

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

PREAMENDED

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

LLS NO. 21-0021.01 Shelby Ross x4510

HOUSE BILL 21-1255

HOUSE SPONSORSHIP

Duran and Gray,

SENATE SPONSORSHIP

Jaquez Lewis and Pettersen,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROCEDURES FOR A DOMESTIC ABUSER UPON THE**
102 **ISSUANCE OF A PROTECTION ORDER.**

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 modifies the required procedures relating to a respondent's firearms or ammunition following the issuance of a protection order.

The bill requires a person to complete an affidavit, which must be filed in the court record within 7 business days after a protection order is issued against them, stating the number of firearms, the type of each firearm, and the location of all firearms in the person's immediate

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.

possession or control. If the person does not possess a firearm at the time the order is issued, the person shall indicate such nonpossession in the affidavit.

The bill requires the court to conduct a compliance hearing within 7 business days after the issuance of a protection order if the person has not completed the affidavit. For criminal cases, the court may consider the issue in other proceedings before the court and the hearing is considered a court action involving a bond reduction or modification. Information compelled or any information directly or indirectly derived from testimony, the affidavit, or other information shall not be used against the defendant in any criminal case, except for prosecution of perjury.

The bill excludes legal holidays and weekends from the current time frame a person has to relinquish a firearm. The bill allows a court to grant a person an additional 24 hours to relinquish a firearm if the person is unable to comply with the required time frame of relinquishment.

The bill requires a federally licensed firearms dealer, law enforcement agency, or private party to issue a signed declaration memorializing the sale or transfer of the firearm.

The bill allows a law enforcement agency to enter into an agreement with any other law enforcement agency or storage facility for the storage of transferred firearms. The bill requires a law enforcement agency that elects to store a firearm to obtain a search warrant to examine or test the firearm or facilitate any criminal investigation if the law enforcement agency has probable cause to believe the firearm has been used in the commission of a crime, is stolen, or is contraband.

The bill prohibits the person from transferring the firearm to a private party living in the same residence as the person at the time of transfer. The bill prohibits a private party from returning a firearm to the person until the private party receives a written statement of the results of the background check conducted by the Colorado bureau of investigation authorizing the return of the firearm to the person.

Current law requires a copy of the written receipt and the written statement of the criminal background check to be filed with the court as proof of relinquishment. The bill requires the signed declaration to be filed with the court instead of the receipt. Both the signed declaration and written statement are only available for inspection by the court and the parties to the proceeding.

A federally licensed firearms dealer, law enforcement agency, storage facility, or private party that elects to store a firearm is not civilly liable for any resulting damages to the firearm, as long as such damage did not result from the willful and wrongful act or gross negligence of the person or agency storing the firearm.

1 **SECTION 1.** In Colorado Revised Statutes, **amend with**
2 **relocated provisions** 13-14-105.5 as follows:

3 **13-14-105.5. Civil protection orders - prohibition on**
4 **possessing or purchasing a firearm. (1) Order requirements.** If the
5 court subjects a ~~person~~ RESPONDENT to a civil protection order ~~pursuant~~
6 ~~to a provision of this article~~ and THE COURT DETERMINES ON THE RECORD
7 AFTER REVIEWING THE PETITION FOR THE PROTECTION ORDER THAT the
8 protection order qualifies as an order described in 18 U.S.C. sec. 922
9 (d)(8), ~~or~~ (g)(8), OR (g)(9) OR INCLUDES AN ACT OF DOMESTIC VIOLENCE,
10 AS DEFINED IN SECTION 18-6-800.3 (1), AND THE ACT OF DOMESTIC
11 VIOLENCE INVOLVED THE THREAT OF USE, USE OF, OR ATTEMPTED USE OF
12 ~~PHYSICAL FORCE~~, the court, as part of such order:

13 (a) Shall order the ~~person~~ RESPONDENT to:

14 (I) Refrain from possessing or purchasing any firearm or
15 ammunition for the duration of the order; and

16 (II) Relinquish, for the duration of the order, any firearm or
17 ammunition in the respondent's immediate possession or control or
18 subject to the respondent's immediate possession or control; and

19 (b) May require that before the ~~person~~ RESPONDENT is released
20 from custody on bond, the ~~person shall~~ RESPONDENT relinquish, for the
21 duration of the order, any firearm or ammunition in the ~~person's~~
22 RESPONDENT'S immediate possession or control or subject to the ~~person's~~
23 RESPONDENT'S immediate possession or control; AND

24 (c) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO
25 SUBSECTION (5)(a) OF THIS SECTION AND NOTIFY THE RESPONDENT OF THE
26 HEARING DATE AND THAT THE RESPONDENT SHALL APPEAR AT THE
27 HEARING IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO

1 SUBSECTION (5)(a) OF THIS SECTION.

2 (2) **Time period to relinquish.** (a) Except as described in
3 ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION,
4 upon issuance of an order pursuant to subsection (1) of this section, the
5 respondent shall relinquish, IN ACCORDANCE WITH SUBSECTION (4) OF THIS
6 SECTION, any firearm or ammunition:

7 (I) Not more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS
8 AND WEEKENDS, after being served with the order in open court; or

9 (II) Not more than forty-eight hours, EXCLUDING LEGAL HOLIDAYS
10 AND WEEKENDS, after being served with the order outside of the court.

11 (b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, a
12 court may allow a respondent up to ~~seventy-two~~ AN ADDITIONAL
13 TWENTY-FOUR hours to relinquish a firearm ~~or up to five days to~~
14 ~~relinquish ammunition pursuant to paragraph (a) of this subsection (2)~~ if
15 the respondent demonstrates to the satisfaction of the court that ~~he or she~~
16 THE RESPONDENT is unable to comply within the time frame set forth in
17 ~~said subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION.

18 (3) **Additional time to comply if respondent in custody.** If a
19 respondent is unable to satisfy the provisions of ~~subsection (2)~~ of this
20 section because ~~he or she~~ THE RESPONDENT is incarcerated or otherwise
21 held in the custody of a law enforcement agency, the court shall require
22 the respondent to satisfy ~~such~~ THE PROVISIONS OF THIS SECTION not more
23 than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS,
24 after ~~his or her~~ THE RESPONDENT'S release from incarceration or custody,
25 or be held in contempt of court. Notwithstanding any provision of this
26 subsection (3), the court may, in its discretion, require the respondent to
27 relinquish any firearm or ammunition in the respondent's immediate

1 possession or control or subject to the respondent's immediate possession
2 or control before the end of the respondent's incarceration. In such a case,
3 a respondent's failure to relinquish a firearm or ammunition as required
4 ~~shall constitute~~ CONSTITUTES contempt of court.

5 (4) [Formerly 13-14-105.5 (2)(c)] **Relinquishment options.** To
6 satisfy the requirement in ~~paragraph (a) of this~~ subsection (2) OF THIS
7 SECTION, the respondent ~~may~~ SHALL EITHER:

8 (H) (a) Sell or transfer possession of the firearm or ammunition to
9 a federally licensed firearms dealer described in 18 U.S.C. sec. 923, as
10 amended; except that this provision ~~shall~~ MUST not be interpreted to
11 require any federally licensed firearms dealer to purchase or accept
12 possession of any firearm or ammunition; OR

13 (H) (b) Arrange for the storage of the firearm or ammunition by
14 a law enforcement agency OR BY A STORAGE FACILITY WITH WHICH THE
15 SHERIFF HAS CONTRACTED FOR THE STORAGE OF TRANSFERRED FIREARMS
16 OR AMMUNITION, PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION;
17 except that this provision ~~shall~~ MUST not be interpreted to require any law
18 enforcement agency to provide storage of firearms or ammunition for any
19 person; or

20 (H) (c) Sell or otherwise transfer the firearm or ammunition to a
21 private party who may legally possess the firearm or ammunition; except
22 that a ~~person~~ RESPONDENT who sells or transfers a firearm pursuant to this
23 ~~subparagraph (H)~~ SUBSECTION (4)(c) shall satisfy all of the provisions of
24 section 18-12-112 ~~C.R.S.~~, concerning private firearms transfers, including
25 but not limited to the performance of a criminal background check of the
26 transferee.

27 (5) **Compliance hearing and affidavit.** (a) THE COURT SHALL

1 CONDUCT A COMPLIANCE HEARING NOT LESS THAN EIGHT BUT NOT MORE
2 THAN TWELVE BUSINESS DAYS AFTER THE ORDER IS ISSUED TO ENSURE THE
3 RESPONDENT HAS COMPLIED WITH SUBSECTION (5)(b) OF THIS SECTION.
4 THE COURT MAY VACATE THE HEARING IF THE COURT DETERMINES THE
5 RESPONDENT HAS COMPLETED THE AFFIDAVIT DESCRIBED IN SUBSECTION
6 (5)(b) OF THIS SECTION. FAILURE TO APPEAR AT A HEARING DESCRIBED IN
7 THIS SUBSECTION (5)(a) CONSTITUTES CONTEMPT OF COURT.

8 (b) THE RESPONDENT SHALL COMPLETE AN AFFIDAVIT, WHICH
9 MUST BE FILED IN THE COURT RECORD WITHIN SEVEN BUSINESS DAYS
10 AFTER THE ORDER IS ISSUED, STATING THE NUMBER OF FIREARMS IN THE
11 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
12 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL, THE MAKE AND
13 MODEL OF EACH FIREARM, ANY REASON THE RESPONDENT IS STILL IN
14 IMMEDIATE POSSESSION OR CONTROL OF SUCH FIREARM, AND THE
15 LOCATION OF EACH FIREARM. IF THE RESPONDENT DOES NOT POSSESS A
16 FIREARM AT THE TIME THE ORDER IS ISSUED PURSUANT TO SUBSECTION (1)
17 OF THIS SECTION, THE RESPONDENT SHALL INDICATE SUCH NONPOSSESSION
18 IN THE AFFIDAVIT.

19 (c) IF THE RESPONDENT POSSESSED A FIREARM AT THE TIME OF THE
20 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE
21 FIREARM PURSUANT TO THIS SECTION BUT TRANSFERRED OR SOLD THE
22 FIREARM TO A PRIVATE PARTY PRIOR TO THE COURT'S ISSUANCE OF THE
23 ORDER, THE RESPONDENT SHALL DISCLOSE THE SALE OR TRANSFER OF THE
24 FIREARM TO THE PRIVATE PARTY IN THE AFFIDAVIT DESCRIBED IN
25 SUBSECTION (5)(b) OF THIS SECTION. THE RESPONDENT, WITHIN SEVEN
26 BUSINESS DAYS AFTER THE ORDER IS ISSUED, SHALL ACQUIRE A WRITTEN
27 RECEIPT AND SIGNED DECLARATION THAT COMPLIES WITH SUBSECTION

1 (8)(a)(I) OF THIS SECTION, AND THE RESPONDENT SHALL FILE THE SIGNED
2 DECLARATION AT THE SAME TIME THE RESPONDENT FILES THE AFFIDAVIT
3 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

4 (d) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE
5 AFFIDAVIT DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION AND ALL
6 OTHER FORMS NECESSARY TO IMPLEMENT THIS SECTION NO LATER THAN
7 JANUARY 1, 2022. STATE COURTS MAY USE THE FORMS DEVELOPED BY THE
8 STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION (5)(d) OR
9 ANOTHER FORM OF THE COURT'S CHOOSING, SO LONG AS THE FORMS
10 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (5).

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

21 ~~(4)~~ (6) **Relinquishment to a federally licensed firearms dealer.**
22 A federally licensed firearms dealer who takes possession of a firearm or
23 ammunition pursuant to this section shall issue a WRITTEN receipt AND
24 SIGNED DECLARATION to the respondent at the time of relinquishment.
25 THE DECLARATION MUST MEMORIALIZE THE SALE OR TRANSFER OF THE
26 FIREARM. The federally licensed firearms dealer shall not return the
27 firearm or ammunition to the respondent unless the dealer:

1 (a) Contacts the ~~bureau~~ COLORADO BUREAU OF INVESTIGATION,
2 REFERRED TO IN THIS SECTION AS "THE BUREAU", to request that a
3 CRIMINAL background check of the respondent be performed; and

4 (b) Obtains approval of the transfer from the bureau after the
5 performance of the CRIMINAL background check.

6 ~~(5)~~ (7) **Storage by a law enforcement agency or storage**
7 **facility.** (a) A local law enforcement agency may elect to store firearms
8 or ammunition for ~~persons~~ A RESPONDENT pursuant to this section. THE
9 LAW ENFORCEMENT AGENCY MAY ENTER INTO AN AGREEMENT WITH ANY
10 OTHER LAW ENFORCEMENT AGENCY OR STORAGE FACILITY FOR THE
11 STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION. If ~~an~~ A LAW
12 ENFORCEMENT agency ~~so~~ elects TO STORE FIREARMS OR AMMUNITION FOR
13 A RESPONDENT:

14 ~~(a)~~ (I) The LAW ENFORCEMENT agency may charge a fee for ~~such~~
15 THE storage, the amount of which ~~shall~~ MUST not exceed the direct and
16 indirect costs incurred by the LAW ENFORCEMENT agency in providing
17 ~~such~~ THE storage;

18 ~~(b)~~ (II) The LAW ENFORCEMENT agency ~~may~~ SHALL establish
19 policies for disposal of abandoned or stolen firearms or ammunition; and

20 ~~(c)~~ (III) The LAW ENFORCEMENT agency shall issue a WRITTEN
21 receipt AND SIGNED DECLARATION to ~~each~~ THE respondent at the time ~~the~~
22 ~~respondent relinquishes possession of a firearm or ammunition~~ OF
23 RELINQUISHMENT. THE DECLARATION MUST MEMORIALIZE THE TRANSFER
24 OF THE FIREARM.

25 ~~(6)~~ (b) If a local law enforcement agency elects to store firearms
26 or ammunition for a ~~person~~ RESPONDENT pursuant to this ~~section~~
27 SUBSECTION (7), the law enforcement agency shall not return the firearm

1 or ammunition to the respondent unless the LAW ENFORCEMENT agency:

2 (a) (I) Contacts the bureau to request that a CRIMINAL background
3 check of the respondent be performed; and

4 (b) (II) Obtains approval of the transfer from the bureau after the
5 performance of the CRIMINAL background check.

6 (7)(a) (c) (I) A law enforcement agency that elects to store a
7 firearm or ammunition for a person RESPONDENT pursuant to this section
8 may elect to cease storing the firearm or ammunition. A law enforcement
9 agency that elects to cease storing a firearm or ammunition for a person
10 RESPONDENT shall notify the person RESPONDENT of such THE decision
11 and request that the person RESPONDENT immediately make arrangements
12 for the transfer of the possession of the firearm or ammunition to the
13 person RESPONDENT or, if the person RESPONDENT is prohibited from
14 possessing a firearm, to another person who is legally permitted to
15 possess a firearm.

16 (b) (II) If a law enforcement agency elects to cease storing a
17 firearm or ammunition for a person RESPONDENT and notifies the person
18 RESPONDENT as described in paragraph (a) of this subsection (7)
19 SUBSECTION (7)(c)(I) OF THIS SECTION, the law enforcement agency may
20 dispose of the firearm or ammunition if the person RESPONDENT fails to
21 make arrangements for the transfer of the firearm or ammunition and
22 complete said THE transfer within ninety days of AFTER receiving such
23 THE notification.

24 (d) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
25 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO
26 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A
27 CRIMINAL INVESTIGATION IF A LAW ENFORCEMENT AGENCY HAS PROBABLE

1 CAUSE TO BELIEVE THE FIREARM OR AMMUNITION HAS BEEN USED IN THE
2 COMMISSION OF A CRIME, IS STOLEN, OR IS CONTRABAND. THIS
3 SUBSECTION (7)(d) DOES NOT PRECLUDE A LAW ENFORCEMENT AGENCY
4 FROM CONDUCTING A ROUTINE INSPECTION OF THE FIREARM OR
5 AMMUNITION PRIOR TO ACCEPTING THE FIREARM FOR STORAGE.

6 (8) **Relinquishment to a private party.** (a) If a respondent sells
7 or otherwise transfers a firearm or ammunition to a private party who may
8 legally possess the firearm or ammunition, as described in ~~subparagraph~~
9 ~~(H) of paragraph (c) of subsection (2)~~ SUBSECTION (4)(c) of this section,
10 the respondent shall acquire:

11 (a) (I) From the ~~transferee~~ FEDERALLY LICENSED FIREARMS
12 DEALER, a written receipt ~~acknowledging~~ AND SIGNED DECLARATION
13 MEMORIALIZING the transfer, which receipt ~~shall~~ MUST be dated and
14 signed by the respondent, ~~and~~ the transferee, AND THE FEDERALLY
15 LICENSED FIREARMS DEALER; and

16 ~~(b)~~ (II) From the FEDERALLY licensed ~~gun~~ FIREARMS dealer who
17 requests from the bureau a CRIMINAL background check of the transferee,
18 as described in section 18-12-112, ~~C.R.S.~~, a written statement of the
19 results of the CRIMINAL background check.

20 (b) THE RESPONDENT SHALL NOT TRANSFER THE FIREARM TO A
21 PRIVATE PARTY LIVING IN THE SAME RESIDENCE AS THE DEFENDANT AT
22 THE TIME OF THE TRANSFER.

23 (c) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY
24 ELECTS TO STORE A FIREARM FOR A RESPONDENT PURSUANT TO THIS
25 SECTION, THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO THE
26 RESPONDENT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE FEDERALLY
27 LICENSED FIREARMS DEALER WHO REQUESTS FROM THE BUREAU A

1 BACKGROUND CHECK OF THE RESPONDENT, A WRITTEN STATEMENT OF THE
2 RESULTS OF THE BACKGROUND CHECK AUTHORIZING THE RETURN OF THE
3 FIREARM TO THE RESPONDENT.

4 (9) **Requirement to file signed declaration.** (a) ~~Not more than~~
5 ~~three business days after the relinquishment,~~ The respondent shall file a
6 copy of the ~~receipt~~ SIGNED DECLARATION issued pursuant to ~~subsection~~
7 ~~(4), (5), or (8)~~ SUBSECTION (6), (7)(a)(III), OR (8)(a)(I) of this section,
8 and, if applicable, the written statement of the results of a CRIMINAL
9 background check performed on the respondent, as described in
10 ~~paragraph (b) of subsection (8)~~ SUBSECTION (8)(a)(II) of this section, with
11 the court as proof of the ~~relinquishment~~ AT THE SAME TIME THE
12 ~~RESPONDENT FILES THE SIGNED AFFIDAVIT PURSUANT TO SUBSECTION~~
13 ~~(5)(b) OF THIS SECTION.~~ THE SIGNED DECLARATION AND WRITTEN
14 STATEMENT FILED PURSUANT TO THIS SUBSECTION (9) ARE ONLY
15 AVAILABLE FOR INSPECTION BY THE COURT AND THE PARTIES TO THE
16 PROCEEDING. If a respondent fails to timely TRANSFER OR SELL A FIREARM
17 OR file ~~a receipt~~ THE SIGNED DECLARATION or written statement as
18 described in this subsection (9):

19 (I) The failure constitutes a violation of the protection order
20 pursuant to section 18-6-803.5 (1)(c); ~~C.R.S.~~; and

21 (II) The court shall issue a warrant for the respondent's arrest.

22 (b) In any subsequent prosecution for a violation of a protection
23 order described in this subsection (9), the court shall take judicial notice
24 of the ~~defendant's~~ RESPONDENT'S failure to TRANSFER OR SELL A FIREARM,
25 OR file ~~a receipt~~ THE SIGNED DECLARATION or written statement, which
26 ~~will constitute~~ CONSTITUTES prima facie evidence of a violation of the
27 protection order pursuant to section 18-6-803.5 (1)(c), ~~C.R.S.~~, and

1 testimony of the clerk of the court or ~~his or her~~ THE CLERK OF THE
2 COURT'S deputy is not required.

3 (10) Nothing in this section ~~shall be construed to limit~~ LIMITS a
4 respondent's right to petition the court for dismissal of a protection order.

5 (11) A ~~person~~ RESPONDENT subject to a civil protection order
6 issued pursuant to section 13-14-104.5 (1)(a) who possesses or attempts
7 to purchase or receive a firearm or ammunition while the protection order
8 is in effect violates the order pursuant to section 18-6-803.5 (1)(c). ~~C.R.S.~~

9 (12) (a) A law enforcement agency that elects in good faith to not
10 store a firearm or ammunition for a ~~person~~ RESPONDENT pursuant to
11 ~~subparagraph (H) of paragraph (c) of subsection (2)~~ SUBSECTION (7)(a) of
12 this section ~~shall~~ IS not ~~be held~~ criminally or civilly liable for such
13 ~~election not to act~~ INACTION.

14 (b) A law enforcement agency that returns possession of a firearm
15 or ammunition to a ~~person~~ RESPONDENT in good faith as permitted by
16 ~~subsection (6)~~ SUBSECTION (7) of this section ~~shall~~ IS not ~~be held~~
17 criminally or civilly liable for such action.

18 (13) **Immunity.** A FEDERALLY LICENSED FIREARMS DEALER, LAW
19 ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE PARTY THAT
20 ELECTS TO STORE A FIREARM PURSUANT TO THIS SECTION IS NOT CIVILLY
21 LIABLE FOR ANY RESULTING DAMAGES TO THE FIREARM, AS LONG AS SUCH
22 DAMAGE DID NOT RESULT FROM THE WILLFUL AND WRONGFUL ACT OR
23 GROSS NEGLIGENCE OF THE FEDERALLY LICENSED FIREARMS DEALER, LAW
24 ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE PARTY.

25 **SECTION 2.** In Colorado Revised Statutes, 18-1-1001, **amend**
26 **with relocated provisions** (9) as follows:

27 **18-1-1001. Protection order against defendant - definitions.**

1 (9) (a) **Order requirements.** When the court subjects a defendant to a
2 mandatory protection order that THE COURT, USING THE PROBABLE CAUSE
3 STANDARD OF REVIEW, DETERMINES ON THE RECORD AFTER REVIEWING
4 THE PROBABLE CAUSE STATEMENT OR ARREST WARRANT THAT THE ORDER
5 qualifies as an order described in 18 U.S.C. sec. 922 (g)(8) OR (g)(9) OR
6 INCLUDES A CRIME THAT INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS
7 DEFINED IN SECTION 18-6-800.3 (1), AND THE ACT OF DOMESTIC VIOLENCE
8 INVOLVED THE THREAT OF USE, USE OF, OR ATTEMPTED USE OF PHYSICAL
9 FORCE, the court, as part of such order:

10 (I) Shall order the defendant to:

11 (A) Refrain from possessing or purchasing any firearm or
12 ammunition for the duration of the order; and

13 (B) Relinquish, for the duration of the order, any firearm or
14 ammunition in the defendant's immediate possession or control or subject
15 to the defendant's immediate possession or control; and

16 (II) May require that before the defendant is released from custody
17 on bond, the defendant shall relinquish, for the duration of the order, any
18 firearm or ammunition in the defendant's immediate possession or control
19 or subject to the defendant's immediate possession or control; AND

20 (III) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO
21 SUBSECTION (9)(e) OF THIS SECTION AND NOTIFY THE DEFENDANT OF THE
22 HEARING DATE AND THAT THE DEFENDANT SHALL APPEAR AT THE HEARING
23 IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO SUBSECTION
24 (9)(e)(I) OF THIS SECTION.

25 (b) **Time period to relinquish.** Upon issuance of an order
26 pursuant to ~~paragraph (a) of this subsection (9)~~ SUBSECTION (9)(a) OF THIS
27 SECTION, the defendant shall relinquish, IN ACCORDANCE WITH

1 SUBSECTION (9)(d) OF THIS SECTION, any firearm or ammunition not more
2 than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS,
3 after being served with the order; except that a court may allow a
4 defendant ~~up to seventy-two hours~~ ADDITIONAL TIME BASED ON A
5 SHOWING OF GOOD CAUSE to relinquish a firearm ~~or up to five days to~~
6 ~~relinquish ammunition pursuant to this paragraph (b)~~ if the defendant
7 demonstrates to the satisfaction of the court that ~~he or she~~ THE
8 DEFENDANT is unable to comply within ~~twenty-four hours~~. To satisfy this
9 requirement, ~~the defendant may~~: THE TIME FRAME SET FORTH IN THIS
10 SUBSECTION (9)(b).

11 (c) **Additional time to comply if defendant is in custody.** If a
12 defendant is unable to satisfy the provisions of ~~paragraph (b)~~ of this
13 subsection (9) because ~~he or she~~ THE DEFENDANT is incarcerated or
14 otherwise held in the custody of a law enforcement agency, the court shall
15 require the defendant to satisfy ~~such~~ THE provisions OF THIS SUBSECTION
16 (9) not more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND
17 WEEKENDS, after ~~his or her~~ THE DEFENDANT'S release from incarceration
18 or custody or be held in contempt of court. Notwithstanding any provision
19 of this ~~paragraph (c)~~ SUBSECTION (9)(c), the court may, in its discretion,
20 require the defendant to relinquish any firearm or ammunition in the
21 defendant's immediate possession or control or subject to the defendant's
22 immediate possession or control before the end of the defendant's
23 incarceration OR RELEASE FROM CUSTODY. In such a case, a defendant's
24 failure to relinquish a firearm or ammunition as required ~~shall constitute~~
25 CONSTITUTES contempt of court.

26 (d) **Relinquishment options.** TO SATISFY THE REQUIREMENT IN
27 SUBSECTION (9)(b) OF THIS SECTION, THE DEFENDANT SHALL EITHER:

1 (I) [Formerly 18-1-1001 (9)(b)(I)] Sell or transfer possession of
2 the firearm or ammunition to a federally licensed firearms dealer
3 described in 18 U.S.C. sec. 923, as amended; except that this provision
4 shall MUST not be interpreted to require any federally licensed firearms
5 dealer to purchase or accept possession of any firearm or ammunition; OR

6 (II) [Formerly 18-1-1001 (9)(b)(II)] Arrange for the storage of the
7 firearm or ammunition by a law enforcement agency OR BY A STORAGE
8 FACILITY WITH WHICH THE LAW ENFORCEMENT AGENCY HAS CONTRACTED
9 FOR THE STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION,
10 PURSUANT TO SUBSECTION (9)(g) OF THIS SECTION; except that this
11 provision shall MUST not be interpreted to require any law enforcement
12 agency to provide storage of firearms or ammunition for any person; or

13 (III) [Formerly 18-1-1001 (9)(b)(III)] Sell or otherwise transfer
14 the firearm or ammunition to a private party who may legally possess the
15 firearm or ammunition; except that a defendant who sells or transfers a
16 firearm pursuant to this ~~subparagraph (II)~~ SUBSECTION (9)(d)(III) shall
17 satisfy all of the provisions of section 18-12-112 concerning private
18 firearms transfers, including but not limited to the performance of a
19 criminal background check of the transferee.

20 (e) **Compliance hearing, conditions of release on bond, and**
21 **affidavit.** (I) THE COURT SHALL CONDUCT A COMPLIANCE HEARING TO
22 ENSURE THE DEFENDANT HAS COMPLIED WITH THIS SUBSECTION (9) BY
23 REQUIRING THE DEFENDANT TO COMPLY WITH SUBSECTION (9)(e)(II) OF
24 THIS SECTION. THE COURT MAY CONSIDER THE ISSUE IN OTHER
25 PROCEEDINGS BEFORE THE COURT IN THE CRIMINAL CASE. THE HEARING
26 IS CONSIDERED A COURT ACTION INVOLVING A BOND REDUCTION OR
27 MODIFICATION AS DESCRIBED IN SECTION 24-4.1-302 (2)(c). A DEFENDANT

1 SHALL COMPLY WITH SECTION 16-4-105 (4.1) AS IT RELATES TO THE
2 CONDITIONS OF RELEASE ON BOND. THE COURT MAY VACATE THE HEARING
3 IF THE COURT DETERMINES THAT THE DEFENDANT HAS COMPLETED THE
4 AFFIDAVIT DESCRIBED IN SUBSECTION (9)(e)(II) OF THIS SECTION. FAILURE
5 TO APPEAR AT A HEARING DESCRIBED IN THIS SUBSECTION (9)(e)(I)
6 CONSTITUTES CONTEMPT OF COURT.

7 (II) THE DEFENDANT SHALL COMPLETE AN AFFIDAVIT, WHICH MUST
8 BE FILED IN THE COURT RECORD WITHIN SEVEN BUSINESS DAYS AFTER THE
9 ORDER IS ISSUED, STATING THE NUMBER OF FIREARMS IN THE DEFENDANT'S
10 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S
11 IMMEDIATE POSSESSION OR CONTROL, THE MAKE AND MODEL OF EACH
12 FIREARM, ANY REASON THE DEFENDANT IS STILL IN IMMEDIATE
13 POSSESSION OR CONTROL OF SUCH FIREARM, AND THE LOCATION OF EACH
14 FIREARM. IF THE DEFENDANT DOES NOT POSSESS A FIREARM AT THE TIME
15 THE ORDER IS ISSUED PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION,
16 THE DEFENDANT SHALL INDICATE SUCH NONPOSSESSION IN THE AFFIDAVIT.

17 (III) IF THE DEFENDANT POSSESSED A FIREARM AT THE TIME OF THE
18 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE
19 FIREARM PURSUANT TO THIS SUBSECTION (9) BUT TRANSFERRED OR SOLD
20 THE FIREARM TO A PRIVATE PARTY PRIOR TO THE COURT'S ISSUANCE OF
21 THE ORDER, THE DEFENDANT SHALL DISCLOSE THE SALE OR TRANSFER OF
22 THE FIREARM TO THE PRIVATE PARTY IN THE AFFIDAVIT DESCRIBED IN
23 SUBSECTION (9)(e)(II) OF THIS SECTION. THE DEFENDANT, WITHIN SEVEN
24 BUSINESS DAYS AFTER THE RELINQUISHMENT PERIOD ESTABLISHED BY THE
25 COURT PURSUANT TO THIS SUBSECTION (9), SHALL ACQUIRE A WRITTEN
26 RECEIPT AND SIGNED DECLARATION THAT COMPLIES WITH SUBSECTION
27 (9)(h)(I)(A) OF THIS SECTION, AND THE DEFENDANT SHALL FILE THE

1 SIGNED DECLARATION AT THE SAME TIME THE DEFENDANT FILES THE
2 AFFIDAVIT PURSUANT TO SUBSECTION (9)(e)(II) OF THIS SECTION.

3 (IV) NO TESTIMONY OR OTHER INFORMATION COMPELLED
4 PURSUANT TO THIS SUBSECTION (9), OR ANY INFORMATION DIRECTLY OR
5 INDIRECTLY DERIVED FROM SUCH TESTIMONY OR OTHER INFORMATION,
6 MAY BE USED AGAINST THE DEFENDANT IN ANY CRIMINAL CASE, EXCEPT
7 PROSECUTION FOR PERJURY PURSUANT TO SECTION 18-8-503.

8 (V) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE
9 AFFIDAVIT DESCRIBED IN SUBSECTION (9)(e)(II) OF THIS SECTION AND ALL
10 OTHER FORMS NECESSARY TO IMPLEMENT THIS SUBSECTION (9) NO LATER
11 THAN JANUARY 1, 2022. STATE COURTS MAY USE THE FORMS DEVELOPED
12 BY THE STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION
13 (9)(e) OR ANOTHER FORM OF THE COURT'S CHOOSING, SO LONG AS THE
14 FORMS COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (9)(e).

15 (VI) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
16 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THERE IS
17 PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY
18 WITH THE PROVISIONS OF THIS SECTION, THE COURT SHALL DETERMINE
19 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT
20 HAS FAILED TO RELINQUISH ALL FIREARMS OR A CONCEALED CARRY
21 PERMIT IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION. IF
22 PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT
23 THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE
24 ITEMS TO BE TAKEN INTO CUSTODY.

25 ~~(d)~~ (f) **Relinquishment to a federally licensed firearms dealer.**
26 A federally licensed firearms dealer who takes possession of a firearm or
27 ammunition pursuant to this ~~section~~ SUBSECTION (9) shall issue a

1 WRITTEN receipt AND SIGNED DECLARATION to the defendant at the time
2 of relinquishment. THE DECLARATION MUST MEMORIALIZE THE SALE OR
3 TRANSFER OF THE FIREARM. The federally licensed firearms dealer shall
4 not return the firearm or ammunition to the defendant unless the dealer:

5 (I) Contacts the ~~bureau~~ COLORADO BUREAU OF INVESTIGATION,
6 REFERRED TO IN THIS SUBSECTION (9) AS "THE BUREAU", to request that a
7 CRIMINAL background check of the defendant be performed; and

8 (II) Obtains approval of the transfer from the bureau after the
9 performance of the CRIMINAL background check.

10 ~~(e)~~ (g) **Storage by a law enforcement agency or storage facility.**

11 (I) A local law enforcement agency may elect to store firearms or
12 ammunition for ~~persons~~ A DEFENDANT pursuant to this subsection (9).
13 THE LAW ENFORCEMENT AGENCY MAY ENTER INTO AN AGREEMENT WITH
14 ANY OTHER LAW ENFORCEMENT AGENCY OR STORAGE FACILITY FOR THE
15 STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION. If ~~an~~ A LAW
16 ENFORCEMENT agency ~~so~~ elects TO STORE FIREARMS OR AMMUNITION FOR
17 A DEFENDANT:

18 ~~(H)~~ (A) The LAW ENFORCEMENT agency may charge a fee for ~~such~~
19 THE storage, the amount of which ~~shall~~ MUST not exceed the direct and
20 indirect costs incurred by the LAW ENFORCEMENT agency in providing
21 ~~such~~ THE storage;

22 ~~(H)~~ (B) The LAW ENFORCEMENT agency ~~may~~ SHALL establish
23 policies for disposal of abandoned or stolen firearms or ammunition; and

24 ~~(H)~~ (C) The LAW ENFORCEMENT agency shall issue a WRITTEN
25 receipt AND SIGNED DECLARATION to ~~each~~ THE defendant at the time ~~the~~
26 ~~defendant relinquishes possession of a firearm or ammunition~~ OF
27 RELINQUISHMENT. THE DECLARATION MUST MEMORIALIZE THE SALE OR

1 TRANSFER OF THE FIREARM.

2 ~~(f)~~ (II) If a local law enforcement agency elects to store firearms
3 or ammunition for a defendant pursuant to this ~~subsection (9)~~ SUBSECTION
4 (9)(g), the law enforcement agency shall not return the firearm or
5 ammunition to the defendant unless the LAW ENFORCEMENT agency:

6 ~~(H)~~ (A) Contacts the bureau to request that a CRIMINAL background
7 check of the defendant be performed; and

8 ~~(H)~~ (B) Obtains approval of the transfer from the bureau after the
9 performance of the CRIMINAL background check.

10 ~~(g)~~ ~~(f)~~ (III) (A) A law enforcement agency that elects to store a
11 firearm or ammunition for a defendant pursuant to this subsection (9) may
12 elect to cease storing the firearm or ammunition. A law enforcement
13 agency that elects to cease storing a firearm or ammunition for a
14 defendant shall notify the defendant of ~~such~~ THE decision and request that
15 the defendant immediately make arrangements for the transfer of the
16 possession of the firearm or ammunition to the defendant or, if the
17 defendant is prohibited from possessing a firearm, to another person who
18 is legally permitted to possess a firearm.

19 ~~(H)~~ (B) If a law enforcement agency elects to cease storing a
20 firearm or ammunition for a ~~person~~ DEFENDANT and notifies the
21 defendant as described in ~~subparagraph (I) of this paragraph (g)~~
22 SUBSECTION (9)(g)(III)(A) OF THIS SECTION, the law enforcement agency
23 may dispose of the firearm or ammunition if the defendant fails to make
24 arrangements for the transfer of the firearm or ammunition and complete
25 ~~said~~ THE transfer within ninety days ~~of~~ AFTER receiving ~~such~~ THE
26 notification.

27 (IV) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A

1 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO
2 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A
3 CRIMINAL INVESTIGATION IF A LAW ENFORCEMENT AGENCY HAS PROBABLE
4 CAUSE TO BELIEVE THE FIREARM OR AMMUNITION HAS BEEN USED IN THE
5 COMMISSION OF A CRIME, IS STOLEN, OR IS CONTRABAND. THIS
6 SUBSECTION (9)(g)(IV) DOES NOT PRECLUDE A LAW ENFORCEMENT
7 AGENCY FROM CONDUCTING A ROUTINE INSPECTION OF THE FIREARM OR
8 AMMUNITION PRIOR TO ACCEPTING THE FIREARM FOR STORAGE.

9 (h) **Relinquishment to a private party.** (I) If a defendant sells
10 or otherwise transfers a firearm or ammunition to a private party who may
11 legally possess the firearm or ammunition, as described in ~~subparagraph~~
12 ~~(H) of paragraph (b) of this subsection (9)~~ SUBSECTION (9)(d)(III) OF
13 THIS SECTION, the defendant shall acquire:

14 ~~(H)~~ (A) From the ~~transferee~~ FEDERALLY LICENSED FIREARMS
15 DEALER, a written receipt ~~acknowledging~~ AND SIGNED DECLARATION
16 MEMORIALIZING the transfer, which receipt ~~shall~~ MUST be dated and
17 signed by the defendant, ~~and~~ the transferee, AND THE FEDERALLY
18 LICENSED FIREARMS DEALER; and

19 ~~(H)~~ (B) From the FEDERALLY licensed ~~gun~~ FIREARMS dealer who
20 requests from the bureau a CRIMINAL background check of the transferee,
21 as described in section 18-12-112, a written statement of the results of the
22 CRIMINAL background check.

23 (II) THE DEFENDANT SHALL NOT TRANSFER THE FIREARM TO A
24 PRIVATE PARTY LIVING IN THE SAME RESIDENCE AS THE DEFENDANT AT
25 THE TIME OF THE TRANSFER.

26 (III) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY
27 ELECTS TO STORE A FIREARM FOR A DEFENDANT PURSUANT TO THIS

1 SUBSECTION (9), THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO
2 THE DEFENDANT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE
3 FEDERALLY LICENSED FIREARMS DEALER WHO REQUESTS FROM THE
4 BUREAU A CRIMINAL BACKGROUND CHECK OF THE DEFENDANT, A WRITTEN
5 STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK AUTHORIZING
6 THE RETURN OF THE FIREARM TO THE DEFENDANT.

7 (i) **Requirement to file signed declaration.** (I) ~~Not more than~~
8 ~~three business days after the relinquishment,~~ The defendant shall file a
9 copy of the ~~receipt~~ SIGNED DECLARATION issued pursuant to ~~paragraph~~
10 ~~(d), (e), or (h) of this subsection (9)~~ SUBSECTION (9)(f), (9)(g)(I)(C), OR
11 (9)(h)(I)(A) OF THIS SECTION, and, if applicable, the written statement of
12 the results of a CRIMINAL background check performed on the defendant,
13 as described in ~~subparagraph (H) of paragraph (h) of this subsection (9)~~
14 SUBSECTION (9)(h)(I)(B) OF THIS SECTION, with the court as proof of the
15 ~~relinquishment AT THE SAME TIME THE DEFENDANT FILES THE SIGNED~~
16 ~~AFFIDAVIT PURSUANT TO SUBSECTION (9)(e)(II) OF THIS SECTION.~~ THE
17 SIGNED DECLARATION AND WRITTEN STATEMENT FILED PURSUANT TO THIS
18 SUBSECTION (9)(i) ARE ONLY AVAILABLE FOR INSPECTION BY THE COURT
19 AND THE PARTIES TO THE PROCEEDING. If a defendant fails to timely
20 TRANSFER OR SELL A FIREARM OR ~~file a receipt~~ THE SIGNED DECLARATION
21 or written statement as described in this ~~paragraph (i)~~ SUBSECTION
22 (9)(i)(I):

23 (A) The failure constitutes a violation of the protection order
24 pursuant to section 18-6-803.5 (1)(c); and

25 (B) The court shall issue a warrant for the defendant's arrest.

26 (II) In any subsequent prosecution for a violation of a protection
27 order described in this ~~paragraph (i)~~ SUBSECTION (9)(i), the court shall

1 take judicial notice of the defendant's failure to TRANSFER OR SELL A
2 FIREARM, OR ~~file a receipt~~ THE SIGNED DECLARATION or written statement,
3 which ~~will constitute~~ CONSTITUTES prima facie evidence of a violation of
4 the protection order pursuant to section 18-6-803.5 (1)(c), ~~C.R.S.~~, and
5 testimony of the clerk of the court or ~~his or her~~ THE CLERK OF THE
6 COURT'S deputy is not required.

7 (j) Nothing in this subsection (9) ~~shall be construed to limit~~ LIMITS
8 a defendant's right to petition the court for dismissal of a protection order.

9 (k) A ~~person~~ DEFENDANT subject to a mandatory protection order
10 issued pursuant to this subsection (9) who possesses or attempts to
11 purchase or receive a firearm or ammunition while the protection order
12 is in effect violates the order pursuant to section 18-6-803.5 (1)(c).

13 (l) (I) A law enforcement agency that elects in good faith to not
14 store a firearm or ammunition for a defendant pursuant to ~~subsection~~
15 ~~(9)(b)(II)~~ SUBSECTION (9)(g) of this section ~~shall~~ IS NOT ~~be held~~ criminally
16 or civilly liable for such ~~election not to act~~ INACTION.

17 (II) A law enforcement agency that returns possession of a firearm
18 or ammunition to a defendant in good faith as permitted by ~~paragraph (f)~~
19 ~~of this subsection (9) shall~~ SUBSECTION (9)(g) OF THIS SECTION IS NOT ~~be~~
20 ~~held~~ criminally or civilly liable for such action.

21 (m) **Immunity.** A FEDERALLY LICENSED FIREARMS DEALER, LAW
22 ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE PARTY THAT
23 ELECTS TO STORE A FIREARM PURSUANT TO THIS SUBSECTION (9) IS NOT
24 CIVILLY LIABLE FOR ANY RESULTING DAMAGES TO THE FIREARM, AS LONG
25 AS SUCH DAMAGE DID NOT RESULT FROM THE WILLFUL AND WRONGFUL
26 ACT OR GROSS NEGLIGENCE OF THE FEDERALLY LICENSED FIREARMS
27 DEALER, LAW ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE

1 PARTY.

2 **SECTION 3.** In Colorado Revised Statutes, 18-6-801, **amend**
3 **with relocated provisions** (8) as follows:

4 **18-6-801. Domestic violence - sentencing.** (8) (a) **Sentencing**
5 **requirements.** In addition to any sentence that is imposed upon a
6 defendant for violation of any criminal law under this ~~title~~ TITLE 18, if a
7 defendant is convicted of any crime, the underlying factual basis of which
8 is found by the court on the record to be a misdemeanor crime of
9 domestic violence, as defined in 18 U.S.C. sec. 921 (a)(33), or that is
10 punishable by a term of imprisonment exceeding one year and includes
11 an act of domestic violence, as defined in section 18-6-800.3 (1), the
12 court:

13 (I) Shall order the defendant to:

14 (A) Refrain from possessing or purchasing any firearm or
15 ammunition ~~for the duration of the order~~ UNTIL THE DEFENDANT'S
16 SENTENCE IS SATISFIED; and

17 (B) Relinquish any firearm or ammunition in the defendant's
18 immediate possession or control or subject to the defendant's immediate
19 possession or control; and

20 (II) May require that before the defendant is released from custody
21 on bond, the defendant ~~shall relinquish, for the duration of the order,~~
22 RELINQUISH any firearm or ammunition in the defendant's immediate
23 possession or control or subject to the defendant's immediate possession
24 or control; AND

25 (III) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO
26 SUBSECTION (8)(e) OF THIS SECTION AND NOTIFY THE DEFENDANT OF THE
27 HEARING DATE AND THAT THE DEFENDANT SHALL APPEAR AT THE HEARING

1 IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO SUBSECTION
2 (8)(e)(I) OF THIS SECTION.

3 (b) **Time period to relinquish.** ~~Upon issuance of an order to~~
4 ~~relinquish one or more firearms or ammunition pursuant to paragraph (a)~~
5 ~~of this subsection (8);~~ The defendant shall relinquish, IN ACCORDANCE
6 WITH SUBSECTION (8)(d) OF THIS SECTION, any firearm or ammunition not
7 more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND
8 WEEKENDS, after ~~being served with the order~~ SENTENCING; except that a
9 court may allow a defendant up to ~~seventy-two~~ AN ADDITIONAL
10 TWENTY-FOUR hours to relinquish a firearm ~~or up to five days to~~
11 ~~relinquish ammunition pursuant to this paragraph (b)~~ if the defendant
12 demonstrates to the satisfaction of the court that ~~he or she~~ THE
13 DEFENDANT is unable to comply within ~~twenty-four hours.~~ To satisfy this
14 ~~requirement, the defendant may:~~ THE TIME FRAME SET FORTH IN THIS
15 SUBSECTION (8)(b).

16 (c) **Additional time to comply if defendant is in custody.** If a
17 defendant is unable to satisfy the provisions of ~~paragraph (b) of this~~
18 ~~subsection (8)~~ THIS SUBSECTION (8) because ~~he or she~~ THE DEFENDANT is
19 incarcerated or otherwise held in the custody of a law enforcement
20 agency, the court shall require the defendant to satisfy ~~such~~ THE
21 provisions not more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS
22 AND WEEKENDS, after ~~his or her~~ THE DEFENDANT'S release from
23 incarceration or custody or be held in contempt of court. Notwithstanding
24 any provision of this ~~paragraph (c)~~ SUBSECTION (8)(c), the court may, in
25 its discretion, require the defendant to relinquish any firearm or
26 ammunition in the defendant's immediate possession or control or subject
27 to the defendant's immediate possession or control before the end of the

1 defendant's incarceration. In such a case, a defendant's failure to
2 relinquish a firearm or ammunition as required ~~shall constitute~~
3 CONSTITUTES contempt of court.

4 (d) **Relinquishment options.** TO SATISFY THE REQUIREMENT IN
5 SUBSECTION (8)(b) OF THIS SECTION, THE DEFENDANT SHALL EITHER:

6 (I) **[Formerly 18-6-801 (8)(b)(I)]** Sell or transfer possession of the
7 firearm or ammunition to a federally licensed firearms dealer described
8 in 18 U.S.C. sec. 923, as amended; except that this provision ~~shall~~ MUST
9 not be interpreted to require any federally licensed firearms dealer to
10 purchase or accept possession of any firearm or ammunition; OR

11 (II) **[Formerly 18-6-801 (8)(b)(II)]** Arrange for the storage of the
12 firearm or ammunition by a law enforcement agency OR BY A STORAGE
13 FACILITY WITH WHICH THE LAW ENFORCEMENT AGENCY HAS CONTRACTED
14 FOR THE STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION,
15 PURSUANT TO SUBSECTION (8)(g) OF THIS SECTION; except that this
16 provision ~~shall~~ MUST not be interpreted to require any law enforcement
17 agency to provide storage of firearms or ammunition for any person; or

18 (III) **[Formerly 18-6-801 (8)(b)(III)]** Sell or otherwise transfer the
19 firearm or ammunition to a private party who may legally possess the
20 firearm or ammunition; except that a defendant who sells or transfers a
21 firearm pursuant to this ~~subparagraph (III)~~ SUBSECTION (8)(d)(III) shall
22 satisfy all of the provisions of section 18-12-112 concerning private
23 firearms transfers, including but not limited to the performance of a
24 criminal background check of the transferee.

25 (e) **Compliance hearing and affidavit.** (I) THE COURT SHALL
26 CONDUCT A COMPLIANCE HEARING NOT LESS THAN EIGHT BUT NOT MORE
27 THAN TWELVE BUSINESS DAYS AFTER SENTENCING TO ENSURE THE

1 DEFENDANT HAS COMPLIED WITH [REDACTED] SUBSECTION (8)(e)(II) OF THIS
2 SECTION. THE COURT MAY VACATE THE HEARING IF THE COURT
3 DETERMINES THE DEFENDANT HAS COMPLETED THE AFFIDAVIT DESCRIBED
4 IN SUBSECTION (8)(e)(II) OF THIS SECTION. FAILURE TO APPEAR AT A
5 HEARING DESCRIBED IN THIS SUBSECTION (8)(e)(I) CONSTITUTES
6 CONTEMPT OF COURT.

7 (II) THE DEFENDANT SHALL COMPLETE AN AFFIDAVIT, WHICH MUST
8 BE FILED IN THE COURT RECORD WITHIN SEVEN BUSINESS DAYS AFTER
9 SENTENCING, STATING THE NUMBER OF FIREARMS IN THE DEFENDANT'S
10 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S
11 IMMEDIATE POSSESSION OR CONTROL, THE MAKE AND MODEL OF EACH
12 FIREARM, ANY REASON THE DEFENDANT IS STILL IN IMMEDIATE
13 POSSESSION OR CONTROL OF SUCH FIREARM, AND THE LOCATION OF EACH
14 FIREARM. IF THE DEFENDANT DOES NOT POSSESS A FIREARM AT THE TIME
15 OF SENTENCING, THE DEFENDANT SHALL INDICATE SUCH NONPOSSESSION
16 IN THE AFFIDAVIT.

17 (III) IF THE DEFENDANT POSSESSED A FIREARM AT THE TIME OF THE
18 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE
19 FIREARM PURSUANT TO THIS SECTION BUT TRANSFERRED OR SOLD THE
20 FIREARM TO A PRIVATE PARTY PRIOR TO SENTENCING, THE DEFENDANT
21 SHALL DISCLOSE THE SALE OR TRANSFER OF THE FIREARM TO THE PRIVATE
22 PARTY [REDACTED] IN THE AFFIDAVIT DESCRIBED IN SUBSECTION (8)(e)(II) OF THIS
23 SECTION. THE DEFENDANT, WITHIN SEVEN BUSINESS DAYS AFTER
24 SENTENCING, SHALL ACQUIRE A WRITTEN RECEIPT AND SIGNED
25 DECLARATION THAT COMPLIES WITH SUBSECTION (8)(h)(I)(A) OF THIS
26 SECTION, AND THE DEFENDANT SHALL FILE THE SIGNED DECLARATION AT
27 THE SAME TIME THE DEFENDANT FILES THE AFFIDAVIT PURSUANT TO

1 SUBSECTION (8)(e)(II) OF THIS SECTION.

2 (IV) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE
3 AFFIDAVIT DESCRIBED IN SUBSECTION (8)(e)(II) OF THIS SECTION AND ALL
4 OTHER FORMS NECESSARY TO IMPLEMENT THIS SUBSECTION (8) NO LATER
5 THAN JANUARY 1, 2022. STATE COURTS MAY USE THE FORMS DEVELOPED
6 BY THE STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION
7 (8)(e) OR ANOTHER FORM OF THE COURT'S CHOOSING, SO LONG AS THE
8 FORMS COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (8)(e).

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

19 ~~(d)~~ (f) **Relinquishment to a federally licensed firearms dealer.**
20 A federally licensed firearms dealer who takes possession of a firearm or
21 ammunition pursuant to this subsection (8) shall issue a WRITTEN receipt
22 AND SIGNED DECLARATION to the defendant at the time of relinquishment.
23 THE DECLARATION MUST MEMORIALIZE THE SALE OR TRANSFER OF THE
24 FIREARM. The federally licensed firearms dealer shall not return the
25 firearm or ammunition to the defendant unless the dealer:

26 (I) Contacts the ~~bureau~~ COLORADO BUREAU OF INVESTIGATION,
27 REFERRED TO IN THIS SUBSECTION (8) AS THE "BUREAU", to request that a

1 CRIMINAL background check of the defendant be performed; and
2 (II) Obtains approval of the transfer from the bureau after the
3 performance of the CRIMINAL background check.

4 ~~(e)~~ **(g) Storage by a law enforcement agency or storage facility.**

5 (I) A local law enforcement agency may elect to store firearms or
6 ammunition for ~~persons~~ A DEFENDANT pursuant to this subsection (8).
7 THE LAW ENFORCEMENT AGENCY MAY ENTER INTO AN AGREEMENT WITH
8 ANY OTHER LAW ENFORCEMENT AGENCY OR STORAGE FACILITY FOR THE
9 STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION. If ~~an~~ A LAW
10 ENFORCEMENT agency ~~so~~ elects TO STORE FIREARMS OR AMMUNITION FOR
11 A DEFENDANT:

12 ~~(f)~~ (A) The LAW ENFORCEMENT agency may charge a fee for ~~such~~
13 THE storage, the amount of which ~~shall~~ MUST not exceed the direct and
14 indirect costs incurred by the LAW ENFORCEMENT agency in providing
15 ~~such~~ THE storage;

16 ~~(H)~~ (B) The LAW ENFORCEMENT agency ~~may~~ SHALL establish
17 policies for disposal of abandoned or stolen firearms or ammunition; and

18 ~~(HH)~~ (C) The LAW ENFORCEMENT agency shall issue a WRITTEN
19 receipt AND SIGNED DECLARATION to ~~each~~ THE defendant at the time ~~the~~
20 ~~defendant relinquishes possession of a firearm or ammunition~~ OF
21 RELINQUISHMENT. THE DECLARATION MUST MEMORIALIZE THE SALE OR
22 TRANSFER OF THE FIREARM.

23 ~~(f)~~ (II) If a local law enforcement agency elects to store firearms
24 or ammunition for a defendant pursuant to this ~~subsection (8)~~ SUBSECTION
25 (8)(g), the law enforcement agency shall not return the firearm or
26 ammunition to the defendant unless the LAW ENFORCEMENT agency:

27 ~~(f)~~ (A) Contacts the bureau to request that a CRIMINAL background

1 check of the defendant be performed; and

2 (H) (B) Obtains approval of the transfer from the bureau after the
3 performance of the CRIMINAL background check.

4 (g)(I) (III) (A) A law enforcement agency that elects to store a
5 firearm or ammunition for a defendant pursuant to this subsection (8) may
6 elect to cease storing the firearm or ammunition. A law enforcement
7 agency that elects to cease storing a firearm or ammunition for a
8 defendant shall notify the defendant of ~~such~~ THE decision and request that
9 the defendant immediately make arrangements for the transfer of the
10 possession of the firearm or ammunition to the defendant or, if the
11 defendant is prohibited from possessing a firearm, to another person who
12 is legally permitted to possess a firearm.

13 (H) (B) If a law enforcement agency elects to cease storing a
14 firearm or ammunition for a defendant and notifies the defendant as
15 described in ~~subparagraph (I) of this paragraph (g)~~ SUBSECTION
16 (8)(g)(III)(A) OF THIS SECTION, the law enforcement agency may dispose
17 of the firearm or ammunition if the defendant fails to make arrangements
18 for the transfer of the firearm or ammunition and complete ~~said~~ THE
19 transfer within ninety days ~~of~~ AFTER receiving ~~such~~ THE notification.

20 (IV) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
21 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO
22 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A
23 CRIMINAL INVESTIGATION IF A LAW ENFORCEMENT AGENCY HAS PROBABLE
24 CAUSE TO BELIEVE THE FIREARM OR AMMUNITION HAS BEEN USED IN THE
25 COMMISSION OF A CRIME, IS STOLEN, OR IS CONTRABAND. THIS
26 SUBSECTION (8)(g)(IV) DOES NOT PRECLUDE A LAW ENFORCEMENT
27 AGENCY FROM CONDUCTING A ROUTINE INSPECTION OF THE FIREARM OR

1 AMMUNITION PRIOR TO ACCEPTING THE FIREARM FOR STORAGE.

2 (h) **Relinquishment to a private party.** (I) If a defendant sells or
3 otherwise transfers a firearm or ammunition to a private party who may
4 legally possess the firearm or ammunition, as described in ~~subparagraph~~
5 ~~(H) of paragraph (b) of this subsection (8)~~ SUBSECTION (8)(d)(III) OF
6 THIS SECTION, the defendant shall acquire:

7 ~~(H)~~ (A) From the ~~transferee~~ FEDERALLY LICENSED FIREARMS
8 DEALER, a written receipt ~~acknowledging~~ AND SIGNED DECLARATION
9 MEMORIALIZING the transfer, which receipt ~~shall~~ MUST be dated and
10 signed by the defendant, ~~and~~ the transferee, AND THE FEDERALLY
11 LICENSED FIREARMS DEALER; and

12 ~~(H)~~ (B) From the FEDERALLY licensed ~~gun~~ FIREARMS dealer who
13 requests from the bureau a CRIMINAL background check of the transferee,
14 as described in section 18-12-112, a written statement of the results of the
15 CRIMINAL background check.

16 (II) THE DEFENDANT SHALL NOT TRANSFER THE FIREARM TO A
17 PRIVATE PARTY LIVING IN THE SAME RESIDENCE AS THE DEFENDANT AT
18 THE TIME OF THE TRANSFER.

19 (III) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY
20 ELECTS TO STORE A FIREARM FOR A DEFENDANT PURSUANT TO THIS
21 SUBSECTION (8), THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO
22 THE DEFENDANT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE
23 FEDERALLY LICENSED FIREARMS DEALER, WHO REQUESTS FROM THE
24 BUREAU A CRIMINAL BACKGROUND CHECK OF THE DEFENDANT, A WRITTEN
25 STATEMENT OF THE RESULTS OF THE CRIMINAL BACKGROUND CHECK
26 AUTHORIZING THE RETURN OF THE FIREARM TO THE DEFENDANT.

27 (i) **Requirement to file signed declaration.** (I) ~~Not more than~~

1 ~~three business days after the relinquishment,~~ The defendant shall file a
2 copy of the ~~receipt~~ SIGNED DECLARATION issued pursuant to ~~paragraph~~
3 ~~(d), (e), or (h) of this subsection (8)~~ SUBSECTION (8)(f), (8)(g)(I)(C), OR
4 (8)(h)(I)(A) OF THIS SECTION, and, if applicable, the written statement of
5 the results of a CRIMINAL background check performed on the ~~transferee~~
6 DEFENDANT, as described in ~~subparagraph (H) of paragraph (h) of this~~
7 ~~subsection (8)~~ SUBSECTION (8)(h)(I)(B) OF THIS SECTION, with the court
8 as proof of the ~~relinquishment~~ AT THE SAME TIME THE DEFENDANT FILES
9 THE SIGNED AFFIDAVIT PURSUANT TO SUBSECTION (8)(e)(II) OF THIS
10 SECTION. THE SIGNED DECLARATION AND WRITTEN STATEMENT FILED
11 PURSUANT TO THIS SUBSECTION (8)(i) ARE ONLY AVAILABLE FOR
12 INSPECTION BY THE COURT AND THE PARTIES TO THE PROCEEDING. If a
13 defendant fails to timely TRANSFER OR SELL A FIREARM OR file a ~~receipt~~
14 THE SIGNED DECLARATION or written statement as described in this
15 ~~paragraph (i)~~ SUBSECTION (8)(i)(I):

16 (A) The failure constitutes a class 2 misdemeanor, and the
17 defendant ~~shall be~~ IS punished as provided in section 18-1.3-501; and

18 (B) The court shall issue a warrant for the defendant's arrest.

19 (II) In any subsequent prosecution for a violation of this ~~paragraph~~
20 ~~(i)~~ SUBSECTION (8)(i), the court shall take judicial notice of the
21 defendant's failure to TRANSFER OR SELL A FIREARM, OR file a ~~receipt~~ THE
22 SIGNED DECLARATION or written statement, which ~~will constitute~~
23 CONSTITUTES prima facie evidence that the defendant has violated this
24 ~~paragraph (i)~~ SUBSECTION (8), and testimony of the clerk of the court or
25 ~~his or her~~ THE CLERK OF THE COURT'S deputy is not required.

26 (j) (I) A law enforcement agency that elects in good faith to not
27 store a firearm or ammunition for a defendant pursuant to ~~subsection~~

1 ~~(8)(b)(H)~~ SUBSECTION (8)(g) of this section shall IS not be held criminally
2 or civilly liable for such ~~election not to act~~ INACTION.

3 (II) A law enforcement agency that returns possession of a firearm
4 or ammunition to a defendant in good faith as permitted by ~~paragraph (f)~~
5 ~~of this subsection (8) shall~~ SUBSECTION (8)(g) OF THIS SECTION IS not be
6 held criminally or civilly liable for such action.

7 (k) **Immunity.** A FEDERALLY LICENSED FIREARMS DEALER, LAW
8 ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE PARTY THAT
9 ELECTS TO STORE A FIREARM PURSUANT TO THIS SUBSECTION (8) IS NOT
10 CIVILLY LIABLE FOR ANY RESULTING DAMAGES TO THE FIREARM, AS LONG
11 AS SUCH DAMAGE DID NOT RESULT FROM THE WILLFUL AND WRONGFUL
12 ACT OR GROSS NEGLIGENCE OF THE FEDERALLY LICENSED FIREARMS
13 DEALER, LAW ENFORCEMENT AGENCY, STORAGE FACILITY, OR THIRD
14 PARTY.

15 **SECTION 4.** In Colorado Revised Statutes, 18-6-803.5, **amend**
16 (1)(c) introductory portion and (1)(c)(II) as follows:

17 **18-6-803.5. Crime of violation of a protection order - penalty**
18 **- peace officers' duties - definitions.** (1) A person commits the crime of
19 violation of a protection order if, after the person has been personally
20 served with a protection order that identifies the person as a restrained
21 person or otherwise has acquired from the court or law enforcement
22 personnel actual knowledge of the contents of a protection order that
23 identifies the person as a restrained person, the person:

24 (c) Violates a civil protection order issued pursuant to section
25 13-14-105.5 ~~C.R.S.~~, or A MANDATORY PROTECTION ORDER ISSUED
26 pursuant to section 18-1-1001 (9) by:

27 (II) Failing to timely file a ~~receipt~~ SIGNED AFFIDAVIT or written

1 statement with the court as described in ~~section 13-14-105.5 (9), C.R.S.,~~
2 ~~or in section 18-1-1001 (9)(i) or 18-6-801 (8)(i)~~ SECTION 13-14-105.5
3 (10), 18-1-1001 (9)(i), OR 18-6-801 (8)(i).

4 **SECTION 5.** In Colorado Revised Statutes, 16-4-105, **add** (4.1)
5 as follows:

6 **16-4-105. Conditions of release on bond - definition.**

7 (4.1) NOTWITHSTANDING ANY OTHER TYPE OF BOND AND CONDITIONS OF
8 RELEASE SET BY THE COURT, IN CASES INVOLVING DOMESTIC VIOLENCE, AS
9 DEFINED IN SECTION 18-6-800.3 (1), OR IN CASES WHERE THE COURT
10 SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER THAT
11 QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g)(8), THE
12 COURT SHALL ORDER THE DEFENDANT TO COMPLY WITH THE PROVISIONS
13 OF SECTION 18-1-1001 AS IT RELATES TO FIREARM RELINQUISHMENT.

14 **SECTION 6.** In Colorado Revised Statutes, 13-14.5-113, **add** (3)
15 as follows:

16 **13-14.5-113. Liability.** (3) A FEDERALLY LICENSED FIREARMS
17 DEALER OR LAW ENFORCEMENT AGENCY THAT STORES A FIREARM AS
18 PERMITTED BY THIS ARTICLE 14.5 IS NOT CIVILLY LIABLE FOR ANY
19 RESULTING DAMAGES TO THE FIREARM, AS LONG AS SUCH DAMAGE DID
20 NOT RESULT FROM THE WILLFUL AND WRONGFUL ACT OR GROSS
21 NEGLIGENCE OF THE PERSON OR LAW ENFORCEMENT AGENCY STORING THE
22 FIREARM.

23 **SECTION 7.** In Colorado Revised Statutes, 13-14.5-108, **amend**
24 (2)(b) as follows:

25 **13-14.5-108. Surrender of a firearm.** (2) (b) If the petitioner for
26 an extreme risk protection order is a law enforcement agency or officer,
27 the law enforcement officer serving the extreme risk protection order

1 shall take custody of the respondent's firearms pursuant to the search
2 warrant for firearms possessed by a respondent in an extreme risk
3 protection order, as described in section 16-3-301.5, if a warrant was
4 obtained. After the law enforcement agency or officer has custody of the
5 firearms, the respondent may inform the law enforcement officer of his
6 ~~or her~~ THE RESPONDENT'S preference for sale, transfer, or storage of the
7 firearms as specified in ~~section 13-14-105.5(2)(c)~~ SECTION 13-14-105.5
8 (4). The law enforcement officer shall request that the respondent
9 immediately surrender any concealed carry permit issued to the
10 respondent and conduct any search permitted by law for the permit.

11 **SECTION 8. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.