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HOUSE BILL 19-1177

BY REPRESENTATIVE(S) Sullivan and Garnett, Arndt, Benavidez, Bird, Buckner, Caraveo, Coleman, Cutter, Duran, Exum, Froelich, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Valdez A., Weissman, Becker;
also SENATOR(S) Court and Pettersen, Bridges, Danielson, Fenberg, Foote, Ginal, Gonzales.

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

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

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

ARTICLE 14.5
Extreme Risk Protection Orders

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

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

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

(d) DOMESTIC PARTNER OF THE RESPONDENT;

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

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

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

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

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

(5) "RESPONDENT" MEANS THE PERSON WHO IS IDENTIFIED AS THE

RESPONDENT IN A PETITION FILED PURSUANT TO THIS ARTICLE 14.5.

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

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

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

(4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK PROTECTION ORDER 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. THE COURT MAY SCHEDULE A HEARING BY TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE CONDUCTING A TELEPHONIC HEARING. A COPY OF THE TELEPHONE HEARING MUST BE PROVIDED TO THE RESPONDENT PRIOR TO THE HEARING FOR AN EXTREME RISK PROTECTION ORDER.

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

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

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

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

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

(c) THE DATE AND TIME THE ORDER EXPIRES;

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

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

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

(g) THE FOLLOWING STATEMENT:

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

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

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

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

13-14.5-104. Petition for extreme risk protection order. (1) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE FILED BY A

FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW ENFORCEMENT OFFICER OR AGENCY. IF THE PETITION IS FILED BY A LAW ENFORCEMENT OFFICER OR AGENCY, THE OFFICER OR AGENCY SHALL BE REPRESENTED IN ANY JUDICIAL PROCEEDING BY A COUNTY OR CITY ATTORNEY UPON REQUEST. IF THE PETITION IS FILED BY A FAMILY OR HOUSEHOLD MEMBER, THE PETITIONER, TO THE BEST OF HIS OR HER ABILITY, SHALL NOTIFY THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES OF THE PETITION AND THE HEARING DATE WITH ENOUGH ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR ATTENDANCE. UPON THE FILING OF A PETITION, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT, AND THE COURT SHALL INCLUDE THE APPOINTMENT IN THE NOTICE OF HEARING PROVIDED TO THE RESPONDENT PURSUANT TO SECTION 13-14.5-105 (1)(a). THE RESPONDENT MAY REPLACE THE ATTORNEY WITH AN ATTORNEY OF THE RESPONDENT'S OWN SELECTION AT ANY TIME AT THE RESPONDENT'S OWN EXPENSE. ATTORNEY FEES FOR THE ATTORNEY APPOINTED FOR THE RESPONDENT SHALL BE PAID BY THE COURT.

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

(3) A PETITION MUST:

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

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

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

(d) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC ABUSE PROTECTION ORDER OR EMERGENCY PROTECTION ORDER GOVERNING

THE PETITIONER OR RESPONDENT;

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

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

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

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

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

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

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

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

(1)(a) UPON FILING OF THE PETITION, THE COURT SHALL ORDER A HEARING

TO BE HELD AND PROVIDE A NOTICE OF HEARING TO THE RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING NOT LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE CONDUCTING A TELEPHONIC HEARING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) EVIDENCE OF THE ABUSE OF CONTROLLED SUBSTANCES OR ALCOHOL BY THE RESPONDENT;

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

(1) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR AMMUNITION BY THE RESPONDENT.

(4) THE COURT MAY:

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

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

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

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

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

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

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

ORDER, THE COURT SHALL ORDER AN EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111 OR 27-82-107.

(9) AN EXTREME RISK PROTECTION ORDER MUST INCLUDE:

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

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

(c) THE DATE AND TIME THE ORDER EXPIRES;

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

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

(f) THE FOLLOWING STATEMENT:

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

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

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

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

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

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

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

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

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

EMERGENCY NATURE.

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

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

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

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

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

(1) **Termination.** (a) THE RESPONDENT MAY SUBMIT ONE WRITTEN REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE ORDER IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET A DATE FOR A HEARING. NOTICE OF THE REQUEST AND DATE OF HEARING MUST BE SERVED ON THE PETITIONER IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE OR COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE. THE COURT SHALL SET THE HEARING FOURTEEN DAYS AFTER THE FILING OF THE REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER. THE COURT SHALL TERMINATE THE EXTREME RISK PROTECTION ORDER IF THE RESPONDENT ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT HE OR SHE NO LONGER POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR

RECEIVING A FIREARM. THE COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE OF THE CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

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

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

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

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

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

(e) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION 13-14.5-105 (3), 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 COURT SHALL RENEW THE ORDER FOR A PERIOD OF TIME THE COURT DEEMS APPROPRIATE, NOT TO EXCEED ONE YEAR. IN THE ORDER, THE COURT SHALL SET A RETURN DATE TO REVIEW THE ORDER NO LATER THAN THIRTY-FIVE DAYS PRIOR TO THE EXPIRATION OF THE ORDER. HOWEVER, IF, AFTER NOTICE, THE MOTION FOR RENEWAL IS UNCONTESTED AND THE PETITIONER SEEKS NO MODIFICATION OF THE ORDER, THE ORDER MAY BE RENEWED ON THE BASIS OF THE PETITIONER'S MOTION OR AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY, STATING THAT THERE HAS BEEN NO MATERIAL CHANGE IN RELEVANT CIRCUMSTANCES SINCE THE ENTRY OF THE ORDER AND STATING THE REASON FOR THE REQUESTED RENEWAL.

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

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

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

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

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

FIREARM UNDER FEDERAL AND STATE LAW.

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

(2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST THAT THE RESPONDENT IMMEDIATELY SURRENDER ALL FIREARMS IN HIS OR HER CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH PERMITTED BY LAW FOR SUCH FIREARMS OR PERMIT. AFTER THE LAW ENFORCEMENT AGENCY OR OFFICER HAS CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF HIS OR HER PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE RESPONDENT ELECTS TO SELL OR TRANSFER THE FIREARMS TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, THE LAW ENFORCEMENT OFFICER OR AGENCY SHALL MAINTAIN CUSTODY OF THE FIREARMS UNTIL THEY ARE SOLD OR TRANSFERRED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION. THE LAW ENFORCEMENT OFFICER SHALL TAKE POSSESSION OF ALL FIREARMS AND ANY SUCH PERMIT BELONGING TO THE RESPONDENT THAT ARE SURRENDERED, IN PLAIN SIGHT, OR DISCOVERED PURSUANT TO A LAWFUL SEARCH. ALTERNATIVELY, IF PERSONAL SERVICE BY THE LAW ENFORCEMENT AGENCY IS NOT POSSIBLE, OR NOT REQUIRED BECAUSE THE RESPONDENT WAS PRESENT AT THE EXTREME RISK PROTECTION ORDER HEARING, THE RESPONDENT SHALL SURRENDER THE FIREARMS AND ANY CONCEALED CARRY PERMIT WITHIN TWENTY-FOUR HOURS AFTER BEING SERVED WITH THE ORDER BY ALTERNATE SERVICE OR WITHIN TWENTY-FOUR HOURS AFTER THE HEARING AT WHICH THE RESPONDENT WAS PRESENT.

(b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH WARRANT FOR FIREARMS POSSESSED BY A RESPONDENT IN AN EXTREME RISK PROTECTION ORDER, AS DESCRIBED IN SECTION 16-3-301.5, IF A WARRANT WAS OBTAINED. AFTER THE LAW ENFORCEMENT AGENCY OR OFFICER HAS

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

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

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

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

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

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

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

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

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

(II) ATTEST TO THE COURT THAT:

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

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

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

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

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

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

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

FIREARMS IN POLICE CUSTODY.

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

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

(2) THE COURT CLERK SHALL FORWARD A COPY OF AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 THE SAME DAY THE ORDER IS ISSUED TO THE COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SPECIFIED IN THE ORDER. UPON RECEIPT OF THE COPY OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION SHALL ENTER THE ORDER INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, ANY OTHER FEDERAL OR STATE COMPUTER-BASED SYSTEMS USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY PROHIBITED PURCHASERS OF FIREARMS, AND ANY COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM AVAILABLE IN THIS STATE USED BY LAW ENFORCEMENT AGENCIES. THE ORDER MUST REMAIN IN EACH SYSTEM FOR THE PERIOD STATED IN THE ORDER, AND THE LAW ENFORCEMENT AGENCY SHALL ONLY EXPUNGE ORDERS FROM THE SYSTEMS THAT HAVE EXPIRED OR TERMINATED AND SHALL PROMPTLY REMOVE THE EXPIRED OR TERMINATED ORDERS. ENTRY INTO THE COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM IS NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE EXISTENCE OF THE ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY COUNTY IN THE STATE.

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

ARE NO LONGER IN EFFECT.

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

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

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

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

13-14.5-112. Other authority retained. THIS ARTICLE 14.5 DOES NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A

SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL AUTHORITY.

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

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

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

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

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

(2) A COURT CLERK FOR EACH JUDICIAL DISTRICT SHALL CREATE A COMMUNITY RESOURCE LIST OF CRISIS INTERVENTION, MENTAL HEALTH,

SUBSTANCE ABUSE, INTERPRETER, COUNSELING, AND OTHER RELEVANT RESOURCES SERVING THE COUNTY IN WHICH THE COURT IS LOCATED. THE COURT SHALL MAKE THE COMMUNITY RESOURCE LIST AVAILABLE AS PART OF OR IN ADDITION TO THE INFORMATIONAL BROCHURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

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

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

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

13-3-101. State court administrator. (13) THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL PRESENT AT THE JUDICIAL DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203 STATISTICS RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE 14.5 OF THIS TITLE 13. THE STATISTICS MUST INCLUDE THE NUMBER OF PETITIONS FILED FOR TEMPORARY EXTREME RISK PROTECTION ORDERS, THE NUMBER OF PETITIONS FILED FOR EXTREME RISK PROTECTION ORDERS, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS TERMINATED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS TERMINATED, AND THE NUMBER OF EXTREME RISK PROTECTION ORDERS RENEWED. THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL ALSO REPORT STATE COURT DATA RELATED TO ALL PERSONS WHO ARE SUBJECT TO ANY TEMPORARY EMERGENCY RISK PROTECTION ORDER OR EMERGENCY RISK PROTECTION ORDER AND WHO, WITHIN THIRTY DAYS AFTER THE ISSUANCE OR EXECUTION OF THE PROTECTION ORDER, ARE CHARGED WITH A CRIMINAL OFFENSE. THE REPORT MUST INCLUDE THE NATURE OF THE CRIMINAL OFFENSE, INCLUDING BUT NOT LIMITED TO ANY OFFENSE FOR VIOLATION OF THE EMERGENCY RISK PROTECTION ORDER AND THE DISPOSITION OR STATUS OF THAT CRIMINAL OFFENSE.

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

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

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

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

(c) THE LOCATION OF SUCH FIREARMS; AND

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

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

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

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

(g) Is not subject to:

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

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

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

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

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO