURT SHALL NOTIFY THE PETITIONER OF  
25 THE IMPENDING EXPIRATION OF AN EXTREME RISK PROTECTION ORDER  
26 SIXTY-THREE CALENDAR DAYS BEFORE THE DATE THAT THE ORDER  
27 EXPIRES.

1 (b) A PETITIONER, A FAMILY OR HOUSEHOLD MEMBER OF A  
2 RESPONDENT, A COMMUNITY MEMBER, OR A LAW ENFORCEMENT OFFICER  
3 OR AGENCY MAY, BY MOTION, REQUEST A RENEWAL OF AN EXTREME RISK  
4 PROTECTION ORDER AT ANY TIME WITHIN SIXTY-THREE CALENDAR DAYS  
5 BEFORE THE EXPIRATION OF THE ORDER.

6 (c) UPON RECEIPT OF THE MOTION TO RENEW, THE COURT SHALL  
7 ORDER THAT A HEARING BE HELD NOT LATER THAN FOURTEEN DAYS AFTER  
8 THE FILING OF THE MOTION TO RENEW. THE COURT MAY SCHEDULE A  
9 HEARING BY TELEPHONE IN THE MANNER PRESCRIBED BY SECTION  
10 13-14.5-105 (1)(a). THE RESPONDENT MUST BE PERSONALLY SERVED IN  
11 THE SAME MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(b) AND  
12 (1)(c).

13 (d) IN DETERMINING WHETHER TO RENEW AN EXTREME RISK  
14 PROTECTION ORDER ISSUED PURSUANT TO THIS SECTION, THE COURT SHALL  
15 CONSIDER ALL RELEVANT EVIDENCE AND FOLLOW THE SAME PROCEDURE  
16 AS PROVIDED IN SECTION 13-14.5-105.

17 (e) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE  
18 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION  
19 13-14.5-105 (3), THE RESPONDENT CONTINUES TO POSE A SIGNIFICANT  
20 RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN THE  
21 RESPONDENT'S CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,  
22 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL RENEW THE  
23 ORDER FOR A PERIOD OF TIME THE COURT DEEMS APPROPRIATE, NOT TO  
24 EXCEED ONE YEAR. IN THE ORDER, THE COURT SHALL SET A RETURN DATE  
25 TO REVIEW THE ORDER NO LATER THAN THIRTY-FIVE DAYS PRIOR TO THE  
26 EXPIRATION OF THE ORDER. HOWEVER, IF, AFTER NOTICE, THE MOTION FOR  
27 RENEWAL IS UNCONTESTED AND THE PETITIONER SEEKS NO MODIFICATION

1 OF THE ORDER, THE ORDER MAY BE RENEWED ON THE BASIS OF THE  
2 PETITIONER'S MOTION OR AFFIDAVIT, SIGNED UNDER OATH AND PENALTY  
3 OF PERJURY, STATING THAT THERE HAS BEEN NO MATERIAL CHANGE IN  
4 RELEVANT CIRCUMSTANCES SINCE THE ENTRY OF THE ORDER AND STATING  
5 THE REASON FOR THE REQUESTED RENEWAL.

6 (3) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED OR  
7 NOT RENEWED FOR ANY REASON, THE LAW ENFORCEMENT AGENCY  
8 STORING THE RESPONDENT'S FIREARMS SHALL PROVIDE NOTICE TO THE  
9 RESPONDENT REGARDING THE PROCESS FOR THE RETURN OF THE  
10 FIREARMS.

11 **13-14.5-108. Surrender of a firearm.** (1) (a) UPON ISSUANCE OF  
12 AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5,  
13 INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT  
14 SHALL ORDER THE RESPONDENT TO SURRENDER ALL FIREARMS BY:

15 (I) SELLING OR TRANSFERRING POSSESSION OF THE FIREARM TO A  
16 FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC.  
17 923, AS AMENDED; EXCEPT THAT THIS PROVISION MUST NOT BE  
18 INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER  
19 TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM;

20 (II) ARRANGING FOR THE STORAGE OF THE FIREARM BY A LAW  
21 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL  
22 PRESERVE THE FIREARM IN A SUBSTANTIALLY SIMILAR CONDITION THAT  
23 THE FIREARM WAS IN WHEN IT WAS SURRENDERED. IF THE RESPONDENT  
24 DOES NOT CHOOSE THE OPTION IN SUBSECTION (1)(a)(I) OF THIS SECTION,  
25 A LOCAL LAW ENFORCEMENT AGENCY SHALL STORE THE FIREARM.

26 (III) ONLY FOR EITHER AN ANTIQUE FIREARM, AS DEFINED IN 18  
27 U.S.C. sec. 921 (a)(16), AS AMENDED, OR A CURIO OR RELIC, AS DEFINED

1 IN 27 CFR 478.11, AS AMENDED, TRANSFERRING POSSESSION OF THE  
2 ANTIQUE FIREARM OR CURIO OR RELIC TO A RELATIVE WHO DOES NOT LIVE  
3 WITH THE RESPONDENT AFTER CONFIRMING, THROUGH A CRIMINAL  
4 HISTORY RECORD CHECK, THE RELATIVE IS CURRENTLY ELIGIBLE TO OWN  
5 OR POSSESS A FIREARM UNDER FEDERAL AND STATE LAW.

6 (b) THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER  
7 ANY CONCEALED CARRY PERMIT TO THE LAW ENFORCEMENT OFFICER  
8 SERVING THE EXTREME RISK PROTECTION ORDER.

9 (2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME  
10 RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A  
11 TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER  
12 WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST  
13 THAT THE RESPONDENT IMMEDIATELY SURRENDER ALL FIREARMS IN THE  
14 RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED  
15 CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH  
16 PERMITTED BY LAW FOR SUCH FIREARMS OR PERMIT. AFTER THE LAW  
17 ENFORCEMENT AGENCY OR OFFICER HAS CUSTODY OF THE FIREARMS, THE  
18 RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF THE  
19 RESPONDENT'S PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE  
20 FIREARMS AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE  
21 RESPONDENT ELECTS TO SELL OR TRANSFER THE FIREARMS TO A  
22 FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC.  
23 923, AS AMENDED, THE LAW ENFORCEMENT OFFICER OR AGENCY SHALL  
24 MAINTAIN CUSTODY OF THE FIREARMS UNTIL THEY ARE SOLD OR  
25 TRANSFERRED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION. THE  
26 LAW ENFORCEMENT OFFICER SHALL TAKE POSSESSION OF ALL FIREARMS  
27 AND ANY SUCH PERMIT BELONGING TO THE RESPONDENT THAT ARE



1 SURRENDERED, IN PLAIN SIGHT, OR DISCOVERED PURSUANT TO A LAWFUL  
2 SEARCH. ALTERNATIVELY, IF PERSONAL SERVICE BY THE LAW  
3 ENFORCEMENT AGENCY IS NOT POSSIBLE, OR NOT REQUIRED BECAUSE THE  
4 RESPONDENT WAS PRESENT AT THE EXTREME RISK PROTECTION ORDER  
5 HEARING, THE RESPONDENT SHALL SURRENDER THE FIREARMS AND ANY  
6 CONCEALED CARRY PERMIT WITHIN TWENTY-FOUR HOURS AFTER BEING  
7 SERVED WITH THE ORDER BY ALTERNATE SERVICE OR WITHIN  
8 TWENTY-FOUR HOURS AFTER THE HEARING AT WHICH THE RESPONDENT  
9 WAS PRESENT.

10 (b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER  
11 IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT  
12 OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE  
13 CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH  
14 WARRANT FOR FIREARMS POSSESSED BY A RESPONDENT IN AN EXTREME  
15 RISK PROTECTION ORDER, AS DESCRIBED IN SECTION 16-3-301.5, IF A  
16 WARRANT WAS OBTAINED. AFTER THE LAW ENFORCEMENT AGENCY OR  
17 OFFICER HAS CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM  
18 THE LAW ENFORCEMENT OFFICER OF THE RESPONDENT'S PREFERENCE FOR  
19 SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SECTION  
20 13-14-105.5 (4). THE LAW ENFORCEMENT OFFICER SHALL REQUEST THAT  
21 THE RESPONDENT IMMEDIATELY SURRENDER ANY CONCEALED CARRY  
22 PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH  
23 PERMITTED BY LAW FOR THE PERMIT.

24 (3) AT THE TIME OF SURRENDER OR TAKING CUSTODY PURSUANT  
25 TO SECTION 16-3-301.5, A LAW ENFORCEMENT OFFICER TAKING  
26 POSSESSION OF A FIREARM OR A CONCEALED CARRY PERMIT SHALL ISSUE  
27 A RECEIPT IDENTIFYING ALL FIREARMS AND ANY PERMIT THAT HAVE BEEN

1 SURRENDERED OR TAKEN CUSTODY OF AND PROVIDE A COPY OF THE  
2 RECEIPT TO THE RESPONDENT. WITHIN SEVENTY-TWO HOURS AFTER  
3 SERVICE OF THE ORDER, THE OFFICER SERVING THE ORDER SHALL FILE THE  
4 ORIGINAL RECEIPT WITH THE COURT AND SHALL ENSURE THAT THE  
5 OFFICER'S LAW ENFORCEMENT AGENCY RETAINS A COPY OF THE RECEIPT,  
6 OR, IF THE OFFICER DID NOT TAKE CUSTODY OF ANY FIREARMS, SHALL FILE  
7 A STATEMENT TO THAT EFFECT WITH THE COURT.

8 (4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE  
9 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT  
10 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO  
11 COMPLY WITH THE SURRENDER OF FIREARMS OR A CONCEALED CARRY  
12 PERMIT AS REQUIRED BY AN ORDER ISSUED PURSUANT TO THIS ARTICLE  
13 14.5, THE COURT SHALL DETERMINE WHETHER PROBABLE CAUSE EXISTS TO  
14 BELIEVE THAT THE RESPONDENT HAS FAILED TO SURRENDER ALL FIREARMS  
15 OR A CONCEALED CARRY PERMIT IN HIS OR HER CUSTODY, THE  
16 RESPONDENT'S CONTROL, OR POSSESSION. IF PROBABLE CAUSE EXISTS, THE  
17 COURT SHALL ISSUE A SEARCH WARRANT THAT STATES WITH  
18 PARTICULARITY THE PLACES TO BE SEARCHED AND THE ITEMS TO BE  
19 TAKEN INTO CUSTODY.

20 (5) IF A PERSON OTHER THAN THE RESPONDENT CLAIMS TITLE TO  
21 ANY FIREARMS SURRENDERED OR TAKEN CUSTODY OF PURSUANT TO  
22 SECTION 16-3-301.5 PURSUANT TO THIS SECTION AND THE LAW  
23 ENFORCEMENT AGENCY DETERMINES THAT THE RESPONDENT IS THE  
24 LAWFUL OWNER OF THE FIREARM, THE FIREARM SHALL BE RETURNED TO  
25 THE RESPONDENT IF:

26 (a) THE FIREARM IS REMOVED FROM THE RESPONDENT'S CUSTODY,  
27 CONTROL, OR POSSESSION, AND THE LAWFUL OWNER AGREES TO STORE

1 THE FIREARM SO THAT THE RESPONDENT DOES NOT HAVE ACCESS TO OR  
2 CONTROL OF THE FIREARM; AND

3 (b) THE FIREARM IS NOT OTHERWISE UNLAWFULLY POSSESSED BY  
4 THE LAWFUL OWNER.

5 (6) (a) WITHIN FORTY-EIGHT HOURS AFTER THE ISSUANCE OF AN  
6 EXTREME RISK PROTECTION ORDER, A RESPONDENT SUBJECT TO THE  
7 ORDER MAY EITHER:

8 (I) FILE WITH THE COURT THAT ISSUED THE ORDER ONE OR MORE  
9 PROOFS OF RELINQUISHMENT OR REMOVAL SHOWING THAT ALL FIREARMS  
10 PREVIOUSLY IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION,  
11 AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT, WERE  
12 RELINQUISHED TO OR REMOVED BY A LAW ENFORCEMENT AGENCY, AND  
13 ATTEST TO THE COURT THAT THE RESPONDENT DOES NOT CURRENTLY  
14 HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR  
15 POSSESSION, AND DOES NOT CURRENTLY HAVE A CONCEALED CARRY  
16 PERMIT; OR

17 (II) ATTEST TO THE COURT THAT:

18 (A) AT THE TIME THE ORDER WAS ISSUED, THE RESPONDENT DID  
19 NOT HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR  
20 POSSESSION AND DID NOT HAVE A CONCEALED CARRY PERMIT; AND

21 (B) THE RESPONDENT DOES NOT CURRENTLY HAVE ANY FIREARMS  
22 IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION AND DOES NOT  
23 CURRENTLY HAVE A CONCEALED CARRY PERMIT.

24 (b) IF TWO FULL COURT DAYS HAVE ELAPSED SINCE THE ISSUANCE  
25 OF AN EXTREME RISK PROTECTION ORDER AND THE RESPONDENT HAS  
26 MADE NEITHER THE FILING AND ATTESTATION PURSUANT TO SUBSECTION  
27 (6)(a)(I) OF THIS SECTION NOR THE ATTESTATIONS PURSUANT TO

1 SUBSECTION (6)(a)(II) OF THIS SECTION, THE CLERK OF THE COURT FOR  
2 THE COURT THAT ISSUED THE ORDER SHALL INFORM THE LOCAL LAW  
3 ENFORCEMENT AGENCY IN THE COUNTY IN WHICH THE COURT IS LOCATED  
4 THAT THE RESPONDENT HAS NOT FILED THE FILING AND ATTESTATION  
5 PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION OR THE  
6 ATTESTATIONS PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION.

7 (c) A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A  
8 NOTIFICATION PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION SHALL  
9 MAKE A GOOD FAITH EFFORT TO DETERMINE WHETHER THERE IS EVIDENCE  
10 THAT THE RESPONDENT HAS FAILED TO RELINQUISH ANY FIREARM IN THE  
11 RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION OR A CONCEALED  
12 CARRY PERMIT ISSUED TO THE RESPONDENT.

13 (7) THE PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL  
14 DEVELOP MODEL POLICIES AND PROCEDURES BY DECEMBER 1, 2019,  
15 REGARDING THE ACCEPTANCE, STORAGE, AND RETURN OF FIREARMS  
16 REQUIRED TO BE SURRENDERED PURSUANT TO THIS ARTICLE 14.5 OR  
17 TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5 AND SHALL  
18 PROVIDE THOSE MODEL POLICIES AND PROCEDURES TO ALL LAW  
19 ENFORCEMENT AGENCIES. EACH LAW ENFORCEMENT AGENCY SHALL  
20 ADOPT THE MODEL POLICIES AND PROCEDURES OR ADOPT THEIR OWN  
21 POLICIES AND PROCEDURES BY JANUARY 1, 2020.

22 **13-14.5-109. Firearms - return - disposal.** (1) IF AN EXTREME  
23 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION  
24 ORDER IS TERMINATED OR EXPIRES WITHOUT RENEWAL, A LAW  
25 ENFORCEMENT AGENCY HOLDING ANY FIREARM THAT HAS BEEN  
26 SURRENDERED PURSUANT TO SECTION 13-14.5-108 OR TAKEN CUSTODY OF  
27 PURSUANT TO SECTION 16-3-301.5, OR A FEDERALLY LICENSED FIREARMS

1 DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, WITH CUSTODY  
2 OF A FIREARM, OR A RELATIVE WITH CUSTODY OF AN ANTIQUE FIREARM OR  
3 CURIO OR RELIC PURSUANT TO SECTION 13-14.5-108 (1)(a)(III), MUST  
4 RETURN THE FIREARM REQUESTED BY A RESPONDENT WITHIN THREE DAYS  
5 ONLY AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK  
6 PERFORMED PURSUANT TO SECTION 24-33.5-424, THAT THE RESPONDENT  
7 IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A FIREARM UNDER FEDERAL  
8 AND STATE LAW AND AFTER CONFIRMING WITH THE COURT THAT THE  
9 EXTREME RISK PROTECTION ORDER HAS TERMINATED OR HAS EXPIRED  
10 WITHOUT RENEWAL.

11 (2) ANY FIREARM SURRENDERED BY A RESPONDENT PURSUANT TO  
12 SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION  
13 16-3-301.5 THAT REMAINS UNCLAIMED BY THE LAWFUL OWNER FOR AT  
14 LEAST ONE YEAR FROM THE DATE THE TEMPORARY EXTREME RISK  
15 PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER EXPIRED,  
16 WHICHEVER IS LATER, SHALL BE DISPOSED OF IN ACCORDANCE WITH THE  
17 LAW ENFORCEMENT AGENCY'S POLICIES AND PROCEDURES FOR THE  
18 DISPOSAL OF FIREARMS IN POLICE CUSTODY.

19 **13-14.5-110. Reporting of extreme risk protection orders.**

20 (1) THE COURT CLERK SHALL ENTER ANY EXTREME RISK PROTECTION  
21 ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED  
22 PURSUANT TO THIS ARTICLE 14.5 INTO A STATEWIDE JUDICIAL  
23 INFORMATION SYSTEM ON THE SAME DAY THE ORDER IS ISSUED.

24 (2) THE COURT CLERK SHALL FORWARD A COPY OF AN EXTREME  
25 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION  
26 ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 THE SAME DAY THE ORDER  
27 IS ISSUED TO THE COLORADO BUREAU OF INVESTIGATION AND THE LAW

1 ENFORCEMENT AGENCY SPECIFIED IN THE ORDER. UPON RECEIPT OF THE  
2 COPY OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION SHALL  
3 ENTER THE ORDER INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND  
4 CHECK SYSTEM, ANY OTHER FEDERAL OR STATE COMPUTER-BASED  
5 SYSTEMS USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY  
6 PROHIBITED PURCHASERS OF FIREARMS, AND ANY COMPUTER-BASED  
7 CRIMINAL INTELLIGENCE INFORMATION SYSTEM AVAILABLE IN THIS STATE  
8 USED BY LAW ENFORCEMENT AGENCIES. THE ORDER MUST REMAIN IN  
9 EACH SYSTEM FOR THE PERIOD STATED IN THE ORDER, AND THE LAW  
10 ENFORCEMENT AGENCY SHALL ONLY EXPUNGE ORDERS FROM THE  
11 SYSTEMS THAT HAVE EXPIRED OR TERMINATED AND SHALL PROMPTLY  
12 REMOVE THE EXPIRED OR TERMINATED ORDERS. ENTRY INTO THE  
13 COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM IS  
14 NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE EXISTENCE OF THE  
15 ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY COUNTY IN THE STATE.

16 (3) THE ISSUING COURT SHALL, WITHIN THREE COURT DAYS AFTER  
17 ISSUANCE OF AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY  
18 EXTREME RISK PROTECTION ORDER, FORWARD ALL IDENTIFYING  
19 INFORMATION THE COURT HAS REGARDING THE RESPONDENT, ALONG WITH  
20 THE DATE THE ORDER IS ISSUED, TO THE COUNTY SHERIFF IN THE  
21 JURISDICTION WHERE THE RESPONDENT RESIDES. UPON RECEIPT OF THE  
22 INFORMATION, THE COUNTY SHERIFF SHALL DETERMINE IF THE  
23 RESPONDENT HAS A CONCEALED CARRY PERMIT. IF THE RESPONDENT DOES  
24 HAVE A CONCEALED CARRY PERMIT, THE ISSUING COUNTY SHERIFF SHALL  
25 IMMEDIATELY REVOKE THE PERMIT. THE RESPONDENT MAY REAPPLY FOR  
26 A CONCEALED CARRY PERMIT AFTER THE TEMPORARY EXTREME RISK  
27 PROTECTION ORDER AND EXTREME RISK PROTECTION ORDER, IF ORDERED,

1 ARE NO LONGER IN EFFECT.

2 (4) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED  
3 BEFORE ITS EXPIRATION DATE, THE COURT CLERK SHALL FORWARD, ON THE  
4 SAME DAY AS THE TERMINATION ORDER, A COPY OF THE TERMINATION  
5 ORDER TO THE COLORADO BUREAU OF INVESTIGATION AND THE  
6 APPROPRIATE LAW ENFORCEMENT AGENCY SPECIFIED IN THE TERMINATION  
7 ORDER. UPON RECEIPT OF THE ORDER, THE COLORADO BUREAU OF  
8 INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SHALL PROMPTLY  
9 REMOVE THE ORDER FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT  
10 WAS ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

11 (5) UPON THE EXPIRATION OF A TEMPORARY EXTREME RISK  
12 PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER, THE  
13 COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT  
14 AGENCY SPECIFIED IN THE ORDER SHALL PROMPTLY REMOVE THE ORDER  
15 FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT WAS ENTERED  
16 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

17 (6) AN EXTREME RISK PROTECTION ORDER DOES NOT CONSTITUTE  
18 A FINDING THAT A RESPONDENT IS A PROHIBITED PERSON PURSUANT TO 18  
19 U.S.C. sec. 922 (d)(4) OR (g)(4). THIS SUBSECTION (6) DOES NOT ALTER  
20 A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK  
21 PROTECTION ORDER, AND A RESPONDENT SUBJECT TO A TEMPORARY  
22 EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION  
23 ORDER IS PROHIBITED FROM POSSESSING A FIREARM UNDER STATE LAW.  
24 THIS SUBSECTION (6) DOES NOT CHANGE THE DUTY TO ENTER A  
25 TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK  
26 PROTECTION ORDER INTO THE APPROPRIATE DATABASES PURSUANT TO  
27 THIS SECTION.

1           **13-14.5-111. Penalties.** ANY PERSON WHO HAS IN THE PERSON'S  
2 CUSTODY, POSSESSION, OR CONTROL A FIREARM, OR PURCHASES,  
3 POSSESSES, OR RECEIVES A FIREARM WITH KNOWLEDGE THAT THE PERSON  
4 IS PROHIBITED FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER  
5 OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO  
6 THIS ARTICLE 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

7           **13-14.5-112. Other authority retained.** THIS ARTICLE 14.5 DOES  
8 NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A  
9 FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A  
10 SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL  
11 AUTHORITY.

12           **13-14.5-113. Liability.** (1) EXCEPT AS PROVIDED IN SECTION  
13 13-14.5-111, THIS ARTICLE 14.5 DOES NOT IMPOSE CRIMINAL OR CIVIL  
14 LIABILITY ON ANY PERSON, INCLUDING A COMMUNITY MEMBER, OR ENTITY  
15 FOR ACTS OR OMISSIONS MADE IN GOOD FAITH RELATED TO OBTAINING AN  
16 EXTREME RISK PROTECTION ORDER OR A TEMPORARY EXTREME RISK  
17 PROTECTION ORDER, INCLUDING BUT NOT LIMITED TO REPORTING,  
18 DECLINING TO REPORT, INVESTIGATING, DECLINING TO INVESTIGATE,  
19 FILING, OR DECLINING TO FILE A PETITION PURSUANT TO THIS ARTICLE  
20 14.5. THIS ARTICLE 14.5 DOES NOT IMPOSE CRIMINAL OR CIVIL LIABILITY  
21 ON A PEACE OFFICER LAWFULLY ENFORCING AN ORDER PURSUANT TO THIS  
22 ARTICLE 14.5.

23           (2) A PERSON WHO FILES A MALICIOUS OR FALSE PETITION FOR A  
24 TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK  
25 PROTECTION ORDER MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR  
26 THOSE ACTS.

27           (3) A FEDERALLY LICENSED FIREARMS DEALER OR LAW



1 ENFORCEMENT AGENCY THAT STORES A FIREARM AS PERMITTED BY THIS  
2 ARTICLE 14.5 IS NOT CIVILLY LIABLE FOR ANY RESULTING DAMAGES TO  
3 THE FIREARM, AS LONG AS SUCH DAMAGE DID NOT RESULT FROM THE  
4 WILLFUL AND WRONGFUL ACT OR GROSS NEGLIGENCE OF THE PERSON OR  
5 LAW ENFORCEMENT AGENCY STORING THE FIREARM.

6 (4) THIS ARTICLE 14.5 DOES NOT REQUIRE A FAMILY OR  
7 HOUSEHOLD MEMBER OF THE RESPONDENT, A COMMUNITY MEMBER, OR A  
8 LAW ENFORCEMENT OFFICER OR AGENCY TO FILE A PETITION FOR A  
9 TEMPORARY EMERGENCY EXTREME RISK PROTECTION ORDER OR PETITION  
10 FOR AN EXTREME RISK PROTECTION ORDER.

11 (5) A COMMUNITY MEMBER'S EMPLOYER SHALL NOT USE A  
12 COMMUNITY MEMBER'S ACTS OR OMISSIONS MADE IN GOOD FAITH RELATED  
13 TO OBTAINING AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY  
14 EXTREME RISK PROTECTION ORDER, INCLUDING BUT NOT LIMITED TO  
15 REPORTING, DECLINING TO REPORT, INVESTIGATING, DECLINING TO  
16 INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION PURSUANT TO THIS  
17 ARTICLE 14.5 AS A BASIS FOR DISCIPLINE OR TERMINATION.

18 **13-14.5-114. Instructional and informational material -**  
19 **definition.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL DEVELOP  
20 STANDARD PETITIONS AND EXTREME RISK PROTECTION ORDER FORMS AND  
21 TEMPORARY EXTREME RISK PROTECTION ORDER FORMS IN MORE THAN ONE  
22 LANGUAGE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES.  
23 THE STANDARD PETITION AND ORDER FORMS MUST BE USED AFTER  
24 JANUARY 1, 2020, FOR ALL PETITIONS FILED AND ORDERS ISSUED  
25 PURSUANT TO THIS ARTICLE 14.5. THE STATE COURT ADMINISTRATOR MAY  
26 CONSULT WITH INTERESTED PARTIES IN DEVELOPING THE PETITIONS AND  
27 FORMS. THE MATERIALS MUST BE AVAILABLE ONLINE CONSISTENT WITH

1 STATE JUDICIAL DEPARTMENT PRACTICES.

2 (b) THE EXTREME RISK PROTECTION ORDER FORM MUST INCLUDE,  
3 IN A CONSPICUOUS LOCATION, NOTICE OF CRIMINAL PENALTIES RESULTING  
4 FROM VIOLATION OF THE ORDER AND THE FOLLOWING STATEMENT:

5 YOU HAVE THE SOLE RESPONSIBILITY TO AVOID OR REFRAIN  
6 FROM VIOLATING THIS EXTREME RISK PROTECTION ORDER'S  
7 PROVISIONS. ONLY THE COURT CAN CHANGE THE ORDER  
8 AND ONLY UPON WRITTEN MOTION.

9 (2) A COURT CLERK FOR EACH JUDICIAL DISTRICT SHALL CREATE  
10 A COMMUNITY RESOURCE LIST OF CRISIS INTERVENTION, MENTAL HEALTH,  
11 SUBSTANCE ABUSE, INTERPRETER, COUNSELING, AND OTHER RELEVANT  
12 RESOURCES SERVING THE COUNTY IN WHICH THE COURT IS LOCATED. THE  
13 COURT SHALL MAKE THE COMMUNITY RESOURCE LIST AVAILABLE AS PART  
14 OF OR IN ADDITION TO THE INFORMATIONAL BROCHURES DESCRIBED IN  
15 SUBSECTION (1) OF THIS SECTION.

16 (3) THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE A  
17 MASTER COPY OF THE STANDARD PETITION AND EXTREME RISK  
18 PROTECTION ORDER FORMS TO ALL COURT CLERKS AND ALL DISTRICT AND  
19 COUNTY COURTS.

20 (4) COURTS SHALL ACCEPT PETITIONS PURSUANT TO SECTIONS  
21 13-14.5-103 AND 13-14.5-104 BEGINNING ON JANUARY 1, 2020.

22 **13-14.5-115. Effect of previous issued orders.** THE ENACTMENT  
23 OF THIS SB 23-\_\_\_ AND THE PROVISIONS OF THIS ARTICLE 14.5  
24 AUTHORIZING THE COURT TO ENTER AN ORDER PURSUANT TO SECTION  
25 13-14.5-103 OR 13-14.5-104 DO NOT LIMIT, CHANGE, VOID, OR OTHERWISE  
26 IMPACT AN EXTREME RISK PROTECTION ORDER ENTERED BY THE COURT  
27 PURSUANT TO THIS ARTICLE 14.5 PRIOR TO THE EFFECTIVE DATE OF THIS

1 SB 23-\_\_\_\_. ANY SUCH ORDER REMAINS IN EFFECT UNTIL IT EXPIRES BY ITS  
2 OWN TERMS OR IS TERMINATED BY THE COURT.

3 **13-14.5-116. Severability.** IF ANY PROVISION OF THIS ARTICLE  
4 14.5 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS  
5 HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR  
6 APPLICATIONS OF THIS ARTICLE 14.5 THAT CAN BE GIVEN EFFECT WITHOUT  
7 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE  
8 PROVISIONS OF THIS ARTICLE 14.5 ARE DECLARED TO BE SEVERABLE.

9 **SECTION 2.** In Colorado Revised Statutes, 25-20.5-1205, **add**  
10 (3) as follows:

11 **25-20.5-1205. Federal grants - other funds - gifts, grants, and**  
12 **donations.** (3) THE OFFICE SHALL EXPEND FUNDS ANNUALLY ON A PUBLIC  
13 EDUCATION CAMPAIGN REGARDING THE AVAILABILITY OF, AND THE  
14 PROCESS FOR REQUESTING, AN EXTREME RISK PROTECTION ORDER  
15 PURSUANT TO ARTICLE 14.5 OF TITLE 13 AND AS DESCRIBED IN SECTION  
16 25-20.5-1203 (2)(a).

17 **SECTION 3.** In Colorado Revised Statutes, 13-3-101, **repeal and**  
18 **reenact** (13) as follows:

19 **13-3-101. State court administrator - report - definitions -**  
20 **repeal.** (13) THE STATE COURT ADMINISTRATOR OR THE  
21 ADMINISTRATOR'S DESIGNEE SHALL PRESENT AT THE JUDICIAL  
22 DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203 STATISTICS  
23 RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE 14.5 OF THIS  
24 TITLE 13. THE STATISTICS MUST INCLUDE THE NUMBER OF PETITIONS FILED  
25 FOR TEMPORARY EXTREME RISK PROTECTION ORDERS, THE NUMBER OF  
26 PETITIONS FILED FOR EXTREME RISK PROTECTION ORDERS, THE NUMBER OF  
27 TEMPORARY EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE

1 NUMBER OF EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE  
2 NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS  
3 TERMINATED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS  
4 TERMINATED, AND THE NUMBER OF EXTREME RISK PROTECTION ORDERS  
5 RENEWED. THE STATE COURT ADMINISTRATOR OR THE ADMINISTRATOR'S  
6 DESIGNEE SHALL ALSO REPORT STATE COURT DATA RELATED TO ALL  
7 PERSONS WHO ARE SUBJECT TO ANY TEMPORARY EMERGENCY RISK  
8 PROTECTION ORDER OR EMERGENCY RISK PROTECTION ORDER AND WHO,  
9 WITHIN THIRTY DAYS AFTER THE ISSUANCE OR EXECUTION OF THE  
10 PROTECTION ORDER, ARE CHARGED WITH A CRIMINAL OFFENSE. THE  
11 REPORT MUST INCLUDE THE NATURE OF THE CRIMINAL OFFENSE,  
12 INCLUDING BUT NOT LIMITED TO ANY OFFENSE FOR VIOLATION OF THE  
13 EMERGENCY RISK PROTECTION ORDER AND THE DISPOSITION OR STATUS OF  
14 THAT CRIMINAL OFFENSE.

15 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**  
16 16-3-301.5 as follows:

17 **16-3-301.5. Search warrant for firearms possessed by a**  
18 **respondent in an extreme risk protection order.** (1) ANY COURT MAY  
19 ISSUE A SEARCH WARRANT TO SEARCH FOR AND TAKE CUSTODY OF ANY  
20 FIREARM IN THE POSSESSION OF A NAMED RESPONDENT IN AN EXTREME  
21 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION  
22 ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13 IF THE APPLICATION  
23 FOR THE WARRANT COMPLIES WITH ALL REQUIRED PROVISIONS OF SECTION  
24 16-3-303 AND ALSO PROVIDES FACTS SUFFICIENT TO ESTABLISH BY  
25 PROBABLE CAUSE:

26 (a) THAT THE NAMED PERSON IS A NAMED RESPONDENT IN AN  
27 EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK

1 PROTECTION ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13; AND

2 (b) THAT THE NAMED PERSON IS IN POSSESSION OF ONE OR MORE  
3 FIREARMS; AND

4 (c) THE LOCATION OF SUCH FIREARMS; AND

5 (d) ANY OTHER INFORMATION RELIED UPON BY THE APPLICANT  
6 AND WHY THE APPLICANT CONSIDERS SUCH INFORMATION CREDIBLE AND  
7 RELIABLE.

8 (2) THE RETURN OR DISPOSAL OF ANY FIREARM TAKEN CUSTODY  
9 OF PURSUANT TO THIS SECTION SHALL BE ACCOMPLISHED PURSUANT TO  
10 SECTION 13-14.5-109.

11 **SECTION 5.** In Colorado Revised Statutes, 18-12-203, **repeal**  
12 **and reenact** (1)(g)(IV) as follows:

13 **18-12-203. Criteria for obtaining a permit.** (1) Beginning May  
14 17, 2003, except as set forth in this section, a sheriff shall issue a permit  
15 to carry a concealed handgun to an applicant who:

16 (g) Is not subject to:

17 (IV) A TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED  
18 PURSUANT TO SECTION 13-14.5-103 (3) OR AN EXTREME RISK PROTECTION  
19 ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 (2);

20 **SECTION 6. No appropriation.** The general assembly has  
21 determined that this act can be implemented within existing  
22 appropriations, and therefore no separate appropriation of state money is  
23 necessary to carry out the purposes of this act.

24 **SECTION 7. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, or safety.