

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

**INTRODUCED**

LLS NO. 19-0031.01 Michael Dohr x4347

**HOUSE BILL 19-1177**

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**HOUSE SPONSORSHIP**

**Sullivan and Garnett,**

**SENATE SPONSORSHIP**

**Court and Pettersen,**

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**House Committees**  
Judiciary

**Senate Committees**

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**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 his 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 14 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. The court shall appoint counsel to represent the respondent at the hearing. If a family or household member or a law enforcement officer establishes by clear and convincing evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm, the court may issue a continuing ERPO. The ERPO prohibits the respondent from possessing, controlling, purchasing, or receiving a firearm for 364 days.

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

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

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

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



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

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

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

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

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

1 THE HEARING FOR A CONTINUING EXTREME RISK PROTECTION ORDER.

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

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

13 (4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK  
14 PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY  
15 THE PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING  
16 THE DAY THE PETITION IS FILED.

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

26 (b) ANY TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED  
27 EXPIRES ON THE DATE AND TIME OF THE HEARING ON THE EXTREME RISK

1 PROTECTION ORDER PETITION OR THE WITHDRAWAL OF THE PETITION.  
2 (6) A TEMPORARY EXTREME RISK PROTECTION ORDER MUST  
3 INCLUDE:  
4 (a) A STATEMENT OF THE GROUNDS ASSERTED FOR THE ORDER;  
5 (b) THE DATE AND TIME THE ORDER WAS ISSUED;  
6 (c) THE DATE AND TIME THE ORDER EXPIRES;  
7 (d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE  
8 PLEADING SHOULD BE FILED;  
9 (e) THE DATE AND TIME OF THE SCHEDULED HEARING;  
10 (f) THE REQUIREMENTS FOR SURRENDER OF FIREARMS PURSUANT  
11 TO SECTION 13-14.5-108; AND  
12 (g) THE FOLLOWING STATEMENT:  
13 TO THE SUBJECT OF THIS TEMPORARY EXTREME RISK  
14 PROTECTION ORDER: THIS ORDER IS VALID UNTIL THE DATE  
15 AND TIME NOTED ABOVE. YOU MAY NOT HAVE IN YOUR  
16 CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS,  
17 RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM  
18 WHILE THIS ORDER IS IN EFFECT. YOU MUST IMMEDIATELY  
19 SURRENDER TO THE (INSERT NAME OF LAW ENFORCEMENT  
20 AGENCY IN THE JURISDICTION WHERE THE RESPONDENT  
21 RESIDES) ALL FIREARMS IN YOUR CUSTODY, CONTROL, OR  
22 POSSESSION, AND ANY CONCEALED CARRY PERMIT ISSUED  
23 TO YOU. A HEARING WILL BE HELD ON THE DATE AND AT  
24 THE TIME NOTED ABOVE TO DETERMINE IF AN EXTREME RISK  
25 PROTECTION ORDER SHOULD BE ISSUED. FAILURE TO APPEAR  
26 AT THAT HEARING MAY RESULT IN A COURT ENTERING AN  
27 ORDER AGAINST YOU THAT IS VALID FOR THREE HUNDRED

1 SIXTY-FOUR DAYS. YOU MAY SEEK THE ADVICE OF AN  
2 ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS  
3 ORDER.

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

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

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

16 **13-14.5-104. Petition for extreme risk protection order.** (1) A  
17 PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE FILED BY A  
18 FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW  
19 ENFORCEMENT OFFICER OR AGENCY. IF THE PETITION IS FILED BY A LAW  
20 ENFORCEMENT OFFICER OR AGENCY, THE OFFICER OR AGENCY SHALL BE  
21 REPRESENTED IN ANY JUDICIAL PROCEEDING BY A COUNTY OR CITY  
22 ATTORNEY UPON REQUEST. IF THE PETITION IS FILED BY A FAMILY OR  
23 HOUSEHOLD MEMBER, THE PETITIONER, TO THE BEST OF HIS OR HER  
24 ABILITY, SHALL NOTIFY THE LAW ENFORCEMENT AGENCY IN THE  
25 JURISDICTION WHERE THE RESPONDENT RESIDES OR WHERE THE FIREARMS  
26 ARE LOCATED OF THE PETITION AND THE HEARING DATE WITH ENOUGH  
27 ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR ATTENDANCE. UPON

1 THE FILING OF A PETITION, THE COURT SHALL APPOINT AN ATTORNEY TO  
2 REPRESENT THE RESPONDENT. THE RESPONDENT MAY REPLACE THE  
3 ATTORNEY WITH AN ATTORNEY OF THE RESPONDENT'S OWN SELECTION AT  
4 ANY TIME. ATTORNEY FEES FOR AN INDIGENT RESPONDENT SHALL BE PAID  
5 BY THE COURT.

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

9 (3) A PETITION MUST:

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

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

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

23 (d) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC  
24 ABUSE PROTECTION ORDER OR EMERGENCY PROTECTION ORDER  
25 GOVERNING THE PETITIONER OR RESPONDENT;

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



1 PURSUANT TO COLORADO LAW OR FEDERAL LAW; AND

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

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

12 (5) IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR  
13 AGENCY, THE PETITIONER SHALL MAKE A GOOD FAITH EFFORT TO PROVIDE  
14 NOTICE TO A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT AND  
15 TO ANY KNOWN THIRD PARTY WHO MAY BE AT RISK OF VIOLENCE. THE  
16 NOTICE MUST STATE THAT THE PETITIONER INTENDS TO FILE A PETITION  
17 FOR AN EXTREME RISK PROTECTION ORDER OR HAS ALREADY DONE SO AND  
18 MUST INCLUDE REFERRALS TO APPROPRIATE RESOURCES, INCLUDING  
19 DOMESTIC VIOLENCE, BEHAVIORAL HEALTH, AND COUNSELING RESOURCES.  
20 THE PETITIONER MUST ATTEST IN THE PETITION TO HAVING PROVIDED THE  
21 NOTICE OR ATTEST TO THE STEPS THAT WILL BE TAKEN TO PROVIDE THE  
22 NOTICE.

23 (6) IF THE PETITION STATES THAT DISCLOSURE OF THE PETITIONER'S  
24 ADDRESS WOULD RISK HARM TO THE PETITIONER OR ANY MEMBER OF THE  
25 PETITIONER'S FAMILY OR HOUSEHOLD, THE PETITIONER'S ADDRESS MAY BE  
26 OMITTED FROM ALL DOCUMENTS FILED WITH THE COURT. IF THE  
27 PETITIONER HAS NOT DISCLOSED AN ADDRESS PURSUANT TO THIS SECTION,

1 THE PETITIONER MUST DESIGNATE AN ALTERNATIVE ADDRESS AT WHICH  
2 THE RESPONDENT MAY SERVE NOTICE OF ANY MOTIONS. IF THE PETITIONER  
3 IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE ADDRESS OF RECORD  
4 MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

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

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

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

15 **13-14.5-105. Hearings on petition - grounds for order issuance.**

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

26 (b) ON OR BEFORE THE NEXT COURT DAY, THE COURT CLERK SHALL  
27 FORWARD A COPY OF THE NOTICE OF HEARING AND PETITION TO THE LAW

1 ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT  
2 RESIDES OR WHERE THE FIREARMS ARE LOCATED FOR SERVICE UPON THE  
3 RESPONDENT.

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

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

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

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

27 (a) A RECENT ACT OR CREDIBLE THREAT OF VIOLENCE BY THE

1       RESPONDENT AGAINST SELF OR OTHERS, WHETHER OR NOT SUCH VIOLENCE  
2       OR CREDIBLE THREAT OF VIOLENCE INVOLVES A FIREARM;

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

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

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

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

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

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

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

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

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

27              (k) WHETHER THE RESPONDENT IS REQUIRED TO POSSESS, CARRY,

1 OR USE A FIREARM AS A CONDITION OF THE RESPONDENT'S CURRENT  
2 EMPLOYMENT; AND

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

5 (4) THE COURT MAY:

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

10 (b) REQUEST THAT THE COLORADO BUREAU OF INVESTIGATION  
11 CONDUCT A CRIMINAL HISTORY RECORD CHECK PURSUANT TO SECTION  
12 24-33.5-424 RELATED TO THE RESPONDENT AND PROVIDE THE RESULTS TO  
13 THE COURT UNDER SEAL.

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

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

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

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

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

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

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

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

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

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

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

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

21 (f) THE FOLLOWING STATEMENT:

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

1 YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE,  
2 POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE  
3 A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU HAVE THE  
4 RIGHT TO REQUEST ONE HEARING TO TERMINATE THIS  
5 ORDER DURING THE PERIOD THAT THIS ORDER IS IN EFFECT,  
6 STARTING FROM THE DATE OF THIS ORDER AND CONTINUING  
7 THROUGH ANY RENEWALS. YOU MAY SEEK THE ADVICE OF  
8 AN ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS  
9 ORDER.

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

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

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

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

25 (2) THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE  
26 THE RESPONDENT RESIDES OR WHERE THE FIREARMS ARE LOCATED SHALL  
27 SERVE THE RESPONDENT PERSONALLY.

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

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

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

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

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



1           **13-14.5-107. Termination or renewal of protection orders.**

2           **(1) Termination.** (a) THE RESPONDENT MAY SUBMIT ONE WRITTEN  
3           REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION  
4           ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE  
5           ORDER IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO  
6           TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET  
7           A DATE FOR A HEARING. NOTICE OF THE REQUEST MUST BE SERVED ON THE  
8           PETITIONER IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL  
9           PROCEDURE OR COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE.  
10          THE HEARING SHALL OCCUR NO SOONER THAN FOURTEEN DAYS AND NO  
11          LATER THAN TWENTY-EIGHT DAYS AFTER THE DATE OF SERVICE OF THE  
12          REQUEST UPON THE PETITIONER. THE COURT SHALL TERMINATE THE  
13          EXTREME RISK PROTECTION ORDER IF THE RESPONDENT ESTABLISHES BY  
14          CLEAR AND CONVINCING EVIDENCE THAT HE OR SHE NO LONGER POSES A  
15          SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY  
16          HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY  
17          PURCHASING, POSSESSING, OR RECEIVING A FIREARM. THE COURT MAY  
18          CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE OF THE  
19          CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

20               (b) THE COURT MAY CONTINUE THE HEARING IF THE COURT  
21          DETERMINES THAT IT CANNOT ENTER A TERMINATION ORDER AT THE  
22          HEARING BUT DETERMINES THAT THERE IS A STRONG POSSIBILITY THAT  
23          THE COURT COULD ENTER A TERMINATION ORDER AT A FUTURE DATE  
24          BEFORE THE EXPIRATION OF THE EXTREME RISK PROTECTION ORDER.

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

1 EXPIRES.

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

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

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

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

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

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

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

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

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

23 (2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME  
24 RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A  
25 TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER  
26 WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST  
27 THAT THE RESPONDENT IMMEDIATELY SURRENDER ALL FIREARMS IN HIS

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

23 (b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER  
24 IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT  
25 OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE  
26 CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH  
27 WARRANT FOR FIREARMS POSSESSED BY A RESPONDENT IN AN EXTREME

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

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

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

1 OR A CONCEALED CARRY PERMIT IN HIS OR HER CUSTODY, CONTROL, OR  
2 POSSESSION. IF PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A  
3 SEARCH WARRANT THAT STATES WITH PARTICULARITY THE PLACES TO BE  
4 SEARCHED AND THE ITEMS TO BE TAKEN INTO CUSTODY.

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

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

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

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

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

1 PERMIT; OR

2 (II) ATTEST TO THE COURT THAT:

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

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

9 (b) IF FORTY-EIGHT HOURS HAVE ELAPSED SINCE THE ISSUANCE OF  
10 AN EXTREME RISK PROTECTION ORDER AND THE RESPONDENT HAS MADE  
11 NEITHER THE FILING AND ATTESTATION PURSUANT TO SUBSECTION  
12 (6)(a)(I) OF THIS SECTION NOR THE ATTESTATIONS PURSUANT TO  
13 SUBSECTION (6)(a)(II) OF THIS SECTION, THE CLERK OF THE COURT FOR  
14 THE COURT THAT ISSUED THE ORDER SHALL INFORM THE LOCAL LAW  
15 ENFORCEMENT AGENCY IN THE COUNTY IN WHICH THE COURT IS LOCATED  
16 THAT THE RESPONDENT HAS NOT FILED THE FILING AND ATTESTATION  
17 PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION OR THE  
18 ATTESTATIONS PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION.

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

25 (7) THE PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL  
26 DEVELOP MODEL POLICIES AND PROCEDURES BY DECEMBER 1, 2019,  
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, 2020.

7             **13-14.5-109. 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 13-14.5-108 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 13-14.5-108 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 **13-14.5-110. 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 **13-14.5-111. Penalties.** ANY PERSON WHO HAS IN HIS OR HER  
22 CUSTODY OR CONTROL A FIREARM OR PURCHASES, POSSESSES, OR  
23 RECEIVES A FIREARM WITH KNOWLEDGE THAT HE OR SHE IS PROHIBITED  
24 FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER OR TEMPORARY  
25 EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE  
26 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

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

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

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

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

17 **13-14.5-114. Instructional and informational material -**  
18 **definition.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL DEVELOP  
19 STANDARD PETITIONS AND EXTREME RISK PROTECTION ORDER FORMS AND  
20 TEMPORARY EXTREME RISK PROTECTION ORDER FORMS IN MORE THAN ONE  
21 LANGUAGE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES.  
22 THE STANDARD PETITION AND ORDER FORMS MUST BE USED AFTER  
23 JANUARY 1, 2020, FOR ALL PETITIONS FILED AND ORDERS ISSUED  
24 PURSUANT TO THIS ARTICLE 14.5. THE STATE COURT ADMINISTRATOR MAY  
25 CONSULT WITH INTERESTED PARTIES IN DEVELOPING THE PETITIONS AND  
26 FORMS. THE MATERIALS MUST BE AVAILABLE ONLINE CONSISTENT WITH  
27 STATE JUDICIAL DEPARTMENT PRACTICES.

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

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

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

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

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

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

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

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

9 **16-3-301.5. Search warrant for firearms possessed by a**  
10 **respondent in an extreme risk protection order.** (1) ANY COURT MAY  
11 ISSUE A SEARCH WARRANT TO SEARCH FOR AND TAKE CUSTODY OF ANY  
12 FIREARM IN THE POSSESSION OF A NAMED RESPONDENT IN AN EXTREME  
13 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION  
14 ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13 IF THE APPLICATION  
15 FOR THE WARRANT COMPLIES WITH ALL REQUIRED PROVISIONS OF SECTION  
16 16-3-303 AND ALSO PROVIDES FACTS SUFFICIENT TO ESTABLISH BY  
17 PROBABLE CAUSE:

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

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

23 (c) THE LOCATION OF SUCH FIREARMS; AND

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

27 (2) THE RETURN OR DISPOSAL OF ANY FIREARM TAKEN CUSTODY

1 OF PURSUANT TO THIS SECTION SHALL BE ACCOMPLISHED PURSUANT TO  
2 SECTION 13-14.5-109.

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

5 **18-12-203. Criteria for obtaining a permit.** (1) Beginning May  
6 17, 2003, except as otherwise provided in this section, a sheriff shall issue  
7 a permit to carry a concealed handgun to an applicant who:

8 (g) Is not subject to:

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

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

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

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