

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 18-1144.01 Michael Dohr x4347

HOUSE BILL 18-1436

HOUSE SPONSORSHIP

Garnett and Wist,

SENATE SPONSORSHIP

(None),

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF AN EXTREME RISK 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 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 her or her custody or control or by possessing, purchasing, or receiving a firearm. The petitioner must submit 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

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.

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 7 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. 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 would prohibit the respondent from possessing, controlling, purchasing, or receiving a firearm for 182 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 182-day ERPO for a hearing to terminate the ERPO. The petitioner has the burden of proof at a termination hearing. The court shall terminate the ERPO if the petitioner does not establish by clear and convincing evidence that the respondent continues to pose 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 party requesting the original ERPO may request an extension of the ERPO before it expires. The requesting party 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**

1 **Extreme Risk Protection Orders**

2 **13-14.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 14.5
3 IS THE "DEPUTY ZACKARI PARRISH III VIOLENCE PREVENTION ACT".

4 **13-14.5-102. Definitions.** AS USED IN THIS ARTICLE 14.5, UNLESS
5 THE CONTEXT OTHERWISE CLEARLY REQUIRES:

6 (1) "EXTREME RISK PROTECTION ORDER" MEANS EITHER A
7 TEMPORARY ORDER OR A CONTINUING ORDER GRANTED PURSUANT TO THIS
8 ARTICLE 14.5.

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

11 (a) PERSON RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE
12 RESPONDENT;

13 (b) PERSON WHO HAS A CHILD IN COMMON WITH THE RESPONDENT,
14 REGARDLESS OF WHETHER SUCH PERSON HAS BEEN MARRIED TO THE
15 RESPONDENT OR HAS LIVED TOGETHER WITH THE RESPONDENT AT ANY
16 TIME;

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

19 (d) DOMESTIC PARTNER OF THE RESPONDENT;

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

23 (f) DATING PARTNER OF THE RESPONDENT; AND

24 (g) PERSON WHO IS ACTING OR HAS ACTED AS THE RESPONDENT'S
25 LEGAL GUARDIAN.

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

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

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

5 **13-14.5-103. Temporary extreme risk protection orders.** (1) A
6 FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW
7 ENFORCEMENT OFFICER OR AGENCY MAY REQUEST A TEMPORARY
8 EXTREME RISK PROTECTION ORDER WITHOUT NOTICE TO THE RESPONDENT
9 BY INCLUDING IN THE PETITION FOR AN EXTREME RISK PROTECTION ORDER
10 AN AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY,
11 SUPPORTING THE ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION
12 ORDER THAT SETS FORTH THE FACTS TENDING TO ESTABLISH THE GROUNDS
13 OF THE PETITION OR THE REASON FOR BELIEVING THEY EXIST. THE
14 PETITION SHALL COMPLY WITH THE REQUIREMENTS OF SECTION
15 13-14.5-104 (3). IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR
16 LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT OFFICER OR LAW
17 ENFORCEMENT AGENCY MAY CONCURRENTLY FILE A SWORN AFFIDAVIT
18 FOR A SEARCH WARRANT PURSUANT TO SECTION 16-3-301.5 TO SEARCH
19 FOR ANY FIREARMS IN THE POSSESSION OR CONTROL OF THE RESPONDENT
20 AT A LOCATION OR LOCATIONS TO BE NAMED IN THE WARRANT. IF A
21 PETITION PURSUANT TO SECTION 27-65-106 IS ALSO FILED AGAINST THE
22 RESPONDENT, THE COURT CAN HEAR THAT PETITION AT THE SAME TIME AS
23 THE HEARING FOR A TEMPORARY EXTREME RISK PROTECTION ORDER OR
24 THE HEARING FOR A CONTINUING EXTREME RISK PROTECTION ORDER.

25 (2) IN CONSIDERING WHETHER TO ISSUE A TEMPORARY EXTREME
26 RISK PROTECTION ORDER PURSUANT TO THIS SECTION, THE COURT SHALL
27 CONSIDER ALL RELEVANT EVIDENCE, INCLUDING THE EVIDENCE DESCRIBED

1 IN SECTION 13-14.5-105 (3).

2 (3) IF A COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE
3 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION
4 13-14.5-105 (3), THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING
5 PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY
6 OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING
7 A FIREARM, THE COURT SHALL ISSUE A TEMPORARY EXTREME RISK
8 PROTECTION ORDER.

9 (4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK
10 PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY
11 THE PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING
12 THE DAY THE PETITION IS FILED.

13 (5)(a) IN ACCORDANCE WITH SECTION 13-14.5-105(1), THE COURT
14 SHALL SCHEDULE A HEARING WITHIN SEVEN DAYS AFTER THE ISSUANCE OF
15 A TEMPORARY EXTREME RISK PROTECTION ORDER TO DETERMINE IF A
16 ONE-HUNDRED-EIGHTY-TWO-DAY EXTREME RISK PROTECTION ORDER
17 SHOULD BE ISSUED PURSUANT TO THIS ARTICLE 14.5. NOTICE OF THAT
18 HEARING DATE MUST BE INCLUDED WITH THE TEMPORARY EXTREME RISK
19 PROTECTION ORDER THAT IS SERVED ON THE RESPONDENT. THE COURT
20 SHALL PROVIDE NOTICE OF THE HEARING DATE TO THE PETITIONER. EITHER
21 PARTY FOR GOOD CAUSE SHOWN MAY REQUEST A DIFFERENT DATE FOR THE
22 HEARING THAT IS BEYOND THE SEVEN DAYS AND NO LONGER THAN AN
23 ADDITIONAL SEVEN DAYS FROM THE ISSUANCE OF THE TEMPORARY
24 EXTREME RISK PROTECTION ORDER. IF THE COURT RESCHEDULES THE
25 HEARING, THE COURT SHALL PROVIDE NOTICE OF THE NEW DATE TO THE
26 PETITIONER, AND THE TEMPORARY EXTREME RISK PROTECTION ORDER
27 STAYS IN EFFECT UNTIL THE NEW HEARING DATE.

1 (b) ANY TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED
2 EXPIRES ON THE DATE AND TIME OF THE HEARING ON THE EXTREME RISK
3 PROTECTION ORDER PETITION OR THE WITHDRAWAL OF THE PETITION.

4 (6) A TEMPORARY EXTREME RISK PROTECTION ORDER MUST
5 INCLUDE:

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

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

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

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

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

12 (f) THE REQUIREMENTS FOR SURRENDER OF FIREARMS PURSUANT
13 TO SECTION 13-14.5-109; AND

14 (g) THE FOLLOWING STATEMENT:

15 TO THE SUBJECT OF THIS TEMPORARY EXTREME RISK
16 PROTECTION ORDER: THIS ORDER IS VALID UNTIL THE DATE
17 AND TIME NOTED ABOVE. YOU MAY NOT HAVE IN YOUR
18 CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS,
19 RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM
20 WHILE THIS ORDER IS IN EFFECT. YOU MUST IMMEDIATELY
21 SURRENDER TO THE (INSERT NAME OF LAW ENFORCEMENT
22 AGENCY IN THE JURISDICTION WHERE THE RESPONDENT
23 RESIDES) ALL FIREARMS IN YOUR CUSTODY, CONTROL, OR
24 POSSESSION, AND ANY CONCEALED CARRY PERMIT ISSUED
25 TO YOU. A HEARING WILL BE HELD ON THE DATE AND AT
26 THE TIME NOTED ABOVE TO DETERMINE IF AN EXTREME RISK
27 PROTECTION ORDER SHOULD BE ISSUED. FAILURE TO APPEAR

1 AT THAT HEARING MAY RESULT IN A COURT ENTERING AN
2 ORDER AGAINST YOU THAT IS VALID FOR ONE HUNDRED
3 EIGHTY-TWO DAYS. YOU MAY SEEK THE ADVICE OF AN
4 ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS
5 ORDER.

6 (7) A LAW ENFORCEMENT OFFICER SHALL SERVE A TEMPORARY
7 EXTREME RISK PROTECTION ORDER CONCURRENTLY WITH THE NOTICE OF
8 HEARING AND PETITION IN THE SAME MANNER AS PROVIDED FOR IN
9 SECTION 13-14.5-105 FOR SERVICE OF THE NOTICE OF HEARING WHERE THE
10 RESPONDENT RESIDES OR WHERE THE FIREARMS OF CONCERN ARE
11 LOCATED.

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

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

18 **13-14.5-104. Petition for extreme risk protection order.** (1) A
19 PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE FILED BY A
20 FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW
21 ENFORCEMENT OFFICER OR AGENCY. IF THE PETITION IS FILED BY A LAW
22 ENFORCEMENT OFFICER OR AGENCY, THE OFFICER OR AGENCY SHALL BE
23 REPRESENTED IN ANY JUDICIAL PROCEEDING BY A COUNTY OR CITY
24 ATTORNEY UPON REQUEST. IF THE PETITION IS FILED BY A FAMILY OR
25 HOUSEHOLD MEMBER, THE PETITIONER, TO THE BEST OF HIS OR HER
26 ABILITY, SHALL NOTIFY THE LAW ENFORCEMENT AGENCY IN THE
27 JURISDICTION WHERE THE RESPONDENT RESIDES OR WHERE THE FIREARMS

1 ARE LOCATED OF THE PETITION AND THE HEARING DATE WITH ENOUGH
2 ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR ATTENDANCE.

3 (2) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MUST
4 BE FILED IN THE COUNTY WHERE THE RESPONDENT RESIDES OR WHERE THE
5 FIREARMS ARE LOCATED.

6 (3) A PETITION MUST:

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

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

17 (c) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC
18 ABUSE PROTECTION ORDER GOVERNING THE RESPONDENT; AND

19 (d) IDENTIFY WHETHER THERE IS A PENDING LAWSUIT, COMPLAINT,
20 PETITION, OR OTHER ACTION BETWEEN THE PARTIES TO THE PETITION
21 PURSUANT TO COLORADO LAW OR FEDERAL LAW.

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

1 NOT THERE IS A PENDING ACTION BETWEEN THE PARTIES.

2 (5) IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR
3 AGENCY, THE PETITIONER SHALL MAKE A GOOD FAITH EFFORT TO PROVIDE
4 NOTICE TO A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT AND
5 TO ANY KNOWN THIRD PARTY WHO MAY BE AT RISK OF VIOLENCE. THE
6 NOTICE MUST STATE THAT THE PETITIONER INTENDS TO FILE A PETITION
7 FOR AN EXTREME RISK PROTECTION ORDER OR HAS ALREADY DONE SO AND
8 MUST INCLUDE REFERRALS TO APPROPRIATE RESOURCES, INCLUDING
9 MENTAL HEALTH, DOMESTIC VIOLENCE, AND COUNSELING RESOURCES.
10 THE PETITIONER MUST ATTEST IN THE PETITION TO HAVING PROVIDED THE
11 NOTICE OR ATTEST TO THE STEPS THAT WILL BE TAKEN TO PROVIDE THE
12 NOTICE.

13 (6) IF THE PETITION STATES THAT DISCLOSURE OF THE PETITIONER'S
14 ADDRESS WOULD RISK HARM TO THE PETITIONER OR ANY MEMBER OF THE
15 PETITIONER'S FAMILY OR HOUSEHOLD, THE PETITIONER'S ADDRESS MAY BE
16 OMITTED FROM ALL DOCUMENTS FILED WITH THE COURT. IF THE
17 PETITIONER HAS NOT DISCLOSED AN ADDRESS PURSUANT TO THIS SECTION,
18 THE PETITIONER MUST DESIGNATE AN ALTERNATIVE ADDRESS AT WHICH
19 THE RESPONDENT MAY SERVE NOTICE OF ANY MOTIONS. IF THE PETITIONER
20 IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE ADDRESS OF RECORD
21 MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

22 (7) A COURT OR PUBLIC AGENCY SHALL NOT CHARGE A FEE FOR
23 FILING OR SERVICE OF PROCESS TO A PETITIONER SEEKING RELIEF
24 PURSUANT TO THIS ARTICLE 14.5. A PETITIONER MUST BE PROVIDED THE
25 NECESSARY NUMBER OF CERTIFIED COPIES, FORMS, AND INSTRUCTIONAL
26 BROCHURES FREE OF CHARGE.

27 (8) A PERSON IS NOT REQUIRED TO POST A BOND TO OBTAIN RELIEF

1 IN ANY PROCEEDING PURSUANT TO THIS SECTION.

2 (9) THE DISTRICT AND COUNTY COURTS OF THE STATE OF
3 COLORADO HAVE JURISDICTION OVER PROCEEDINGS PURSUANT TO THIS
4 ARTICLE 14.5.

5 **13-14.5-105. Hearings on petition - grounds for order issuance.**

6 (1) (a) UPON RECEIPT OF THE PETITION, THE COURT SHALL ORDER A
7 HEARING TO BE HELD AND ISSUE A NOTICE OF HEARING TO THE
8 RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING
9 NOT LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK
10 PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY
11 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY
12 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO
13 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL
14 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE
15 CONDUCTING A TELEPHONIC HEARING.

16 (b) ON OR BEFORE THE NEXT COURT DAY, THE COURT CLERK SHALL
17 FORWARD A COPY OF THE NOTICE OF HEARING AND PETITION TO THE LAW
18 ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT
19 RESIDES OR WHERE THE FIREARMS ARE LOCATED FOR SERVICE UPON THE
20 RESPONDENT.

21 (c) A COPY OF THE NOTICE OF HEARING AND PETITION MUST BE
22 SERVED UPON THE RESPONDENT IN ACCORDANCE WITH THE RULES FOR
23 SERVICE OF PROCESS AS PROVIDED IN RULE 4 OF THE COLORADO RULES OF
24 CIVIL PROCEDURE OR RULE 304 OF THE COLORADO RULES OF COUNTY
25 COURT CIVIL PROCEDURE. SERVICE ISSUED PURSUANT TO THIS SECTION
26 TAKES PRECEDENCE OVER THE SERVICE OF OTHER DOCUMENTS, UNLESS
27 THE OTHER DOCUMENTS ARE OF A SIMILAR EMERGENCY NATURE.

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

6 (2) UPON HEARING THE MATTER, IF THE COURT FINDS BY CLEAR
7 AND CONVINCING EVIDENCE, BASED ON THE EVIDENCE PRESENTED
8 PURSUANT TO SUBSECTION (3) OF THIS SECTION, THAT THE RESPONDENT
9 POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR
10 OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY
11 PURCHASING, POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL
12 ISSUE AN EXTREME RISK PROTECTION ORDER FOR A PERIOD OF ONE
13 HUNDRED EIGHTY-TWO DAYS.

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

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

20 (b) A PATTERN OF ACTS OR CREDIBLE THREATS OF VIOLENCE BY
21 THE RESPONDENT WITHIN THE PAST YEAR, INCLUDING BUT NOT LIMITED TO
22 ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT AGAINST
23 SELF OR OTHERS;

24 (c) ANY RELEVANT MENTAL HEALTH ISSUES OF THE RESPONDENT;

25 (d) A VIOLATION BY THE RESPONDENT OF A CIVIL PROTECTION
26 ORDER ISSUED PURSUANT TO ARTICLE 14 OF THIS TITLE 13;

27 (e) A PREVIOUS OR EXISTING EXTREME RISK PROTECTION ORDER

1 ISSUED AGAINST THE RESPONDENT AND A VIOLATION OF A PREVIOUS OR
2 EXISTING EXTREME RISK PROTECTION ORDER;

3 (f) A CONVICTION OF THE RESPONDENT FOR A CRIME THAT
4 INCLUDED AN UNDERLYING FACTUAL BASIS OF DOMESTIC VIOLENCE AS
5 DEFINED IN SECTION 18-6-800.3 (1);

6 (g) THE RESPONDENT'S OWNERSHIP, ACCESS TO, OR INTENT TO
7 POSSESS A FIREARM;

8 (h) A CREDIBLE THREAT OF OR THE UNLAWFUL OR RECKLESS USE
9 OF A FIREARM BY THE RESPONDENT;

10 (i) THE HISTORY OF USE, ATTEMPTED USE, OR THREATENED USE OF
11 UNLAWFUL PHYSICAL FORCE BY THE RESPONDENT AGAINST ANOTHER
12 PERSON, OR THE RESPONDENT'S HISTORY OF STALKING ANOTHER PERSON
13 AS DESCRIBED IN SECTION 18-3-602;

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

16 (k) CORROBORATED EVIDENCE OF THE ABUSE OF CONTROLLED
17 SUBSTANCES OR ALCOHOL BY THE RESPONDENT; AND

18 (l) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR
19 AMMUNITION BY THE RESPONDENT.

20 (4) THE COURT MAY:

21 (a) EXAMINE UNDER OATH THE PETITIONER, THE RESPONDENT, AND
22 ANY WITNESSES THEY MAY PRODUCE, OR, IN LIEU OF EXAMINATION,
23 CONSIDER SWORN AFFIDAVITS OF THE PETITIONER, THE RESPONDENT, AND
24 ANY WITNESSES THEY MAY PRODUCE; AND

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

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

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

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

10 (8) BEFORE ISSUING A CONTINUING EXTREME RISK PROTECTION
11 ORDER, THE COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS
12 THE STANDARD FOR A COURT-ORDERED EVALUATION FOR PERSONS WITH
13 MENTAL HEALTH DISORDERS PURSUANT TO SECTION 27-65-106. IF THE
14 COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN,
15 IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION ORDER, THE
16 COURT MAY ORDER MENTAL HEALTH TREATMENT AND EVALUATION
17 AUTHORIZED PURSUANT TO SECTION 27-65-106 (6).

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

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

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

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

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

25 (e) THE REQUIREMENTS FOR RELINQUISHMENT OF A FIREARM
26 PURSUANT TO SECTION 13-14.5-109; AND

27 (f) THE FOLLOWING STATEMENT:

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

16 (10) WHEN THE COURT ISSUES AN EXTREME RISK PROTECTION
17 ORDER, THE COURT SHALL INFORM THE RESPONDENT THAT HE OR SHE IS
18 ENTITLED TO REQUEST TERMINATION OF THE ORDER IN THE MANNER
19 PRESCRIBED BY SECTION 13-14.5-108. THE COURT SHALL PROVIDE THE
20 RESPONDENT WITH A FORM TO REQUEST A TERMINATION HEARING.

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

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

27 **13-14.5-106. Service of protection orders.** (1) AN EXTREME

1 RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 MUST
2 BE SERVED PERSONALLY UPON THE RESPONDENT, EXCEPT AS OTHERWISE
3 PROVIDED IN THIS ARTICLE 14.5.

4 (2) THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE
5 THE RESPONDENT RESIDES OR WHERE THE FIREARMS ARE LOCATED SHALL
6 SERVE THE RESPONDENT PERSONALLY.

7 (3) THE COURT CLERK SHALL FORWARD A COPY OF THE EXTREME
8 RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 ON OR
9 BEFORE THE NEXT COURT DAY TO THE LAW ENFORCEMENT AGENCY
10 SPECIFIED IN THE ORDER FOR SERVICE. SERVICE OF AN ORDER ISSUED
11 PURSUANT TO THIS ARTICLE 14.5 TAKES PRECEDENCE OVER THE SERVICE
12 OF OTHER DOCUMENTS, UNLESS THE OTHER DOCUMENTS ARE OF A SIMILAR
13 EMERGENCY NATURE.

14 (4) IF THE LAW ENFORCEMENT AGENCY CANNOT COMPLETE
15 SERVICE UPON THE RESPONDENT WITHIN FIVE DAYS, THE LAW
16 ENFORCEMENT AGENCY SHALL NOTIFY THE PETITIONER. THE PETITIONER
17 SHALL THEN PROVIDE ANY ADDITIONAL INFORMATION REGARDING THE
18 RESPONDENT'S WHEREABOUTS TO THE LAW ENFORCEMENT AGENCY TO
19 EFFECT SERVICE. THE LAW ENFORCEMENT AGENCY MAY REQUEST
20 ADDITIONAL TIME TO ALLOW FOR THE PROPER AND SAFE PLANNING AND
21 EXECUTION OF THE COURT ORDER.

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

26 (6) IF THE COURT PREVIOUSLY ENTERED AN ORDER ALLOWING
27 SERVICE OF THE NOTICE OF HEARING AND PETITION, OR A TEMPORARY

1 EXTREME RISK PROTECTION ORDER, BY PUBLICATION PURSUANT TO
2 SECTION 13-14.5-107, OR, IF THE COURT FINDS THERE ARE NOW GROUNDS
3 TO ALLOW SUCH ALTERNATE SERVICE, THE COURT MAY PERMIT SERVICE
4 BY PUBLICATION OF THE EXTREME RISK PROTECTION ORDER ISSUED
5 PURSUANT TO THIS ARTICLE 14.5 AS PROVIDED IN SECTION 13-14.5-107.
6 THE COURT ORDER MUST STATE WHETHER THE COURT PERMITTED SERVICE
7 BY PUBLICATION.

8 (7) RETURNS OF SERVICE PURSUANT TO THIS ARTICLE 14.5 MUST
9 BE MADE IN ACCORDANCE WITH THE APPLICABLE COURT RULES.

10 **13-14.5-107. Service of process by publication.** (1) THE COURT
11 MAY ORDER SERVICE BY PUBLICATION PURSUANT TO THE CIRCUMSTANCES
12 PERMITTED FOR THE SERVICE BY COLORADO LAW. THE SUMMONS MUST BE
13 ESSENTIALLY IN THE FOLLOWING FORM:

14 IN THE (DISTRICT/COUNTY) COURT OF THE STATE OF
15 COLORADO FOR THE COUNTY OF

16, PETITIONER

17 VS.

18, RESPONDENT

19 THE STATE OF COLORADO TO (RESPONDENT):

20 YOU ARE HEREBY SUMMONED TO APPEAR ON THE DAY
21 OF, (YEAR)...., AT A.M./P.M., AND RESPOND TO
22 THE PETITION. IF YOU FAIL TO RESPOND, AN EXTREME RISK
23 PROTECTION ORDER MAY BE ISSUED AGAINST YOU
24 PURSUANT TO THE PROVISIONS OF ARTICLE 14.5 OF TITLE 13,
25 COLORADO REVISED STATUTES, FOR ONE HUNDRED
26 EIGHTY-TWO DAYS FROM THE DATE YOU ARE REQUIRED TO
27 APPEAR. (A TEMPORARY EXTREME RISK PROTECTION ORDER

1 HAS BEEN ISSUED AGAINST YOU, RESTRAINING YOU FROM
2 HAVING IN YOUR CUSTODY OR CONTROL ANY FIREARMS OR
3 FROM PURCHASING, POSSESSING, OR RECEIVING OR
4 ATTEMPTING TO PURCHASE OR RECEIVE ANY FIREARMS.
5 YOU MUST SURRENDER TO THE (INSERT NAME OF LAW
6 ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE
7 RESPONDENT RESIDES OR WHERE THE FIREARMS ARE
8 LOCATED) ALL FIREARMS IN YOUR CUSTODY, CONTROL, OR
9 POSSESSION AND ANY CONCEALED CARRY PERMIT ISSUED,
10 WITHIN TWENTY-FOUR HOURS. A COPY OF THE NOTICE OF
11 HEARING, PETITION, AND TEMPORARY EXTREME RISK
12 PROTECTION ORDER HAS BEEN FILED WITH THE CLERK OF
13 THIS COURT.) A COPY OF THE NOTICE OF HEARING AND
14 PETITION HAS BEEN FILED WITH THE CLERK OF THIS COURT.
15

16 PETITIONER

17 (2) IF THE COURT ORDERS SERVICE BY PUBLICATION FOR NOTICE OF
18 AN EXTREME RISK PROTECTION ORDER HEARING, IT SHALL ALSO REISSUE
19 THE TEMPORARY EXTREME RISK PROTECTION ORDER PURSUANT TO
20 SECTION 13-14.5-103, IF ISSUED, TO EXPIRE ON THE DATE OF THE EXTREME
21 RISK PROTECTION ORDER HEARING.

22 (3) FOLLOWING COMPLETION OF SERVICE BY PUBLICATION FOR
23 NOTICE OF AN EXTREME RISK PROTECTION ORDER HEARING, IF THE
24 RESPONDENT FAILS TO APPEAR AT THE HEARING, THE COURT MAY ISSUE AN
25 EXTREME RISK PROTECTION ORDER AS PROVIDED IN SECTION 13-14.5-105.

26 **13-14.5-108. Termination or renewal of protection orders.**

27 (1) **Termination.** THE RESPONDENT MAY SUBMIT ONE WRITTEN REQUEST

1 FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER
2 ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE ORDER
3 IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO
4 TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET
5 A DATE FOR A HEARING. NOTICE OF THE REQUEST MUST BE SERVED ON THE
6 PETITIONER. NOTICE OF THE REQUEST MUST BE SERVED ON THE
7 PETITIONER IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL
8 PROCEDURE OR COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE.
9 THE HEARING SHALL OCCUR NO SOONER THAN FOURTEEN DAYS AND NO
10 LATER THAN TWENTY-EIGHT DAYS AFTER THE DATE OF SERVICE OF THE
11 REQUEST UPON THE PETITIONER. THE COURT SHALL TERMINATE THE
12 EXTREME RISK PROTECTION ORDER IF THE PETITIONER DOES NOT
13 ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT
14 CONTINUES TO POSE A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO
15 SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A
16 FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM. THE
17 COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE
18 OF THE CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

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 **13-14.5-109. Surrender of a firearm.** (1) (a) UPON ISSUANCE OF
2 AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5,
3 INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT
4 SHALL ORDER THE RESPONDENT TO SURRENDER ALL FIREARMS BY EITHER:

5 (I) SELLING OR TRANSFERRING POSSESSION OF THE FIREARM TO A
6 FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC.
7 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL NOT BE
8 INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER
9 TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM; OR

10 (II) ARRANGING FOR THE STORAGE OF THE FIREARM BY A LAW
11 ENFORCEMENT AGENCY. IF THE RESPONDENT DOES NOT CHOOSE THE
12 OPTION IN SUBSECTION (1)(a)(I) OF THIS SECTION, A LOCAL LAW
13 ENFORCEMENT AGENCY SHALL STORE THE FIREARM.

14 (b) THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER
15 ANY CONCEALED CARRY PERMIT TO THE LAW ENFORCEMENT OFFICER
16 SERVING THE EXTREME RISK PROTECTION ORDER.

17 (2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME
18 RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A
19 TEMPORARY EXTREME RISK PROTECTION ORDER, IN WHICH THE PETITIONER
20 WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST
21 THAT THE RESPONDENT IMMEDIATELY SURRENDER ALL FIREARMS IN HIS
22 OR HER CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED CARRY
23 PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH
24 PERMITTED BY LAW FOR SUCH FIREARMS OR PERMIT. AFTER THE LAW
25 ENFORCEMENT AGENCY OR OFFICER HAS CUSTODY OF THE FIREARMS, THE
26 RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF HIS OR HER
27 PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS

1 SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE RESPONDENT ELECTS
2 TO SELL OR TRANSFER THE FIREARMS TO A FEDERALLY LICENSED FIREARMS
3 DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, THE LAW
4 ENFORCEMENT OFFICER OR AGENCY SHALL MAINTAIN CUSTODY OF THE
5 FIREARMS UNTIL THEY ARE SOLD OR TRANSFERRED PURSUANT TO
6 SUBSECTION (1)(a)(II) OF THIS SECTION. THE LAW ENFORCEMENT OFFICER
7 SHALL TAKE POSSESSION OF ALL FIREARMS AND ANY SUCH PERMIT
8 BELONGING TO THE RESPONDENT THAT ARE SURRENDERED, IN PLAIN
9 SIGHT, OR DISCOVERED PURSUANT TO A LAWFUL SEARCH.
10 ALTERNATIVELY, IF PERSONAL SERVICE BY THE LAW ENFORCEMENT
11 AGENCY IS NOT POSSIBLE, OR NOT REQUIRED BECAUSE THE RESPONDENT
12 WAS PRESENT AT THE EXTREME RISK PROTECTION ORDER HEARING, THE
13 RESPONDENT SHALL SURRENDER THE FIREARMS AND ANY CONCEALED
14 CARRY PERMIT WITHIN TWENTY-FOUR HOURS AFTER BEING SERVED WITH
15 THE ORDER BY ALTERNATE SERVICE OR WITHIN TWENTY-FOUR HOURS
16 AFTER THE HEARING AT WHICH THE RESPONDENT WAS PRESENT.

17 (b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER
18 IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT
19 OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE
20 CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH
21 WARRANT FOR FIREARMS POSSESSED BY A DANGEROUS PERSON IF A
22 WARRANT WAS OBTAINED. IF THE LAW ENFORCEMENT AGENCY DID OBTAIN
23 A SEARCH WARRANT FOR FIREARMS POSSESSED BY A DANGEROUS PERSON,
24 THE LAW ENFORCEMENT OFFICER SHALL REQUEST THAT THE RESPONDENT
25 IMMEDIATELY SURRENDER ALL FIREARMS IN HIS OR HER CUSTODY,
26 CONTROL, OR POSSESSION AND ANY CONCEALED CARRY PERMIT ISSUED TO
27 THE RESPONDENT AND CONDUCT ANY SEARCH PERMITTED BY LAW FOR

1 SUCH FIREARMS OR PERMIT. AFTER THE LAW ENFORCEMENT AGENCY OR
2 OFFICER HAS CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM
3 THE LAW ENFORCEMENT OFFICER OF HIS OR HER PREFERENCE FOR SALE,
4 TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SECTION
5 13-14-105.5 (2)(c). THE LAW ENFORCEMENT OFFICER SHALL REQUEST
6 THAT THE RESPONDENT IMMEDIATELY SURRENDER ANY CONCEALED
7 CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH
8 PERMITTED BY LAW FOR THE PERMIT.

9 (3) AT THE TIME OF SURRENDER OR TAKING CUSTODY PURSUANT
10 TO SECTION 16-3-301.5, A LAW ENFORCEMENT OFFICER TAKING
11 POSSESSION OF A FIREARM OR A CONCEALED CARRY PERMIT SHALL ISSUE
12 A RECEIPT IDENTIFYING ALL FIREARMS AND ANY PERMIT THAT HAVE BEEN
13 SURRENDERED OR TAKEN CUSTODY OF AND PROVIDE A COPY OF THE
14 RECEIPT TO THE RESPONDENT. WITHIN SEVENTY-TWO HOURS AFTER
15 SERVICE OF THE ORDER, THE OFFICER SERVING THE ORDER SHALL FILE THE
16 ORIGINAL RECEIPT WITH THE COURT AND SHALL ENSURE THAT HIS OR HER
17 LAW ENFORCEMENT AGENCY RETAINS A COPY OF THE RECEIPT, OR, IF THE
18 OFFICER DID NOT TAKE CUSTODY OF ANY FIREARMS, SHALL FILE A
19 STATEMENT TO THAT EFFECT WITH THE COURT.

20 (4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
21 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT
22 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO
23 COMPLY WITH THE SURRENDER OF FIREARMS AS REQUIRED BY AN ORDER
24 ISSUED PURSUANT TO THIS ARTICLE 14.5, THE COURT SHALL DETERMINE
25 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT
26 HAS FAILED TO SURRENDER ALL FIREARMS IN HIS OR HER CUSTODY,
27 CONTROL, OR POSSESSION. IF PROBABLE CAUSE EXISTS, THE COURT SHALL

1 ISSUE A SEARCH WARRANT THAT STATES WITH PARTICULARITY THE PLACES
2 TO BE SEARCHED AND THE ITEMS TO BE TAKEN CUSTODY OF.

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

9 (a) THE FIREARM IS REMOVED FROM THE RESPONDENT'S CUSTODY,
10 CONTROL, OR POSSESSION, AND THE LAWFUL OWNER AGREES TO STORE
11 THE FIREARM SO THAT THE RESPONDENT DOES NOT HAVE ACCESS TO OR
12 CONTROL OF THE FIREARM; AND

13 (b) THE FIREARM IS NOT OTHERWISE UNLAWFULLY POSSESSED BY
14 THE LAWFUL OWNER.

15 (6) UPON THE ISSUANCE OF A ONE-HUNDRED-EIGHTY-TWO-DAY
16 EXTREME RISK PROTECTION ORDER, THE COURT SHALL ORDER A NEW
17 HEARING DATE AND REQUIRE THE RESPONDENT TO APPEAR NOT LATER
18 THAN THREE COURT DAYS AFTER THE ISSUANCE OF THE ORDER. THE
19 COURT SHALL REQUIRE A SHOWING THAT THE PERSON SUBJECT TO THE
20 ORDER HAS SURRENDERED ANY FIREARMS IN HIS OR HER CUSTODY,
21 CONTROL, OR POSSESSION WITHOUT VIOLATING THE RESPONDENT'S RIGHT
22 AGAINST SELF-INCRIMINATION. THE COURT MAY DISMISS THE HEARING
23 UPON A SATISFACTORY SHOWING THAT THE RESPONDENT IS IN
24 COMPLIANCE WITH THE ORDER.

25 (7) THE PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL
26 DEVELOP MODEL POLICIES AND PROCEDURES BY DECEMBER 1, 2018,
27 REGARDING THE ACCEPTANCE, STORAGE, AND RETURN OF FIREARMS

1 REQUIRED TO BE SURRENDERED PURSUANT TO THIS ARTICLE 14.5 OR
2 TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5 AND SHALL
3 PROVIDE THOSE MODEL POLICIES AND PROCEDURES TO ALL LAW
4 ENFORCEMENT AGENCIES. EACH LAW ENFORCEMENT AGENCY SHALL
5 ADOPT THE MODEL POLICIES AND PROCEDURES OR ADOPT THEIR OWN
6 POLICIES AND PROCEDURES BY JANUARY 1, 2019.

7 **13-14.5-110. Firearms - return - disposal.** (1) IF AN EXTREME
8 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION
9 ORDER IS TERMINATED OR EXPIRES WITHOUT RENEWAL, A LAW
10 ENFORCEMENT AGENCY HOLDING ANY FIREARM THAT HAS BEEN
11 SURRENDERED PURSUANT TO SECTION 13-14.5-109 OR TAKEN CUSTODY OF
12 PURSUANT TO SECTION 16-3-301.5, OR A FEDERALLY LICENSED FIREARMS
13 DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, WITH CUSTODY
14 OF A FIREARM, MUST RETURN THE FIREARM REQUESTED BY A RESPONDENT
15 ONLY AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK
16 PERFORMED PURSUANT TO SECTION 24-33.5-424, THAT THE RESPONDENT
17 IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A FIREARM UNDER FEDERAL
18 AND STATE LAW AND AFTER CONFIRMING WITH THE COURT THAT THE
19 EXTREME RISK PROTECTION ORDER HAS TERMINATED OR HAS EXPIRED
20 WITHOUT RENEWAL.

21 (2) ANY FIREARM SURRENDERED BY A RESPONDENT PURSUANT TO
22 SECTION 13-14.5-109 OR TAKEN CUSTODY OF PURSUANT TO SECTION
23 16-3-301.5 THAT REMAINS UNCLAIMED BY THE LAWFUL OWNER FOR AT
24 LEAST ONE YEAR FROM THE DATE THE TEMPORARY EXTREME RISK
25 PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER EXPIRED,
26 WHICHEVER IS LATER, SHALL BE DISPOSED OF IN ACCORDANCE WITH THE
27 LAW ENFORCEMENT AGENCY'S POLICIES AND PROCEDURES FOR THE

1 DISPOSAL OF FIREARMS IN POLICE CUSTODY.

2 **13-14.5-111. Reporting of extreme risk protection orders.**

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

7 (2) THE COURT CLERK SHALL FORWARD A COPY OF AN EXTREME
8 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION
9 ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 THE SAME DAY THE ORDER
10 IS ISSUED TO THE COLORADO BUREAU OF INVESTIGATION AND THE LAW
11 ENFORCEMENT AGENCY SPECIFIED IN THE ORDER. UPON RECEIPT OF THE
12 COPY OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION SHALL
13 ENTER THE ORDER INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND
14 CHECK SYSTEM, ANY OTHER FEDERAL OR STATE COMPUTER-BASED
15 SYSTEMS USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY
16 PROHIBITED PURCHASERS OF FIREARMS, AND ANY COMPUTER-BASED
17 CRIMINAL INTELLIGENCE INFORMATION SYSTEM AVAILABLE IN THIS STATE
18 USED BY LAW ENFORCEMENT AGENCIES TO LIST OUTSTANDING WARRANTS.
19 THE ORDER MUST REMAIN IN EACH SYSTEM FOR THE PERIOD STATED IN THE
20 ORDER, AND THE LAW ENFORCEMENT AGENCY SHALL ONLY EXPUNGE
21 ORDERS FROM THE SYSTEMS THAT HAVE EXPIRED OR TERMINATED. ENTRY
22 INTO THE COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION
23 SYSTEM IS NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE
24 EXISTENCE OF THE ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY
25 COUNTY IN THE STATE.

26 (3) THE ISSUING COURT SHALL, WITHIN THREE COURT DAYS AFTER
27 ISSUANCE OF AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY

1 EXTREME RISK PROTECTION ORDER, FORWARD ALL IDENTIFYING
2 INFORMATION THE COURT HAS REGARDING THE RESPONDENT, ALONG WITH
3 THE DATE THE ORDER IS ISSUED, TO THE COUNTY SHERIFF IN THE
4 JURISDICTION WHERE THE RESPONDENT RESIDES. UPON RECEIPT OF THE
5 INFORMATION, THE COUNTY SHERIFF SHALL DETERMINE IF THE
6 RESPONDENT HAS A CONCEALED CARRY PERMIT. IF THE RESPONDENT DOES
7 HAVE A CONCEALED CARRY PERMIT, THE ISSUING COUNTY SHERIFF SHALL
8 IMMEDIATELY REVOKE THE PERMIT. THE RESPONDENT MAY REAPPLY FOR
9 A CONCEALED CARRY PERMIT AFTER THE TEMPORARY EXTREME RISK
10 PROTECTION ORDER AND EXTREME RISK PROTECTION ORDER, IF ORDERED,
11 ARE NO LONGER IN EFFECT.

12 (4) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED
13 BEFORE ITS EXPIRATION DATE, THE COURT CLERK SHALL FORWARD, ON THE
14 SAME DAY AS THE TERMINATION ORDER, A COPY OF THE TERMINATION
15 ORDER TO THE COLORADO BUREAU OF INVESTIGATION AND THE
16 APPROPRIATE LAW ENFORCEMENT AGENCY SPECIFIED IN THE TERMINATION
17 ORDER. UPON RECEIPT OF THE ORDER, THE COLORADO BUREAU OF
18 INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SHALL PROMPTLY
19 REMOVE THE ORDER FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT
20 WAS ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

21 **13-14.5-112. 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. HOWEVER, SUCH PERSON IS
27 GUILTY OF A CLASS 6 FELONY IF THE PERSON HAS TWO OR MORE PREVIOUS

1 CONVICTIONS FOR VIOLATING AN ORDER ISSUED PURSUANT TO THIS
2 ARTICLE 14.5.

3 **13-14.5-113. Other authority retained.** THIS ARTICLE 14.5 DOES
4 NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A
5 FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A
6 SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL
7 AUTHORITY.

8 **13-14.5-114. Liability.** EXCEPT AS PROVIDED IN SECTION
9 13-14.5-112, THIS ARTICLE 14.5 DOES NOT IMPOSE CRIMINAL OR CIVIL
10 LIABILITY ON ANY PERSON OR ENTITY FOR ACTS OR OMISSIONS MADE IN
11 GOOD FAITH RELATED TO OBTAINING AN EXTREME RISK PROTECTION
12 ORDER OR A TEMPORARY EXTREME RISK PROTECTION ORDER, INCLUDING
13 BUT NOT LIMITED TO REPORTING, DECLINING TO REPORT, INVESTIGATING,
14 DECLINING TO INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION
15 PURSUANT TO THIS ARTICLE 14.5.

16 **13-14.5-115. Instructional and informational material -**
17 **definition.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL DEVELOP
18 STANDARD PETITIONS AND EXTREME RISK PROTECTION ORDER FORMS AND
19 TEMPORARY EXTREME RISK PROTECTION ORDER FORMS IN MORE THAN ONE
20 LANGUAGE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES.
21 THE STANDARD PETITION AND ORDER FORMS MUST BE USED AFTER
22 JANUARY 1, 2019, FOR ALL PETITIONS FILED AND ORDERS ISSUED
23 PURSUANT TO THIS ARTICLE 14.5. THE STATE COURT ADMINISTRATOR MAY
24 CONSULT WITH INTERESTED PARTIES IN DEVELOPING THE PETITIONS AND
25 FORMS. THE MATERIALS MUST BE AVAILABLE ONLINE CONSISTENT WITH
26 STATE JUDICIAL DEPARTMENT PRACTICES.

27 (b) THE EXTREME RISK PROTECTION ORDER FORM MUST INCLUDE,

1 IN A CONSPICUOUS LOCATION, NOTICE OF CRIMINAL PENALTIES RESULTING
2 FROM VIOLATION OF THE ORDER AND THE FOLLOWING STATEMENT:

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

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

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

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

20 **13-3-101. State court administrator.** (10) THE STATE COURT
21 ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL PRESENT AT THE
22 JUDICIAL DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203
23 STATISTICS RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE
24 14.5 OF THIS TITLE 13. THE STATISTICS MUST INCLUDE THE NUMBER OF
25 PETITIONS FILED FOR TEMPORARY EXTREME RISK PROTECTION ORDERS,
26 THE NUMBER OF PETITIONS FILED FOR EXTREME RISK PROTECTION ORDERS,
27 THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS ISSUED

1 AND DENIED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS ISSUED
2 AND DENIED, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION
3 ORDERS TERMINATED, THE NUMBER OF EXTREME RISK PROTECTION
4 ORDERS TERMINATED, AND THE NUMBER OF EXTREME RISK PROTECTION
5 ORDERS RENEWED.

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

8 **16-3-301.5. Search warrant for firearms possessed by a**
9 **dangerous person - definition.** (1) FOR PURPOSES OF THIS SECTION,
10 "DANGEROUS PERSON" MEANS A PERSON WHO IS THE NAMED RESPONDENT
11 IN AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK
12 PROTECTION ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13.

13 (2) ANY COURT MAY ISSUE A SEARCH WARRANT TO SEARCH FOR
14 AND TAKE CUSTODY OF ANY FIREARM IN THE POSSESSION OF A DANGEROUS
15 PERSON IF THE APPLICATION FOR THE WARRANT COMPLIES WITH ALL
16 REQUIRED PROVISIONS OF SECTION 16-3-303 AND ALSO PROVIDES FACTS
17 SUFFICIENT TO ESTABLISH BY PROBABLE CAUSE:

18 (a) THAT THE NAMED PERSON IS A DANGEROUS PERSON; AND

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

21 (c) THE LOCATION OF SUCH FIREARMS; AND

22 (d) ANY OTHER INFORMATION RELIED UPON BY THE APPLICANT
23 AND WHY THE APPLICANT CONSIDERS SUCH INFORMATION CREDIBLE AND
24 RELIABLE.

25 (3) THE RETURN OR DISPOSAL OF ANY FIREARM TAKEN CUSTODY
26 OF PURSUANT TO THIS SECTION SHALL BE ACCOMPLISHED PURSUANT TO
27 SECTION 13-14.5-110.

1 **SECTION 4. Potential appropriation.** Pursuant to section
2 2-2-703, C.R.S., any bill that results in a net increase in periods of
3 imprisonment in state correctional facilities must include an appropriation
4 of money that is sufficient to cover any increased capital construction, any
5 operational costs, and increased parole costs that are the result of the bill
6 for the department of corrections in each of the first five years following
7 the effective date of the bill. Because this act may increase periods of
8 imprisonment, this act may require a five-year appropriation.

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