

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

PREAMENDED

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

LLS NO. 19-0031.01 Michael Dohr x4347

HOUSE BILL 19-1177

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A BILL FOR AN ACT

101 **CONCERNING CREATION OF AN EXTREME RISK PROTECTION ORDER,**
102 **AND IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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 creates the ability for a family or household member or a law enforcement officer to petition the court for a temporary extreme risk protection order (ERPO). The petitioner must establish by a preponderance of the evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm. The petitioner must submit

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

HOUSE
3rd Reading Unamended
March 4, 2019

HOUSE
Amended 2nd Reading
March 1, 2019

an affidavit signed under oath and penalty of perjury that sets forth facts to support the issuance of a temporary ERPO and a reasonable basis for believing they exist. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed.

After issuance of a temporary ERPO, the court must schedule a second hearing no later than 14 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. The court shall appoint counsel to represent the respondent at the hearing. If a family or household member or a law enforcement officer establishes by clear and convincing evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm, the court may issue a continuing ERPO. The ERPO prohibits the respondent from possessing, controlling, purchasing, or receiving a firearm for 364 days.

Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

The respondent can motion the court once during the 364-day ERPO for a hearing to terminate the ERPO. The respondent has the burden of proof at a termination hearing. The court shall terminate the ERPO if the respondent establishes by clear and convincing evidence that he or she no longer poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm. The court may continue the hearing if the court cannot issue an order for termination at that time but believes there is a strong possibility the court could issue a termination order prior to the expiration of the ERPO.

The petitioner requesting the original ERPO may request an extension of the ERPO before it expires. The petitioner must show by clear and convincing evidence that the respondent continues to pose a significant risk of causing personal injury to self or others by having a firearm in his or her custody or control or by purchasing, possessing, or receiving a firearm. If the ERPO expires or is terminated, all of the respondent's firearms must be returned.

The bill requires the state court administrator to develop and prepare standard petitions and ERPO forms. Additionally, the state court administrator at the judicial department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing shall provide statistics related to petitions for ERPOs.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 14.5 to
3 title 13 as follows:

4 **ARTICLE 14.5**

5 **Extreme Risk Protection Orders**

6 **13-14.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 14.5
7 IS THE "DEPUTY ZACKARI PARRISH III VIOLENCE PREVENTION ACT".

8 **13-14.5-102. Definitions.** AS USED IN THIS ARTICLE 14.5, UNLESS
9 THE CONTEXT OTHERWISE CLEARLY REQUIRES:

10 (1) "EXTREME RISK PROTECTION ORDER" MEANS EITHER A
11 TEMPORARY ORDER OR A CONTINUING ORDER GRANTED PURSUANT TO THIS
12 ARTICLE 14.5.

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

15 (a) PERSON RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE
16 RESPONDENT;

17 (b) PERSON WHO HAS A CHILD IN COMMON WITH THE RESPONDENT,
18 REGARDLESS OF WHETHER SUCH PERSON HAS BEEN MARRIED TO THE
19 RESPONDENT OR HAS LIVED TOGETHER WITH THE RESPONDENT AT ANY
20 TIME;

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

23 (d) DOMESTIC PARTNER OF THE RESPONDENT;

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

27 (f) PERSON WHO IS ACTING OR HAS ACTED AS THE RESPONDENT'S

1 LEGAL GUARDIAN; AND

2 (g) A PERSON IN ANY OTHER RELATIONSHIP DESCRIBED IN SECTION
3 18-6-800.3 (2) WITH THE RESPONDENT.

4 (3) "FIREARM" HAS THE SAME MEANING AS IN SECTION 18-1-901
5 (3)(h).

6 (4) "PETITIONER" MEANS THE PERSON WHO PETITIONS FOR AN
7 EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5.

8 (5) "RESPONDENT" MEANS THE PERSON WHO IS IDENTIFIED AS THE
9 RESPONDENT IN A PETITION FILED PURSUANT TO THIS ARTICLE 14.5.

10 **13-14.5-103. Temporary extreme risk protection orders.** (1) A
11 FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW
12 ENFORCEMENT OFFICER OR AGENCY MAY REQUEST A TEMPORARY
13 EXTREME RISK PROTECTION ORDER WITHOUT NOTICE TO THE RESPONDENT
14 BY INCLUDING IN THE PETITION FOR AN EXTREME RISK PROTECTION ORDER
15 AN AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY,
16 SUPPORTING THE ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION
17 ORDER THAT SETS FORTH THE FACTS TENDING TO ESTABLISH THE GROUNDS
18 OF THE PETITION OR THE REASON FOR BELIEVING THEY EXIST AND, IF THE
19 PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER, ATTESTING THAT THE
20 PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER. THE PETITION SHALL
21 COMPLY WITH THE REQUIREMENTS OF SECTION 13-14.5-104 (3). IF THE
22 PETITIONER IS A LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT
23 AGENCY, THE LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT
24 AGENCY SHALL CONCURRENTLY FILE A SWORN AFFIDAVIT FOR A SEARCH
25 WARRANT PURSUANT TO SECTION 16-3-301.5 TO SEARCH FOR ANY
26 FIREARMS IN THE POSSESSION OR CONTROL OF THE RESPONDENT AT A
27 LOCATION OR LOCATIONS TO BE NAMED IN THE WARRANT. IF A PETITION

1 PURSUANT TO SECTION 27-65-106 IS ALSO FILED AGAINST THE
2 RESPONDENT, A COURT OF COMPETENT JURISDICTION CAN HEAR THAT
3 PETITION AT THE SAME TIME AS THE HEARING FOR A TEMPORARY EXTREME
4 RISK PROTECTION ORDER OR THE HEARING FOR A CONTINUING EXTREME
5 RISK PROTECTION ORDER.

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

10 (3) IF A COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE
11 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION
12 13-14.5-105 (3), THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING
13 PERSONAL INJURY TO SELF OR OTHERS IN THE NEAR FUTURE BY HAVING IN
14 HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,
15 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE A
16 TEMPORARY EXTREME RISK PROTECTION ORDER.

17 (4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK
18 PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY
19 THE PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING
20 THE DAY THE PETITION IS FILED. THE COURT MAY SCHEDULE A HEARING BY
21 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY
22 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO
23 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL
24 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE
25 CONDUCTING A TELEPHONIC HEARING. A COPY OF THE TELEPHONE
26 HEARING MUST BE PROVIDED TO THE RESPONDENT PRIOR TO THE HEARING
27 FOR AN EXTREME RISK PROTECTION ORDER.

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

10 (b) ANY TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED
11 EXPIRES ON THE DATE AND TIME OF THE HEARING ON THE EXTREME RISK
12 PROTECTION ORDER PETITION OR THE WITHDRAWAL OF THE PETITION.

13 (6) A TEMPORARY EXTREME RISK PROTECTION ORDER MUST
14 INCLUDE:

15 (a) A STATEMENT OF THE GROUNDS ASSERTED FOR THE ORDER;

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

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

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

20 (e) THE DATE AND TIME OF THE SCHEDULED HEARING;

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

23 (g) THE FOLLOWING STATEMENT:

24 TO THE SUBJECT OF THIS TEMPORARY EXTREME RISK
25 PROTECTION ORDER: THIS ORDER IS VALID UNTIL THE DATE
26 AND TIME NOTED ABOVE. YOU MAY NOT HAVE IN YOUR
27 CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS,

1 RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM
2 WHILE THIS ORDER IS IN EFFECT. YOU MUST IMMEDIATELY
3 SURRENDER TO THE (INSERT NAME OF LAW ENFORCEMENT
4 AGENCY IN THE JURISDICTION WHERE THE RESPONDENT
5 RESIDES) ALL FIREARMS IN YOUR CUSTODY, CONTROL, OR
6 POSSESSION, AND ANY CONCEALED CARRY PERMIT ISSUED
7 TO YOU. A HEARING WILL BE HELD ON THE DATE AND AT
8 THE TIME NOTED ABOVE TO DETERMINE IF AN EXTREME RISK
9 PROTECTION ORDER SHOULD BE ISSUED. FAILURE TO APPEAR
10 AT THAT HEARING MAY RESULT IN A COURT ENTERING AN
11 ORDER AGAINST YOU THAT IS VALID FOR THREE HUNDRED
12 SIXTY FOUR DAYS. AN ATTORNEY WILL BE APPOINTED TO
13 REPRESENT YOU, OR YOU MAY SEEK THE ADVICE OF YOUR
14 OWN ATTORNEY AT YOUR OWN EXPENSE AS TO ANY MATTER
15 CONNECTED WITH THIS ORDER.

16 (7) A LAW ENFORCEMENT OFFICER SHALL SERVE A TEMPORARY
17 EXTREME RISK PROTECTION ORDER CONCURRENTLY WITH THE NOTICE OF
18 HEARING AND PETITION AND A NOTICE THAT INCLUDES REFERRALS TO
19 APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE, BEHAVIORAL
20 HEALTH, AND COUNSELING RESOURCES. IN THE SAME MANNER AS
21 PROVIDED FOR IN SECTION 13-14.5-105 FOR SERVICE OF THE NOTICE OF
22 HEARING WHERE THE RESPONDENT RESIDES.

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

26 (b) IF THE COURT DECLINES TO ISSUE A TEMPORARY EXTREME RISK
27 PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS

1 FOR THE COURT'S DENIAL.

2 **13-14.5-104. Petition for extreme risk protection order.** (1) A
3 PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE FILED BY A
4 FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW
5 ENFORCEMENT OFFICER OR AGENCY. IF THE PETITION IS FILED BY A LAW
6 ENFORCEMENT OFFICER OR AGENCY, THE OFFICER OR AGENCY SHALL BE
7 REPRESENTED IN ANY JUDICIAL PROCEEDING BY A COUNTY OR CITY
8 ATTORNEY UPON REQUEST. IF THE PETITION IS FILED BY A FAMILY OR
9 HOUSEHOLD MEMBER, THE PETITIONER, TO THE BEST OF HIS OR HER
10 ABILITY, SHALL NOTIFY THE LAW ENFORCEMENT AGENCY IN THE
11 JURISDICTION WHERE THE RESPONDENT RESIDES OF THE PETITION AND
12 THE HEARING DATE WITH ENOUGH ADVANCE NOTICE TO ALLOW FOR
13 PARTICIPATION OR ATTENDANCE. UPON THE FILING OF A PETITION, THE
14 COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT,
15 AND THE COURT SHALL INCLUDE THE APPOINTMENT IN THE NOTICE OF
16 HEARING PROVIDED TO THE RESPONDENT PURSUANT TO SECTION
17 13-14.5-105 (1)(a). THE RESPONDENT MAY REPLACE THE ATTORNEY WITH
18 AN ATTORNEY OF THE RESPONDENT'S OWN SELECTION AT ANY TIME AT THE
19 RESPONDENT'S OWN EXPENSE. ATTORNEY FEES FOR THE ATTORNEY
20 APPOINTED FOR THE RESPONDENT SHALL BE PAID BY THE COURT.

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

23 (3) A PETITION MUST:

24 (a) ALLEGE THAT THE RESPONDENT POSES A SIGNIFICANT RISK OF
25 CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER
26 CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR
27 RECEIVING A FIREARM AND MUST BE ACCOMPANIED BY AN AFFIDAVIT,

1 SIGNED UNDER OATH AND PENALTY OF PERJURY, STATING THE SPECIFIC
2 STATEMENTS, ACTIONS, OR FACTS THAT GIVE RISE TO A REASONABLE FEAR
3 OF FUTURE DANGEROUS ACTS BY THE RESPONDENT;

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

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

10 (d) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC
11 ABUSE PROTECTION ORDER OR EMERGENCY PROTECTION ORDER
12 GOVERNING THE PETITIONER OR RESPONDENT;

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

15 ■

16 (f) IF THE PETITIONER IS NOT A LAW ENFORCEMENT AGENCY,
17 IDENTIFY WHETHER THE PETITIONER INFORMED A LOCAL LAW
18 ENFORCEMENT AGENCY REGARDING THE RESPONDENT.

19 (4) THE COURT SHALL VERIFY THE TERMS OF ANY EXISTING ORDER
20 IDENTIFIED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION GOVERNING
21 THE PARTIES. THE COURT MAY NOT DELAY GRANTING RELIEF BECAUSE OF
22 THE EXISTENCE OF A PENDING ACTION BETWEEN THE PARTIES. A PETITION
23 FOR AN EXTREME RISK PROTECTION ORDER MAY BE GRANTED WHETHER OR
24 NOT THERE IS A PENDING ACTION BETWEEN THE PARTIES.

25 ■

26 (5) IF THE PETITION STATES THAT DISCLOSURE OF THE PETITIONER'S
27 ADDRESS WOULD RISK HARM TO THE PETITIONER OR ANY MEMBER OF THE

1 PETITIONER'S FAMILY OR HOUSEHOLD, THE PETITIONER'S ADDRESS MAY BE
2 OMITTED FROM ALL DOCUMENTS FILED WITH THE COURT. IF THE
3 PETITIONER HAS NOT DISCLOSED AN ADDRESS PURSUANT TO THIS SECTION,
4 THE PETITIONER MUST DESIGNATE AN ALTERNATIVE ADDRESS AT WHICH
5 THE RESPONDENT MAY SERVE NOTICE OF ANY MOTIONS. IF THE PETITIONER
6 IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE ADDRESS OF RECORD
7 MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

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

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

15 (8) THE DISTRICT AND COUNTY COURTS OF THE STATE OF
16 COLORADO HAVE JURISDICTION OVER PROCEEDINGS PURSUANT TO THIS
17 ARTICLE 14.5.

18 **13-14.5-105. Hearings on petition - grounds for order issuance.**

19 (1) (a) UPON FILING OF THE PETITION, THE COURT SHALL ORDER A
20 HEARING TO BE HELD AND PROVIDE A NOTICE OF HEARING TO THE
21 RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING
22 NOT LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK
23 PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY
24 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY
25 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO
26 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL
27 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE

1 CONDUCTING A TELEPHONIC HEARING.

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

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

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

18 (2) UPON HEARING THE MATTER, IF THE COURT FINDS BY CLEAR
19 AND CONVINCING EVIDENCE, BASED ON THE EVIDENCE PRESENTED
20 PURSUANT TO SUBSECTION (3) OF THIS SECTION, THAT THE RESPONDENT
21 POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR
22 OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY
23 PURCHASING, POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL
24 ISSUE AN EXTREME RISK PROTECTION ORDER FOR A PERIOD OF THREE
25 HUNDRED SIXTY-FOUR DAYS.

26 (3) IN DETERMINING WHETHER GROUNDS FOR AN EXTREME RISK
27 PROTECTION ORDER EXIST, THE COURT MAY CONSIDER ANY RELEVANT

1 EVIDENCE, INCLUDING BUT NOT LIMITED TO ANY OF THE FOLLOWING:

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

5 (b) A PATTERN OF ACTS OR CREDIBLE THREATS OF VIOLENCE BY
6 THE RESPONDENT WITHIN THE PAST YEAR, INCLUDING BUT NOT LIMITED TO
7 ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT AGAINST
8 SELF OR OTHERS;

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

11 (d) A PREVIOUS OR EXISTING EXTREME RISK PROTECTION ORDER
12 ISSUED AGAINST THE RESPONDENT AND A VIOLATION OF A PREVIOUS OR
13 EXISTING EXTREME RISK PROTECTION ORDER;

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

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

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

21 (h) THE HISTORY OF USE, ATTEMPTED USE, OR THREATENED USE OF
22 UNLAWFUL PHYSICAL FORCE BY THE RESPONDENT AGAINST ANOTHER
23 PERSON, OR THE RESPONDENT'S HISTORY OF STALKING ANOTHER PERSON
24 AS DESCRIBED IN SECTION 18-3-602;

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

27 (j) EVIDENCE OF THE ABUSE OF CONTROLLED SUBSTANCES OR

1 ALCOHOL BY THE RESPONDENT;

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

5 (l) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR
6 AMMUNITION BY THE RESPONDENT.

7 (4) THE COURT MAY:

8 (a) EXAMINE UNDER OATH THE PETITIONER, THE RESPONDENT, AND
9 ANY WITNESSES THEY MAY PRODUCE, OR, IN LIEU OF EXAMINATION,
10 CONSIDER SWORN AFFIDAVITS OF THE PETITIONER, THE RESPONDENT, AND
11 ANY WITNESSES THEY MAY PRODUCE; AND

12 (b) REQUEST THAT THE COLORADO BUREAU OF INVESTIGATION
13 CONDUCT A CRIMINAL HISTORY RECORD CHECK [REDACTED] RELATED TO THE
14 RESPONDENT AND PROVIDE THE RESULTS TO THE COURT UNDER SEAL.

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

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

21 (7) DURING THE HEARING, THE COURT SHALL CONSIDER ANY
22 AVAILABLE MENTAL HEALTH EVALUATION OR CHEMICAL DEPENDENCY
23 EVALUATION PROVIDED TO THE COURT.

24 (8)(a) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE
25 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE
26 STANDARD FOR A COURT-ORDERED EVALUATION FOR PERSONS WITH
27 MENTAL HEALTH DISORDERS PURSUANT TO SECTION 27-65-106. IF THE

1 COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN,
2 IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION ORDER, THE
3 COURT SHALL ORDER MENTAL HEALTH TREATMENT AND EVALUATION
4 AUTHORIZED PURSUANT TO SECTION 27-65-106 (6).

5 (b) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE
6 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE
7 STANDARD FOR AN EMERGENCY COMMITMENT PURSUANT TO SECTION
8 27-81-111 OR 27-82-107. IF THE COURT DETERMINES THAT THE
9 RESPONDENT MEETS THE STANDARD, THEN, IN ADDITION TO ISSUING AN
10 EXTREME RISK PROTECTION ORDER, THE COURT SHALL ORDER AN
11 EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111 OR
12 27-82-107.

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

14 (a) A STATEMENT OF THE GROUNDS SUPPORTING THE ISSUANCE OF
15 THE ORDER;

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

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

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

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

22 (f) THE FOLLOWING STATEMENT:

23 TO THE SUBJECT OF THIS EXTREME RISK PROTECTION
24 ORDER: THIS ORDER WILL LAST UNTIL THE DATE AND TIME
25 NOTED ABOVE. IF YOU HAVE NOT DONE SO ALREADY, YOU
26 MUST IMMEDIATELY SURRENDER ANY FIREARMS IN YOUR
27 CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED

1 CARRY PERMIT ISSUED TO YOU. YOU MAY NOT HAVE IN
2 YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE,
3 POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE
4 A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU HAVE THE
5 RIGHT TO REQUEST ONE HEARING TO TERMINATE THIS
6 ORDER DURING THE PERIOD THAT THIS ORDER IS IN EFFECT,
7 STARTING FROM THE DATE OF THIS ORDER AND CONTINUING
8 THROUGH ANY RENEWALS. YOU MAY SEEK THE ADVICE OF
9 AN ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS
10 ORDER.

11 (10) WHEN THE COURT ISSUES AN EXTREME RISK PROTECTION
12 ORDER, THE COURT SHALL INFORM THE RESPONDENT THAT HE OR SHE IS
13 ENTITLED TO REQUEST TERMINATION OF THE ORDER IN THE MANNER
14 PRESCRIBED BY SECTION 13-14.5-107. THE COURT SHALL PROVIDE THE
15 RESPONDENT WITH A FORM TO REQUEST A TERMINATION HEARING.

16 (11) (a) IF THE COURT ISSUES AN EXTREME RISK PROTECTION
17 ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE
18 COURT'S ISSUANCE.

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

22 (12) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK
23 PROTECTION ORDER BUT ORDERED A TEMPORARY EXTREME RISK
24 PROTECTION ORDER AND A LAW ENFORCEMENT AGENCY TOOK CUSTODY
25 OF THE RESPONDENT'S CONCEALED CARRY PERMIT OR THE RESPONDENT
26 SURRENDERED HIS OR HER CONCEALED CARRY PERMIT AS A RESULT OF THE
27 TEMPORARY EXTREME RISK PROTECTION ORDER, THE SHERIFF WHO ISSUED

1 THE CONCEALED CARRY PERMIT SHALL REISSUE THE CONCEALED CARRY
2 PERMIT TO THE RESPONDENT WITHIN THREE DAYS, AT NO CHARGE TO THE
3 RESPONDENT.

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

12 **13-14.5-106. Service of protection orders.** (1) AN EXTREME
13 RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 MUST
14 BE SERVED PERSONALLY UPON THE RESPONDENT, EXCEPT AS OTHERWISE
15 PROVIDED IN THIS ARTICLE 14.5.

16 (2) THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE
17 THE RESPONDENT RESIDES [REDACTED] SHALL SERVE THE RESPONDENT
18 PERSONALLY.

19 (3) THE COURT CLERK SHALL FORWARD A COPY OF THE EXTREME
20 RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 ON OR
21 BEFORE THE NEXT COURT DAY TO THE LAW ENFORCEMENT AGENCY
22 SPECIFIED IN THE ORDER FOR SERVICE. SERVICE OF AN ORDER ISSUED
23 PURSUANT TO THIS ARTICLE 14.5 TAKES PRECEDENCE OVER THE SERVICE
24 OF OTHER DOCUMENTS, UNLESS THE OTHER DOCUMENTS ARE OF A SIMILAR
25 EMERGENCY NATURE.

26 (4) IF THE LAW ENFORCEMENT AGENCY CANNOT COMPLETE
27 SERVICE UPON THE RESPONDENT WITHIN FIVE DAYS, THE LAW

1 ENFORCEMENT AGENCY SHALL NOTIFY THE PETITIONER. THE PETITIONER
2 SHALL THEN PROVIDE ANY ADDITIONAL INFORMATION REGARDING THE
3 RESPONDENT'S WHEREABOUTS TO THE LAW ENFORCEMENT AGENCY TO
4 EFFECT SERVICE. THE LAW ENFORCEMENT AGENCY MAY REQUEST
5 ADDITIONAL TIME TO ALLOW FOR THE PROPER AND SAFE PLANNING AND
6 EXECUTION OF THE COURT ORDER.

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

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

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

19 **13-14.5-107. Termination or renewal of protection orders.**

20 (1) **Termination.** (a) THE RESPONDENT MAY SUBMIT ONE WRITTEN
21 REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION
22 ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE
23 ORDER IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO
24 TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET
25 A DATE FOR A HEARING. NOTICE OF THE REQUEST AND DATE OF HEARING
26 MUST BE SERVED ON THE PETITIONER IN ACCORDANCE WITH THE
27 COLORADO RULES OF CIVIL PROCEDURE OR COLORADO RULES OF COUNTY

1 COURT CIVIL PROCEDURE. THE COURT SHALL SET THE HEARING FOURTEEN
2 DAYS AFTER THE FILING OF THE REQUEST FOR A HEARING TO TERMINATE
3 AN EXTREME RISK PROTECTION ORDER. THE COURT SHALL TERMINATE THE
4 EXTREME RISK PROTECTION ORDER IF THE RESPONDENT ESTABLISHES BY
5 CLEAR AND CONVINCING EVIDENCE THAT HE OR SHE NO LONGER POSES A
6 SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY
7 HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY
8 PURCHASING, POSSESSING, OR RECEIVING A FIREARM. THE COURT MAY
9 CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE OF THE
10 CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

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

19 (2) **Renewal.** (a) THE COURT SHALL NOTIFY THE PETITIONER OF
20 THE IMPENDING EXPIRATION OF AN EXTREME RISK PROTECTION ORDER
21 SIXTY-THREE CALENDAR DAYS BEFORE THE DATE THAT THE ORDER
22 EXPIRES.

23 (b) A PETITIONER, A FAMILY OR HOUSEHOLD MEMBER OF A
24 RESPONDENT, OR A LAW ENFORCEMENT OFFICER OR AGENCY MAY, BY
25 MOTION, REQUEST A RENEWAL OF AN EXTREME RISK PROTECTION ORDER
26 AT ANY TIME WITHIN SIXTY-THREE CALENDAR DAYS BEFORE THE
27 EXPIRATION OF THE ORDER.

1 (c) UPON RECEIPT OF THE MOTION TO RENEW, THE COURT SHALL
2 ORDER THAT A HEARING BE HELD NOT LATER THAN FOURTEEN DAYS AFTER
3 THE FILING OF THE MOTION TO RENEW. THE COURT MAY SCHEDULE A
4 HEARING BY TELEPHONE IN THE MANNER PRESCRIBED BY SECTION
5 13-14.5-105 (1)(a). THE RESPONDENT MUST BE PERSONALLY SERVED IN
6 THE SAME MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(b) AND
7 (1)(c).

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

12 (e) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE
13 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION
14 13-14.5-105 (3), THE RESPONDENT CONTINUES TO POSE A SIGNIFICANT
15 RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS
16 OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,
17 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL RENEW THE
18 ORDER FOR A PERIOD OF TIME THE COURT DEEMS APPROPRIATE, NOT TO
19 EXCEED ONE YEAR. IN THE ORDER, THE COURT SHALL SET A RETURN DATE
20 TO REVIEW THE ORDER NO LATER THAN THIRTY-FIVE DAYS PRIOR TO THE
21 EXPIRATION OF THE ORDER. HOWEVER, IF, AFTER NOTICE, THE MOTION FOR
22 RENEWAL IS UNCONTESTED AND THE PETITIONER SEEKS NO MODIFICATION
23 OF THE ORDER, THE ORDER MAY BE RENEWED ON THE BASIS OF THE
24 PETITIONER'S MOTION OR AFFIDAVIT, SIGNED UNDER OATH AND PENALTY
25 OF PERJURY, STATING THAT THERE HAS BEEN NO MATERIAL CHANGE IN
26 RELEVANT CIRCUMSTANCES SINCE THE ENTRY OF THE ORDER AND STATING
27 THE REASON FOR THE REQUESTED RENEWAL.

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

6 **13-14.5-108. Surrender of a firearm.** (1) (a) UPON ISSUANCE OF
7 AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5,
8 INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT
9 SHALL ORDER THE RESPONDENT TO SURRENDER ALL FIREARMS BY:

10 (I) SELLING OR TRANSFERRING POSSESSION OF THE FIREARM TO A
11 FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC.
12 923, AS AMENDED; EXCEPT THAT THIS PROVISION MUST NOT BE
13 INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER
14 TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM;

15 (II) ARRANGING FOR THE STORAGE OF THE FIREARM BY A LAW
16 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL
17 PRESERVE THE FIREARM IN A SUBSTANTIALLY SIMILAR CONDITION THAT
18 THE FIREARM WAS IN WHEN IT WAS SURRENDERED. IF THE RESPONDENT
19 DOES NOT CHOOSE THE OPTION IN SUBSECTION (1)(a)(I) OF THIS SECTION,
20 A LOCAL LAW ENFORCEMENT AGENCY SHALL STORE THE FIREARM; OR

21 (III) ONLY FOR EITHER AN ANTIQUE FIREARM, AS DEFINED IN 18
22 U.S.C. SEC. 921 (a)(16), AS AMENDED, OR A CURIO OR RELIC, AS DEFINED
23 IN 27 CFR 478.11, AS AMENDED, TRANSFERRING POSSESSION OF THE
24 ANTIQUE FIREARM OR CURIO OR RELIC TO A RELATIVE WHO DOES NOT LIVE
25 WITH THE RESPONDENT AFTER CONFIRMING, THROUGH A CRIMINAL
26 HISTORY RECORD CHECK, THE RELATIVE IS CURRENTLY ELIGIBLE TO OWN
27 OR POSSESS A FIREARM UNDER FEDERAL AND STATE LAW.

1 (b) THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER
2 ANY CONCEALED CARRY PERMIT TO THE LAW ENFORCEMENT OFFICER
3 SERVING THE EXTREME RISK PROTECTION ORDER.

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

1 CARRY PERMIT WITHIN TWENTY-FOUR HOURS AFTER BEING SERVED WITH
2 THE ORDER BY ALTERNATE SERVICE OR WITHIN TWENTY-FOUR HOURS
3 AFTER THE HEARING AT WHICH THE RESPONDENT WAS PRESENT.

4 (b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER
5 IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT
6 OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE
7 CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH
8 WARRANT FOR FIREARMS POSSESSED BY A RESPONDENT IN AN EXTREME
9 RISK PROTECTION ORDER, AS DESCRIBED IN SECTION 16-3-301.5, IF A
10 WARRANT WAS OBTAINED. AFTER THE LAW ENFORCEMENT AGENCY OR
11 OFFICER HAS CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM
12 THE LAW ENFORCEMENT OFFICER OF HIS OR HER PREFERENCE FOR SALE,
13 TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SECTION
14 13-14-105.5 (2)(c). THE LAW ENFORCEMENT OFFICER SHALL REQUEST
15 THAT THE RESPONDENT IMMEDIATELY SURRENDER ANY CONCEALED
16 CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH
17 PERMITTED BY LAW FOR THE PERMIT.

18 (3) AT THE TIME OF SURRENDER OR TAKING CUSTODY PURSUANT
19 TO SECTION 16-3-301.5, A LAW ENFORCEMENT OFFICER TAKING
20 POSSESSION OF A FIREARM OR A CONCEALED CARRY PERMIT SHALL ISSUE
21 A RECEIPT IDENTIFYING ALL FIREARMS AND ANY PERMIT THAT HAVE BEEN
22 SURRENDERED OR TAKEN CUSTODY OF AND PROVIDE A COPY OF THE
23 RECEIPT TO THE RESPONDENT. WITHIN SEVENTY-TWO HOURS AFTER
24 SERVICE OF THE ORDER, THE OFFICER SERVING THE ORDER SHALL FILE THE
25 ORIGINAL RECEIPT WITH THE COURT AND SHALL ENSURE THAT HIS OR HER
26 LAW ENFORCEMENT AGENCY RETAINS A COPY OF THE RECEIPT, OR, IF THE
27 OFFICER DID NOT TAKE CUSTODY OF ANY FIREARMS, SHALL FILE A

1 STATEMENT TO THAT EFFECT WITH THE COURT.

2 (4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
3 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT
4 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO
5 COMPLY WITH THE SURRENDER OF FIREARMS OR A CONCEALED CARRY
6 PERMIT AS REQUIRED BY AN ORDER ISSUED PURSUANT TO THIS ARTICLE
7 14.5, THE COURT SHALL DETERMINE WHETHER PROBABLE CAUSE EXISTS TO
8 BELIEVE THAT THE RESPONDENT HAS FAILED TO SURRENDER ALL FIREARMS
9 OR A CONCEALED CARRY PERMIT IN HIS OR HER CUSTODY, CONTROL, OR
10 POSSESSION. IF PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A
11 SEARCH WARRANT THAT STATES WITH PARTICULARITY THE PLACES TO BE
12 SEARCHED AND THE ITEMS TO BE TAKEN INTO CUSTODY.

13 (5) IF A PERSON OTHER THAN THE RESPONDENT CLAIMS TITLE TO
14 ANY FIREARMS SURRENDERED OR TAKEN CUSTODY OF PURSUANT TO
15 SECTION 16-3-301.5 PURSUANT TO THIS SECTION AND HE OR SHE IS
16 DETERMINED BY THE LAW ENFORCEMENT AGENCY TO BE THE LAWFUL
17 OWNER OF THE FIREARM, THE FIREARM SHALL BE RETURNED TO HIM OR
18 HER IF:

19 (a) THE FIREARM IS REMOVED FROM THE RESPONDENT'S CUSTODY,
20 CONTROL, OR POSSESSION, AND THE LAWFUL OWNER AGREES TO STORE
21 THE FIREARM SO THAT THE RESPONDENT DOES NOT HAVE ACCESS TO OR
22 CONTROL OF THE FIREARM; AND

23 (b) THE FIREARM IS NOT OTHERWISE UNLAWFULLY POSSESSED BY
24 THE LAWFUL OWNER.

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

1 (I) FILE WITH THE COURT THAT ISSUED THE ORDER ONE OR MORE
2 PROOFS OF RELINQUISHMENT OR REMOVAL SHOWING THAT ALL FIREARMS
3 PREVIOUSLY IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION,
4 AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT, WERE
5 RELINQUISHED TO OR REMOVED BY A LAW ENFORCEMENT AGENCY, AND
6 ATTEST TO THE COURT THAT THE RESPONDENT DOES NOT CURRENTLY
7 HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR
8 POSSESSION, AND DOES NOT CURRENTLY HAVE A CONCEALED CARRY
9 PERMIT; OR

10 (II) ATTEST TO THE COURT THAT:

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

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

17 (b) IF TWO FULL COURT DAYS HAVE ELAPSED SINCE THE ISSUANCE
18 OF AN EXTREME RISK PROTECTION ORDER AND THE RESPONDENT HAS
19 MADE NEITHER THE FILING AND ATTESTATION PURSUANT TO SUBSECTION
20 (6)(a)(I) OF THIS SECTION NOR THE ATTESTATIONS PURSUANT TO
21 SUBSECTION (6)(a)(II) OF THIS SECTION, THE CLERK OF THE COURT FOR
22 THE COURT THAT ISSUED THE ORDER SHALL INFORM THE LOCAL LAW
23 ENFORCEMENT AGENCY IN THE COUNTY IN WHICH THE COURT IS LOCATED
24 THAT THE RESPONDENT HAS NOT FILED THE FILING AND ATTESTATION
25 PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION OR THE
26 ATTESTATIONS PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION.

27 (c) A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A

1 NOTIFICATION PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION SHALL
2 MAKE A GOOD FAITH EFFORT TO DETERMINE WHETHER THERE IS EVIDENCE
3 THAT THE RESPONDENT HAS FAILED TO RELINQUISH ANY FIREARM IN THE
4 RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION OR A CONCEALED
5 CARRY PERMIT ISSUED TO THE RESPONDENT.

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

15 **13-14.5-109. Firearms - return - disposal.** (1) IF AN EXTREME
16 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION
17 ORDER IS TERMINATED OR EXPIRES WITHOUT RENEWAL, A LAW
18 ENFORCEMENT AGENCY HOLDING ANY FIREARM THAT HAS BEEN
19 SURRENDERED PURSUANT TO SECTION 13-14.5-108 OR TAKEN CUSTODY OF
20 PURSUANT TO SECTION 16-3-301.5, OR A FEDERALLY LICENSED FIREARMS
21 DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, WITH CUSTODY
22 OF A FIREARM, OR A RELATIVE WITH CUSTODY OF AN ANTIQUE FIREARM OR
23 CURIO OR RELIC PURSUANT TO SECTION 13-14.5-108 (1)(a)(III), MUST
24 RETURN THE FIREARM REQUESTED BY A RESPONDENT WITHIN THREE DAYS
25 ONLY AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK
26 PERFORMED PURSUANT TO SECTION 24-33.5-424, THAT THE RESPONDENT
27 IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A FIREARM UNDER FEDERAL

1 AND STATE LAW AND AFTER CONFIRMING WITH THE COURT THAT THE
2 EXTREME RISK PROTECTION ORDER HAS TERMINATED OR HAS EXPIRED
3 WITHOUT RENEWAL.

4 (2) ANY FIREARM SURRENDERED BY A RESPONDENT PURSUANT TO
5 SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION
6 16-3-301.5 THAT REMAINS UNCLAIMED BY THE LAWFUL OWNER FOR AT
7 LEAST ONE YEAR FROM THE DATE THE TEMPORARY EXTREME RISK
8 PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER EXPIRED,
9 WHICHEVER IS LATER, SHALL BE DISPOSED OF IN ACCORDANCE WITH THE
10 LAW ENFORCEMENT AGENCY'S POLICIES AND PROCEDURES FOR THE
11 DISPOSAL OF FIREARMS IN POLICE CUSTODY.

12 **13-14.5-110. Reporting of extreme risk protection orders.**

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

17 (2) THE COURT CLERK SHALL FORWARD A COPY OF AN EXTREME
18 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION
19 ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 THE SAME DAY THE ORDER
20 IS ISSUED TO THE COLORADO BUREAU OF INVESTIGATION AND THE LAW
21 ENFORCEMENT AGENCY SPECIFIED IN THE ORDER. UPON RECEIPT OF THE
22 COPY OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION SHALL
23 ENTER THE ORDER INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND
24 CHECK SYSTEM, ANY OTHER FEDERAL OR STATE COMPUTER-BASED
25 SYSTEMS USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY
26 PROHIBITED PURCHASERS OF FIREARMS, AND ANY COMPUTER-BASED
27 CRIMINAL INTELLIGENCE INFORMATION SYSTEM AVAILABLE IN THIS STATE

1 **USED BY LAW ENFORCEMENT AGENCIES.** THE ORDER MUST REMAIN IN
2 EACH SYSTEM FOR THE PERIOD STATED IN THE ORDER, AND THE LAW
3 ENFORCEMENT AGENCY SHALL ONLY EXPUNGE ORDERS FROM THE
4 SYSTEMS THAT HAVE EXPIRED OR **TERMINATED AND SHALL PROMPTLY**
5 **REMOVE THE EXPIRED OR TERMINATED ORDERS.** ENTRY INTO THE
6 COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM IS
7 NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE EXISTENCE OF THE
8 ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY COUNTY IN THE STATE.

9 (3) THE ISSUING COURT SHALL, WITHIN THREE COURT DAYS AFTER
10 ISSUANCE OF AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY
11 EXTREME RISK PROTECTION ORDER, FORWARD ALL IDENTIFYING
12 INFORMATION THE COURT HAS REGARDING THE RESPONDENT, ALONG WITH
13 THE DATE THE ORDER IS ISSUED, TO THE COUNTY SHERIFF IN THE
14 JURISDICTION WHERE THE RESPONDENT RESIDES. UPON RECEIPT OF THE
15 INFORMATION, THE COUNTY SHERIFF SHALL DETERMINE IF THE
16 RESPONDENT HAS A CONCEALED CARRY PERMIT. IF THE RESPONDENT DOES
17 HAVE A CONCEALED CARRY PERMIT, THE ISSUING COUNTY SHERIFF SHALL
18 IMMEDIATELY REVOKE THE PERMIT. THE RESPONDENT MAY REAPPLY FOR
19 A CONCEALED CARRY PERMIT AFTER THE TEMPORARY EXTREME RISK
20 PROTECTION ORDER AND EXTREME RISK PROTECTION ORDER, IF ORDERED,
21 ARE NO LONGER IN EFFECT.

22 (4) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED
23 BEFORE ITS EXPIRATION DATE, THE COURT CLERK SHALL FORWARD, ON THE
24 SAME DAY AS THE TERMINATION ORDER, A COPY OF THE TERMINATION
25 ORDER TO THE COLORADO BUREAU OF INVESTIGATION AND THE
26 APPROPRIATE LAW ENFORCEMENT AGENCY SPECIFIED IN THE TERMINATION
27 ORDER. UPON RECEIPT OF THE ORDER, THE COLORADO BUREAU OF

1 INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SHALL PROMPTLY
2 REMOVE THE ORDER FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT
3 WAS ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

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

10 (6) AN EXTREME RISK PROTECTION ORDER DOES NOT CONSTITUTE
11 A FINDING THAT A RESPONDENT IS A PROHIBITED PERSON PURSUANT TO 18
12 U.S.C. SEC. 922 (d)(4) OR (g)(4). THIS SUBSECTION (6) DOES NOT ALTER
13 A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK
14 PROTECTION ORDER, AND A RESPONDENT SUBJECT TO A TEMPORARY
15 EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION
16 ORDER IS PROHIBITED FROM POSSESSING A FIREARM UNDER STATE LAW.
17 THIS SUBSECTION (6) DOES NOT CHANGE THE DUTY TO ENTER A
18 TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK
19 PROTECTION ORDER INTO THE APPROPRIATE DATABASES PURSUANT TO
20 SECTION 13-14.5-110.

21 **13-14.5-111. Penalties.** ANY PERSON WHO HAS IN HIS OR HER
22 CUSTODY OR CONTROL A FIREARM OR PURCHASES, POSSESSES, OR
23 RECEIVES A FIREARM WITH KNOWLEDGE THAT HE OR SHE IS PROHIBITED
24 FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER OR TEMPORARY
25 EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE
26 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

27 **13-14.5-112. Other authority retained.** THIS ARTICLE 14.5 DOES

1 NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A
2 FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A
3 SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL
4 AUTHORITY.

5 **13-14.5-113. Liability.** (1) EXCEPT AS PROVIDED IN SECTION
6 13-14.5-111, THIS ARTICLE 14.5 DOES NOT IMPOSE CRIMINAL OR CIVIL
7 LIABILITY ON ANY PERSON OR ENTITY FOR ACTS OR OMISSIONS MADE IN
8 GOOD FAITH RELATED TO OBTAINING AN EXTREME RISK PROTECTION
9 ORDER OR A TEMPORARY EXTREME RISK PROTECTION ORDER, INCLUDING
10 BUT NOT LIMITED TO REPORTING, DECLINING TO REPORT, INVESTIGATING,
11 DECLINING TO INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION
12 PURSUANT TO THIS ARTICLE 14.5.

13 (2) A PERSON WHO FILES A MALICIOUS OR FALSE PETITION FOR
14 TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK
15 PROTECTION ORDER MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR
16 THOSE ACTS.

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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 **SECTION 2.** In Colorado Revised Statutes, 13-3-101, **add** (10)
23 as follows:

24 **13-3-101. State court administrator.** (10) THE STATE COURT
25 ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL PRESENT AT THE
26 JUDICIAL DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203
27 STATISTICS RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE

1 14.5 OF THIS TITLE 13. THE STATISTICS MUST INCLUDE THE NUMBER OF
2 PETITIONS FILED FOR TEMPORARY EXTREME RISK PROTECTION ORDERS,
3 THE NUMBER OF PETITIONS FILED FOR EXTREME RISK PROTECTION ORDERS,
4 THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS ISSUED
5 AND DENIED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS ISSUED
6 AND DENIED, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION
7 ORDERS TERMINATED, THE NUMBER OF EXTREME RISK PROTECTION
8 ORDERS TERMINATED, AND THE NUMBER OF EXTREME RISK PROTECTION
9 ORDERS RENEWED. THE STATE COURT ADMINISTRATOR OR HIS OR HER
10 DESIGNEE SHALL ALSO REPORT STATE COURT DATA RELATED TO ALL
11 PERSONS WHO ARE SUBJECT TO ANY TEMPORARY EMERGENCY RISK
12 PROTECTION ORDER OR EMERGENCY RISK PROTECTION ORDER AND WHO,
13 WITHIN THIRTY DAYS AFTER THE ISSUANCE OR EXECUTION THE
14 PROTECTION ORDER, ARE CHARGED WITH A CRIMINAL OFFENSE. THE
15 REPORT MUST INCLUDE THE NATURE OF THE CRIMINAL OFFENSE,
16 INCLUDING BUT NOT LIMITED TO ANY OFFENSE FOR VIOLATION OF THE
17 EMERGENCY RISK PROTECTION ORDER AND THE DISPOSITION OR STATUS OF
18 THAT CRIMINAL OFFENSE.

19 **SECTION 3.** In Colorado Revised Statutes, **add** 16-3-301.5 as
20 follows:

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

1 16-3-303 AND ALSO PROVIDES FACTS SUFFICIENT TO ESTABLISH BY
2 PROBABLE CAUSE:

3 (a) THAT THE NAMED PERSON IS A NAMED RESPONDENT IN AN
4 EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK
5 PROTECTION ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13; AND

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

8 (c) THE LOCATION OF SUCH FIREARMS; AND

9 (d) ANY OTHER INFORMATION RELIED UPON BY THE APPLICANT
10 AND WHY THE APPLICANT CONSIDERS SUCH INFORMATION CREDIBLE AND
11 RELIABLE.

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

15 **SECTION 4.** In Colorado Revised Statutes, 18-12-203, **amend**
16 (1)(g)(II) and (1)(g)(III); and **add** (1)(g)(IV) as follows:

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

20 (g) Is not subject to:

21 (II) A permanent protection order issued pursuant to article 14 of
22 title 13; ~~C.R.S.~~; or

23 (III) A temporary protection order issued pursuant to article 14 of
24 title 13 ~~C.R.S.~~; that is in effect at the time the application is submitted; OR

25 (IV) A TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED
26 PURSUANT TO SECTION 13-14.5-103 (3) OR AN EXTREME RISK PROTECTION
27 ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 (2);

1 **SECTION 5. Appropriation.** For the 2019-20 state fiscal year,
2 \$119,392 is appropriated to the judicial department. This appropriation
3 is from the general fund. To implement this act, the department may use
4 this appropriation for court costs, jury costs, and court-appointed counsel.

5 **SECTION 6. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, and safety.