

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0511.02 Michael Dohr x4347

SENATE BILL 23-170

SENATE SPONSORSHIP

Sullivan and Fenberg, Fields, Jaquez Lewis, Kolker

HOUSE SPONSORSHIP

Bacon and Weissman, Boesenecker, Duran, Froelich, Garcia, Jodeh, Joseph, Kipp, Parenti, Vigil, Woodrow

Senate Committees

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING EXTREME RISK PROTECTION ORDERS.**

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 repeals and reenacts the statutory article related to extreme risk protection orders.

Under current law a family or household member and a law enforcement officer or agency can petition for an extreme risk protection order. The bill expands the list of who can petition for an extreme risk protection order to include licensed medical care providers, licensed mental health-care providers, licensed educators, and district attorneys.

The bill requires the office of gun violence prevention to expend

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

SENATE
Amended 2nd Reading
March 10, 2023

funds annually on a public education campaign regarding the availability of, and the process for requesting, an extreme risk protection order.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** article 14.5 of title 13 as follows:

4 **13-14.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 14.5
5 IS THE "DEPUTY ZACKARI PARRISH III VIOLENCE PREVENTION ACT".

6 **13-14.5-102. Definitions.** AS USED IN THIS ARTICLE 14.5, UNLESS
7 THE CONTEXT OTHERWISE CLEARLY REQUIRES:

8 (1) "COMMUNITY MEMBER" MEANS A LICENSED HEALTH- CARE
9 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL WHO, THROUGH A
10 DIRECT PROFESSIONAL RELATIONSHIP, PROVIDED CARE TO THE
11 RESPONDENT OR THE RESPONDENT'S CHILD WITHIN SIX MONTHS BEFORE
12 REQUESTING THE PROTECTION ORDER OR AN EDUCATOR WHO, THROUGH
13 A DIRECT PROFESSIONAL RELATIONSHIP, INTERACTED WITH THE
14 RESPONDENT OR THE RESPONDENT'S CHILD WITHIN SIX MONTHS BEFORE
15 REQUESTING THE PROTECTION ORDER.

16 (2) "EDUCATOR" MEANS A TEACHER EMPLOYED TO INSTRUCT
17 STUDENTS OR A SCHOOL ADMINISTRATOR IN A SCHOOL DISTRICT, PRIVATE
18 SCHOOL, CHARTER SCHOOL INSTITUTE, OR AN INDIVIDUAL CHARTER
19 SCHOOL; OR A FACULTY MEMBER AT AN INSTITUTION OF HIGHER
20 EDUCATION.

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

24 (4) "FACULTY MEMBER" MEANS A PRESIDENT, DEAN, PROFESSOR,
25 ADMINISTRATOR, INSTRUCTOR, OR RESEARCH WORKER AT AN INSTITUTION

1 OF HIGHER EDUCATION.

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

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

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

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

12 (d) DOMESTIC PARTNER OF THE RESPONDENT;

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

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

18 (g) PERSON IN ANY OTHER RELATIONSHIP DESCRIBED IN SECTION
19 18-6-800.3 (2) WITH THE RESPONDENT.

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

22 (7) "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER THAT
23 IS:

24 (a) EMPLOYED BY A POLITICAL SUBDIVISION OF THE STATE AND
25 CERTIFIED BY THE P.O.S.T BOARD PURSUANT TO SECTION 16-2.5-102;

26 (b) AUTHORIZED BY SECTION 16-2.5-113 WHEN ASSISTANCE IS
27 REQUESTED BY AN INDIVIDUAL OR ENTITY PURSUANT TO SECTION

1 24-33.5-412;

2 (c) AUTHORIZED BY SECTION 16-2.5-114 AND WHO INTERACTED
3 WITH THE RESPONDENT IN THE SCOPE OF THE LAW ENFORCEMENT
4 OFFICER'S OFFICIAL DUTIES;

5 (d) EMPLOYED BY A DISTRICT ATTORNEY, DESIGNATED BY A
6 DISTRICT ATTORNEY, AND AUTHORIZED BY SECTION 16-2.5-132 OR
7 16-2.5-133;

8 (e) EMPLOYED BY THE DEPARTMENT OF LAW, DESIGNATED BY THE
9 ATTORNEY GENERAL, AND AUTHORIZED BY SECTION 16-2.5-128,
10 16-2.5-129, OR 16-2.5-130;

11 (f) AUTHORIZED BY SECTION 16-2.5-136, 16-2.5-137, OR
12 16-2.5-138;

13 (g) AUTHORIZED BY SECTION 16-2.5-120; OR

14 (h) AUTHORIZED BY SECTION 16-2.5-149.

15 (8) "LICENSED HEALTH-CARE PROFESSIONAL" MEANS A SCHOOL
16 NURSE WHO HOLDS A CURRENT NURSING LICENSE THROUGH THE
17 DEPARTMENT OF REGULATORY AGENCIES AND WHO HAS APPLIED FOR OR
18 HOLDS A SPECIAL SERVICES LICENSE FROM THE DEPARTMENT OF
19 EDUCATION PURSUANT TO ARTICLE 60.5 OF TITLE 22 OR A ___ PHYSICIAN,
20 PHYSICIAN ASSISTANT, OR ADVANCED PRACTICE REGISTERED NURSE WHO
21 IS A PRIMARY PROVIDER OF HEALTH SERVICES TO A RESPONDENT; A
22 PSYCHIATRIST; OR A LICENSED EMERGENCY ROOM MEDICAL CARE
23 PROVIDER, LICENSED PURSUANT TO TITLE 12.

24 (9) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST,
25 LICENSED PROFESSIONAL SOCIAL WORKER, MARRIAGE AND FAMILY
26 THERAPIST, LICENSED PROFESSIONAL COUNSELOR, OR ADDICTION
27 COUNSELOR LICENSED, REGISTERED, OR CERTIFIED PURSUANT TO ARTICLE

1 245 OF TITLE 12; A PSYCHOLOGIST CANDIDATE, CLINICAL SOCIAL WORKER
2 CANDIDATE, MARRIAGE AND FAMILY THERAPIST CANDIDATE, LICENSED
3 PROFESSIONAL COUNSELOR CANDIDATE, OR ADDICTION COUNSELOR
4 CANDIDATE REGISTERED PURSUANT TO SECTION 12-245-304 (3),
5 12-245-404 (4), 12-245-504 (4), 12-245-604 (4), OR 12-245-804 (3.7),
6 RESPECTIVELY; A SCHOOL COUNSELOR WHO HOLDS A SPECIAL SERVICES
7 PROVIDER LICENSE WITH A SCHOOL COUNSELOR ENDORSEMENT ISSUED
8 PURSUANT TO ARTICLE 60.5 OF TITLE 22 OR WHO IS OTHERWISE ENDORSED
9 OR ACCREDITED BY A NATIONAL ASSOCIATION TO PROVIDE SCHOOL
10 COUNSELING SERVICES; SCHOOL PSYCHOLOGIST LICENSED PURSUANT TO
11 SECTION 22-60.5-210; SCHOOL SOCIAL WORKER HAS OBTAINED THE
12 SPECIAL SERVICES LICENSE WITH SOCIAL WORK ENDORSEMENT ISSUED
13 PURSUANT TO ARTICLE 60.5 OF TITLE 22; OR AN UNLICENSED
14 PSYCHOTHERAPIST REGISTERED PURSUANT TO SECTION 12-245-703.

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

17 (11) "RESPONDENT" MEANS THE PERSON WHO IS IDENTIFIED AS THE
18 RESPONDENT IN A PETITION FILED PURSUANT TO THIS ARTICLE 14.5.

19 **13-14.5-103. Temporary extreme risk protection orders.**

20 (1) (a) A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT, A
21 COMMUNITY MEMBER, OR A LAW ENFORCEMENT OFFICER OR AGENCY MAY
22 REQUEST A TEMPORARY EXTREME RISK PROTECTION ORDER WITHOUT
23 NOTICE TO THE RESPONDENT BY INCLUDING IN THE PETITION FOR THE
24 EXTREME RISK PROTECTION ORDER AN AFFIDAVIT, SIGNED UNDER OATH
25 AND PENALTY OF PERJURY, SUPPORTING THE ISSUANCE OF A TEMPORARY
26 EXTREME RISK PROTECTION ORDER THAT SETS FORTH THE FACTS TENDING
27 TO ESTABLISH THE GROUNDS OF THE PETITION OR THE REASON FOR

1 BELIEVING THEY EXIST AND, IF THE PETITIONER IS A FAMILY OR
2 HOUSEHOLD MEMBER OR COMMUNITY MEMBER, ATTESTING THAT THE
3 PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER OR COMMUNITY
4 MEMBER. THE PETITION MUST COMPLY WITH THE REQUIREMENTS OF
5 SECTION 13-14.5-104 (3). IF THE PETITIONER IS A LAW ENFORCEMENT
6 OFFICER OR LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT OFFICER
7 OR LAW ENFORCEMENT AGENCY SHALL CONCURRENTLY FILE A SWORN
8 AFFIDAVIT FOR A SEARCH WARRANT PURSUANT TO SECTION 16-3-301.5 TO
9 SEARCH FOR ANY FIREARMS IN THE POSSESSION OR CONTROL OF THE
10 RESPONDENT AT A LOCATION OR LOCATIONS TO BE NAMED IN THE
11 WARRANT. IF A PETITION FILED PURSUANT TO SECTION 27-65-106 IS ALSO
12 FILED AGAINST THE RESPONDENT, A COURT OF COMPETENT JURISDICTION
13 MAY HEAR THAT PETITION AT THE SAME TIME AS THE HEARING FOR A
14 TEMPORARY EXTREME RISK PROTECTION ORDER OR THE HEARING FOR A
15 CONTINUING EXTREME RISK PROTECTION ORDER.

16 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
17 CONTRARY, A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH
18 PROFESSIONAL AUTHORIZED TO FILE A PETITION FOR A TEMPORARY
19 EXTREME RISK PROTECTION ORDER, UPON FILING THE PETITION FOR A
20 TEMPORARY EXTREME RISK PROTECTION ORDER, IS AUTHORIZED TO
21 DISCLOSE PROTECTED HEALTH INFORMATION, OF THE RESPONDENT AS
22 NECESSARY FOR THE FULL INVESTIGATION AND DISPOSITION OF THE
23 REQUEST FOR A TEMPORARY EXTREME RISK PROTECTION ORDER. WHEN
24 DISCLOSING PROTECTED HEALTH INFORMATION, THE LICENSED
25 HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL SHALL
26 MAKE REASONABLE EFFORTS TO LIMIT PROTECTED HEALTH INFORMATION
27 TO THE MINIMUM NECESSARY TO ACCOMPLISH THE FILING OF THE

1 PETITION. UPON RECEIPT OF A PETITION BY A LICENSED HEALTH-CARE
2 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL, AND FOR GOOD CAUSE
3 SHOWN, THE COURT MAY ISSUE ORDERS TO OBTAIN ANY RECORDS OR
4 DOCUMENTS RELATING TO DIAGNOSIS, PROGNOSIS, OR TREATMENT, AND
5 CLINICAL RECORDS, OF THE RESPONDENT AS NECESSARY FOR THE FULL
6 INVESTIGATION AND DISPOSITION OF THE PETITION FOR A TEMPORARY
7 EXTREME RISK PROTECTION ORDER. THE COURT SHALL SEAL ALL RECORDS
8 AND OTHER HEALTH INFORMATION RECEIVED THAT CONTAIN PROTECTED
9 HEALTH INFORMATION. THE DECISION OF A LICENSED HEALTH-CARE
10 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL TO DISCLOSE OR NOT
11 TO DISCLOSE RECORDS OR DOCUMENTS RELATING TO THE DIAGNOSIS,
12 PROGNOSIS, OR TREATMENT, AND CLINICAL RECORDS OF A RESPONDENT,
13 WHEN MADE REASONABLY AND IN GOOD FAITH, SHALL NOT BE THE BASIS
14 FOR ANY CIVIL, ADMINISTRATIVE, OR CRIMINAL LIABILITY WITH RESPECT
15 TO THE LICENSED HEALTH-CARE PROFESSIONAL OR LICENSED MENTAL
16 HEALTH PROFESSIONAL.

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

21 (3) IF A COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE
22 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION
23 13-14.5-105 (3), THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING
24 PERSONAL INJURY TO SELF OR OTHERS IN THE NEAR FUTURE BY HAVING IN
25 THE RESPONDENT'S CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,
26 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE A
27 TEMPORARY EXTREME RISK PROTECTION ORDER.

1 (4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK
2 PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY
3 THE PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING
4 THE DAY THE PETITION IS FILED. THE COURT MAY SCHEDULE A HEARING BY
5 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY
6 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO
7 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL
8 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE
9 CONDUCTING A TELEPHONIC HEARING. A COPY OF THE TELEPHONE
10 HEARING MUST BE PROVIDED TO THE RESPONDENT PRIOR TO THE HEARING
11 FOR AN EXTREME RISK PROTECTION ORDER.

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

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

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

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

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

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

1 EXTREME RISK PROTECTION ORDER CONCURRENTLY WITH THE NOTICE OF
2 HEARING AND PETITION AND A NOTICE THAT INCLUDES REFERRALS TO
3 APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE, BEHAVIORAL
4 HEALTH, AND COUNSELING RESOURCES, IN THE SAME MANNER AS
5 PROVIDED FOR IN SECTION 13-14.5-105 FOR SERVICE OF THE NOTICE OF
6 HEARING WHERE THE RESPONDENT RESIDES.

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

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

13 **13-14.5-104. Petition for extreme risk protection order.**

14 (1) (a) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE
15 FILED BY A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT, A
16 COMMUNITY MEMBER, OR A LAW ENFORCEMENT OFFICER OR AGENCY. IF
17 THE PETITION IS FILED BY A LAW ENFORCEMENT OFFICER OR AGENCY, A
18 COUNTY OR CITY ATTORNEY SHALL REPRESENT THE OFFICER OR AGENCY
19 IN ANY JUDICIAL PROCEEDING UPON REQUEST. IF THE PETITION IS FILED BY
20 A FAMILY OR HOUSEHOLD MEMBER OR COMMUNITY MEMBER, THE
21 PETITIONER, TO THE BEST OF THE PETITIONER'S ABILITY, SHALL NOTIFY THE
22 LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE
23 RESPONDENT RESIDES OF THE PETITION AND THE HEARING DATE WITH
24 ENOUGH ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR
25 ATTENDANCE. UPON THE FILING OF A PETITION, THE COURT SHALL APPOINT
26 AN ATTORNEY TO REPRESENT THE RESPONDENT, AND THE COURT SHALL
27 INCLUDE THE APPOINTMENT IN THE NOTICE OF HEARING PROVIDED TO THE

1 RESPONDENT PURSUANT TO SECTION 13-14.5-105 (1)(a). THE RESPONDENT
2 MAY REPLACE THE ATTORNEY WITH AN ATTORNEY OF THE RESPONDENT'S
3 OWN SELECTION AT ANY TIME AT THE RESPONDENT'S OWN EXPENSE. THE
4 COURT SHALL PAY THE ATTORNEY FEES FOR AN ATTORNEY APPOINTED FOR
5 THE RESPONDENT.

6 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
7 CONTRARY, A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH
8 PROFESSIONAL AUTHORIZED TO FILE A PETITION FOR AN EXTREME RISK
9 PROTECTION ORDER, UPON FILING THE PETITION FOR AN EXTREME RISK
10 PROTECTION ORDER, IS AUTHORIZED TO DISCLOSE PROTECTED HEALTH
11 INFORMATION, OF THE RESPONDENT AS NECESSARY FOR THE FULL
12 INVESTIGATION AND DISPOSITION OF THE PETITION FOR AN EXTREME RISK
13 PROTECTION ORDER. WHEN DISCLOSING PROTECTED HEALTH
14 INFORMATION, THE LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL
15 HEALTH PROFESSIONAL SHALL MAKE REASONABLE EFFORTS TO LIMIT
16 PROTECTED HEALTH INFORMATION TO THE MINIMUM NECESSARY TO
17 ACCOMPLISH THE FILING OF THE REQUEST. UPON RECEIPT OF A PETITION BY
18 A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH
19 PROFESSIONAL AND FOR GOOD CAUSE SHOWN, THE COURT MAY ISSUE
20 ORDERS TO OBTAIN ANY RECORDS OR DOCUMENTS RELATING TO
21 DIAGNOSIS, PROGNOSIS, OR TREATMENT, AND CLINICAL RECORDS, OF THE
22 RESPONDENT AS NECESSARY FOR THE FULL INVESTIGATION AND
23 DISPOSITION OF THE PETITION FOR AN EXTREME RISK PROTECTION ORDER.
24 THE COURT SHALL SEAL ALL RECORDS AND OTHER HEALTH INFORMATION
25 RECEIVED THAT CONTAIN PROTECTED HEALTH INFORMATION. THE
26 DECISION OF A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL
27 HEALTH PROFESSIONAL TO DISCLOSE OR NOT TO DISCLOSE RECORDS OR

1 DOCUMENTS RELATING TO THE DIAGNOSIS, PROGNOSIS, OR TREATMENT,
2 AND CLINICAL RECORDS OF A RESPONDENT, WHEN MADE REASONABLY AND
3 IN GOOD FAITH, MUST NOT BE THE BASIS FOR ANY CIVIL, ADMINISTRATIVE,
4 OR CRIMINAL LIABILITY WITH RESPECT TO THE LICENSED HEALTH-CARE
5 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL.

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

8 (3) A PETITION MUST:

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

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

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

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

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

27 (f) IF THE PETITIONER IS NOT A LAW ENFORCEMENT AGENCY,

1 IDENTIFY WHETHER THE PETITIONER INFORMED A LOCAL LAW
2 ENFORCEMENT AGENCY REGARDING THE RESPONDENT.

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

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

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

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

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

1 **13-14.5-105. Hearings on petition - grounds for order issuance.**

2 (1) (a) UPON FILING OF THE PETITION, THE COURT SHALL ORDER A
3 HEARING TO BE HELD AND PROVIDE A NOTICE OF HEARING TO THE
4 RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING NO
5 LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK
6 PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY
7 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY
8 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO
9 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL
10 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE
11 CONDUCTING A TELEPHONIC HEARING.

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

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

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

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

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

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

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

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

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

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

27 (f) THE RESPONDENT'S OWNERSHIP, ACCESS TO, OR INTENT TO

1 POSSESS A FIREARM;

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

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

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

10 (j) EVIDENCE OF THE RESPONDENT'S ABUSE OF CONTROLLED
11 SUBSTANCES OR ALCOHOL;

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

15 (l) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR
16 AMMUNITION BY THE RESPONDENT.

17 (4) THE COURT MAY:

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

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

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

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

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

7 (8)(a) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE
8 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE
9 STANDARD FOR A COURT-ORDERED EVALUATION FOR PERSONS WITH
10 MENTAL HEALTH DISORDERS PURSUANT TO SECTION 27-65-106. IF THE
11 COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN,
12 IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION ORDER, THE
13 COURT SHALL ORDER MENTAL HEALTH TREATMENT AND EVALUATION
14 AUTHORIZED PURSUANT TO SECTION 27-65-106 (4)(d).

15 (b) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE
16 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE
17 STANDARD FOR AN EMERGENCY COMMITMENT PURSUANT TO SECTION
18 27-81-111. IF THE COURT DETERMINES THAT THE RESPONDENT MEETS THE
19 STANDARD, THEN, IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION
20 ORDER, THE COURT SHALL ORDER AN EMERGENCY COMMITMENT
21 PURSUANT TO SECTION 27-81-111.

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

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

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

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

27 (d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE

1 PLEADING SHOULD BE FILED;

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

4 (f) THE FOLLOWING STATEMENT:

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

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

26 (11) (a) IF THE COURT ISSUES AN EXTREME RISK PROTECTION
27 ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE

1 COURT'S ISSUANCE.

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

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

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

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

26 (2) THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE
27 THE RESPONDENT RESIDES SHALL 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 AND DATE OF HEARING
8 MUST BE SERVED ON THE PETITIONER IN ACCORDANCE WITH THE
9 COLORADO RULES OF CIVIL PROCEDURE OR COLORADO RULES OF COUNTY
10 COURT CIVIL PROCEDURE. THE COURT SHALL SET THE HEARING FOURTEEN
11 DAYS AFTER THE FILING OF THE REQUEST FOR A HEARING TO TERMINATE
12 AN EXTREME RISK PROTECTION ORDER. THE COURT SHALL TERMINATE THE
13 EXTREME RISK PROTECTION ORDER IF THE RESPONDENT ESTABLISHES BY
14 CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT NO LONGER
15 POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR
16 OTHERS BY HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL A
17 FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM. THE
18 COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE
19 OF THE 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. IF
25 THE COURT CONTINUES THE HEARING, THE COURT SHALL SET THE DATE
26 FOR THE NEXT HEARING PRIOR TO THE DATE FOR THE EXPIRATION OF THE
27 EXTREME RISK PROTECTION ORDER.

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

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

10 (c) UPON RECEIPT OF THE MOTION TO RENEW, THE COURT SHALL
11 ORDER THAT A HEARING BE HELD NOT LATER THAN FOURTEEN DAYS AFTER
12 THE FILING OF THE MOTION TO RENEW. THE COURT MAY SCHEDULE A
13 HEARING BY TELEPHONE IN THE MANNER PRESCRIBED BY SECTION
14 13-14.5-105 (1)(a). THE RESPONDENT MUST BE PERSONALLY SERVED IN
15 THE SAME MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(b) AND
16 (1)(c).

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

21 (e) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE
22 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION
23 13-14.5-105 (3), THE RESPONDENT CONTINUES TO POSE A SIGNIFICANT
24 RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN THE
25 RESPONDENT'S CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,
26 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL RENEW THE
27 ORDER FOR A PERIOD OF TIME THE COURT DEEMS APPROPRIATE, NOT TO

1 EXCEED ONE YEAR. IN THE ORDER, THE COURT SHALL SET A RETURN DATE
2 TO REVIEW THE ORDER NO LATER THAN THIRTY-FIVE DAYS PRIOR TO THE
3 EXPIRATION OF THE ORDER. HOWEVER, IF, AFTER NOTICE, THE MOTION FOR
4 RENEWAL IS UNCONTESTED AND THE PETITIONER SEEKS NO MODIFICATION
5 OF THE ORDER, THE ORDER MAY BE RENEWED ON THE BASIS OF THE
6 PETITIONER'S MOTION OR AFFIDAVIT, SIGNED UNDER OATH AND PENALTY
7 OF PERJURY, STATING THAT THERE HAS BEEN NO MATERIAL CHANGE IN
8 RELEVANT CIRCUMSTANCES SINCE THE ENTRY OF THE ORDER AND STATING
9 THE REASON FOR THE REQUESTED RENEWAL.

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

15 **13-14.5-108. Surrender of a firearm.** (1) (a) UPON ISSUANCE OF
16 AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5,
17 INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT
18 SHALL ORDER THE RESPONDENT TO SURRENDER ALL FIREARMS BY:

19 (I) SELLING OR TRANSFERRING POSSESSION OF THE FIREARM TO A
20 FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC.
21 923, AS AMENDED; EXCEPT THAT THIS PROVISION MUST NOT BE
22 INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER
23 TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM;

24 (II) ARRANGING FOR THE STORAGE OF THE FIREARM BY A LAW
25 ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL
26 PRESERVE THE FIREARM IN A SUBSTANTIALLY SIMILAR CONDITION THAT
27 THE FIREARM WAS IN WHEN IT WAS SURRENDERED. IF THE RESPONDENT

1 DOES NOT CHOOSE THE OPTION IN SUBSECTION (1)(a)(I) OF THIS SECTION,
2 A LOCAL LAW ENFORCEMENT AGENCY SHALL STORE THE FIREARM.

3 (III) ONLY FOR EITHER AN ANTIQUE FIREARM, AS DEFINED IN 18
4 U.S.C. sec. 921 (a)(16), AS AMENDED, OR A CURIO OR RELIC, AS DEFINED
5 IN 27 CFR 478.11, AS AMENDED, TRANSFERRING POSSESSION OF THE
6 ANTIQUE FIREARM OR CURIO OR RELIC TO A RELATIVE WHO DOES NOT LIVE
7 WITH THE RESPONDENT AFTER CONFIRMING, THROUGH A CRIMINAL
8 HISTORY RECORD CHECK, THE RELATIVE IS CURRENTLY ELIGIBLE TO OWN
9 OR POSSESS A FIREARM UNDER FEDERAL AND STATE LAW.

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

13 (2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME
14 RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A
15 TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER
16 WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST
17 THAT THE RESPONDENT IMMEDIATELY SURRENDER ALL FIREARMS IN THE
18 RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED
19 CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH
20 PERMITTED BY LAW FOR SUCH FIREARMS OR PERMIT. AFTER THE LAW
21 ENFORCEMENT AGENCY OR OFFICER HAS CUSTODY OF THE FIREARMS, THE
22 RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF THE
23 RESPONDENT'S PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE
24 FIREARMS AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE
25 RESPONDENT ELECTS TO SELL OR TRANSFER THE FIREARMS TO A
26 FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC.
27 923, AS AMENDED, THE LAW ENFORCEMENT OFFICER OR AGENCY SHALL

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

14 (b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER
15 IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT
16 OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE
17 CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH
18 WARRANT FOR FIREARMS POSSESSED BY A RESPONDENT IN AN EXTREME
19 RISK PROTECTION ORDER, AS DESCRIBED IN SECTION 16-3-301.5, IF A
20 WARRANT WAS OBTAINED. AFTER THE LAW ENFORCEMENT AGENCY OR
21 OFFICER HAS CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM
22 THE LAW ENFORCEMENT OFFICER OF THE RESPONDENT'S PREFERENCE FOR
23 SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SECTION
24 13-14-105.5 (4). THE LAW ENFORCEMENT OFFICER SHALL REQUEST THAT
25 THE RESPONDENT IMMEDIATELY SURRENDER ANY CONCEALED CARRY
26 PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH
27 PERMITTED BY LAW FOR THE PERMIT.

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

12 (4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
13 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT
14 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO
15 COMPLY WITH THE SURRENDER OF FIREARMS OR A CONCEALED CARRY
16 PERMIT AS REQUIRED BY AN ORDER ISSUED PURSUANT TO THIS ARTICLE
17 14.5, THE COURT SHALL DETERMINE WHETHER PROBABLE CAUSE EXISTS TO
18 BELIEVE THAT THE RESPONDENT HAS FAILED TO SURRENDER ALL FIREARMS
19 OR A CONCEALED CARRY PERMIT IN HIS OR HER CUSTODY, THE
20 RESPONDENT'S CONTROL, OR POSSESSION. IF PROBABLE CAUSE EXISTS, THE
21 COURT SHALL ISSUE A SEARCH WARRANT THAT STATES WITH
22 PARTICULARITY THE PLACES TO BE SEARCHED AND THE ITEMS TO BE
23 TAKEN INTO CUSTODY.

24 (5) IF A PERSON OTHER THAN THE RESPONDENT CLAIMS TITLE TO
25 ANY FIREARMS SURRENDERED OR TAKEN CUSTODY OF PURSUANT TO
26 SECTION 16-3-301.5 PURSUANT TO THIS SECTION AND THE LAW
27 ENFORCEMENT AGENCY DETERMINES THAT THE RESPONDENT IS THE

1 LAWFUL OWNER OF THE FIREARM, THE FIREARM SHALL BE RETURNED TO
2 THE RESPONDENT IF:

3 (a) THE FIREARM IS REMOVED FROM THE RESPONDENT'S CUSTODY,
4 CONTROL, OR POSSESSION, AND THE LAWFUL OWNER AGREES TO STORE
5 THE FIREARM SO THAT THE RESPONDENT DOES NOT HAVE ACCESS TO OR
6 CONTROL OF THE FIREARM; AND

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

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

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

21 (II) ATTEST TO THE COURT THAT:

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

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

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

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

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

26 **13-14.5-109. Firearms - return - disposal.** (1) IF AN EXTREME
27 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION

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

15 (2) ANY FIREARM SURRENDERED BY A RESPONDENT PURSUANT TO
16 SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION
17 16-3-301.5 THAT REMAINS UNCLAIMED BY THE LAWFUL OWNER FOR AT
18 LEAST ONE YEAR FROM THE DATE THE TEMPORARY EXTREME RISK
19 PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER EXPIRED,
20 WHICHEVER IS LATER, SHALL BE DISPOSED OF IN ACCORDANCE WITH THE
21 LAW ENFORCEMENT AGENCY'S POLICIES AND PROCEDURES FOR THE
22 DISPOSAL OF FIREARMS IN POLICE CUSTODY.

23 **13-14.5-110. Reporting of extreme risk protection orders.**

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

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

20 (3) THE ISSUING COURT SHALL, WITHIN THREE COURT DAYS AFTER
21 ISSUANCE OF AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY
22 EXTREME RISK PROTECTION ORDER, FORWARD ALL IDENTIFYING
23 INFORMATION THE COURT HAS REGARDING THE RESPONDENT, ALONG WITH
24 THE DATE THE ORDER IS ISSUED, TO THE COUNTY SHERIFF IN THE
25 JURISDICTION WHERE THE RESPONDENT RESIDES. UPON RECEIPT OF THE
26 INFORMATION, THE COUNTY SHERIFF SHALL DETERMINE IF THE
27 RESPONDENT HAS A CONCEALED CARRY PERMIT. IF THE RESPONDENT DOES

1 HAVE A CONCEALED CARRY PERMIT, THE ISSUING COUNTY SHERIFF SHALL
2 IMMEDIATELY REVOKE THE PERMIT. THE RESPONDENT MAY REAPPLY FOR
3 A CONCEALED CARRY PERMIT AFTER THE TEMPORARY EXTREME RISK
4 PROTECTION ORDER AND EXTREME RISK PROTECTION ORDER, IF ORDERED,
5 ARE NO LONGER IN EFFECT.

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

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

21 (6) AN EXTREME RISK PROTECTION ORDER DOES NOT CONSTITUTE
22 A FINDING THAT A RESPONDENT IS A PROHIBITED PERSON PURSUANT TO 18
23 U.S.C. sec. 922 (d)(4) OR (g)(4). THIS SUBSECTION (6) DOES NOT ALTER
24 A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK
25 PROTECTION ORDER, AND A RESPONDENT SUBJECT TO A TEMPORARY
26 EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION
27 ORDER IS PROHIBITED FROM POSSESSING A FIREARM UNDER STATE LAW.

1 THIS SUBSECTION (6) DOES NOT CHANGE THE DUTY TO ENTER A
2 TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK
3 PROTECTION ORDER INTO THE APPROPRIATE DATABASES PURSUANT TO
4 THIS SECTION.

5 **13-14.5-111. Penalties.** ANY PERSON WHO HAS IN THE PERSON'S
6 CUSTODY, POSSESSION, OR CONTROL A FIREARM, OR PURCHASES,
7 POSSESSES, OR RECEIVES A FIREARM WITH KNOWLEDGE THAT THE PERSON
8 IS PROHIBITED FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER
9 OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO
10 THIS ARTICLE 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

11 **13-14.5-112. Other authority retained.** THIS ARTICLE 14.5 DOES
12 NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A
13 FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A
14 SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL
15 AUTHORITY.

16 **13-14.5-113. Liability.** (1) EXCEPT AS PROVIDED IN SECTION
17 13-14.5-111, THIS ARTICLE 14.5 DOES NOT IMPOSE CRIMINAL,
18 ADMINISTRATIVE, OR CIVIL LIABILITY ON ANY PERSON, INCLUDING A
19 COMMUNITY MEMBER, OR ENTITY FOR ACTS OR OMISSIONS MADE IN GOOD
20 FAITH RELATED TO OBTAINING AN EXTREME RISK PROTECTION ORDER OR
21 A TEMPORARY EXTREME RISK PROTECTION ORDER, INCLUDING BUT NOT
22 LIMITED TO REPORTING, DECLINING TO REPORT, INVESTIGATING,
23 DECLINING TO INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION
24 PURSUANT TO THIS ARTICLE 14.5. THIS ARTICLE 14.5 DOES NOT IMPOSE
25 CRIMINAL OR CIVIL LIABILITY ON A PEACE OFFICER LAWFULLY ENFORCING
26 AN ORDER PURSUANT TO THIS ARTICLE 14.5.

27 (2) A PERSON WHO FILES A MALICIOUS OR FALSE PETITION FOR A

1 TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK
2 PROTECTION ORDER MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR
3 THOSE ACTS.

4 (3) A FEDERALLY LICENSED FIREARMS DEALER OR LAW
5 ENFORCEMENT AGENCY THAT STORES A FIREARM AS PERMITTED BY THIS
6 ARTICLE 14.5 IS NOT CIVILLY LIABLE FOR ANY RESULTING DAMAGES TO
7 THE FIREARM, AS LONG AS SUCH DAMAGE DID NOT RESULT FROM THE
8 WILLFUL AND WRONGFUL ACT OR GROSS NEGLIGENCE OF THE PERSON OR
9 LAW ENFORCEMENT AGENCY STORING THE FIREARM.

10 (4) THIS ARTICLE 14.5 DOES NOT REQUIRE A FAMILY OR
11 HOUSEHOLD MEMBER OF THE RESPONDENT, A COMMUNITY MEMBER, OR A
12 LAW ENFORCEMENT OFFICER OR AGENCY TO FILE A PETITION FOR A
13 TEMPORARY EMERGENCY EXTREME RISK PROTECTION ORDER OR PETITION
14 FOR AN EXTREME RISK PROTECTION ORDER.

15 (5) A COMMUNITY MEMBER'S EMPLOYER SHALL NOT USE A
16 COMMUNITY MEMBER'S ACTS OR OMISSIONS MADE IN GOOD FAITH RELATED
17 TO OBTAINING AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY
18 EXTREME RISK PROTECTION ORDER, INCLUDING BUT NOT LIMITED TO
19 REPORTING, DECLINING TO REPORT, INVESTIGATING, DECLINING TO
20 INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION PURSUANT TO THIS
21 ARTICLE 14.5 AS A BASIS FOR DISCIPLINE OR TERMINATION.

22 **13-14.5-114. Instructional and informational material -**
23 **definition.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL DEVELOP
24 STANDARD PETITIONS AND EXTREME RISK PROTECTION ORDER FORMS AND
25 TEMPORARY EXTREME RISK PROTECTION ORDER FORMS IN MORE THAN ONE
26 LANGUAGE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES.
27 THE STANDARD PETITION AND ORDER FORMS MUST BE USED AFTER

1 JANUARY 1, 2020, FOR ALL PETITIONS FILED AND ORDERS ISSUED
2 PURSUANT TO THIS ARTICLE 14.5. THE STATE COURT ADMINISTRATOR MAY
3 CONSULT WITH INTERESTED PARTIES IN DEVELOPING THE PETITIONS AND
4 FORMS. THE MATERIALS MUST BE AVAILABLE ONLINE CONSISTENT WITH
5 STATE JUDICIAL DEPARTMENT PRACTICES.

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

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

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

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

24 (4) COURTS SHALL ACCEPT PETITIONS PURSUANT TO SECTIONS
25 13-14.5-103 AND 13-14.5-104 BEGINNING ON JANUARY 1, 2020.

26 **13-14.5-115. Effect of previous issued orders.** THE ENACTMENT
27 OF THIS SB 23-___ AND THE PROVISIONS OF THIS ARTICLE 14.5

1 AUTHORIZING THE COURT TO ENTER AN ORDER PURSUANT TO SECTION
2 13-14.5-103 OR 13-14.5-104 DO NOT LIMIT, CHANGE, VOID, OR OTHERWISE
3 IMPACT AN EXTREME RISK PROTECTION ORDER ENTERED BY THE COURT
4 PURSUANT TO THIS ARTICLE 14.5 PRIOR TO THE EFFECTIVE DATE OF THIS
5 SB 23-____. ANY SUCH ORDER REMAINS IN EFFECT UNTIL IT EXPIRES BY ITS
6 OWN TERMS OR IS TERMINATED BY THE COURT.

7 **13-14.5-116. Severability.** IF ANY PROVISION OF THIS ARTICLE
8 14.5 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS
9 HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
10 APPLICATIONS OF THIS ARTICLE 14.5 THAT CAN BE GIVEN EFFECT WITHOUT
11 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
12 PROVISIONS OF THIS ARTICLE 14.5 ARE DECLARED TO BE SEVERABLE.

13 **SECTION 2.** In Colorado Revised Statutes, 25-20.5-1205, **add**
14 (3) as follows:

15 **25-20.5-1205. Federal grants - other funds - gifts, grants, and**
16 **donations.** (3) THE OFFICE SHALL EXPEND FUNDS ANNUALLY ON A PUBLIC
17 EDUCATION CAMPAIGN REGARDING THE AVAILABILITY OF, AND THE
18 PROCESS FOR REQUESTING, AN EXTREME RISK PROTECTION ORDER
19 PURSUANT TO ARTICLE 14.5 OF TITLE 13 AND AS DESCRIBED IN SECTION
20 25-20.5-1203 (2)(a).

21 **SECTION 3.** In Colorado Revised Statutes, 13-3-101, **repeal and**
22 **reenact** (13) as follows:

23 **13-3-101. State court administrator - report - definitions -**
24 **repeal.** (13) THE STATE COURT ADMINISTRATOR OR THE
25 ADMINISTRATOR'S DESIGNEE SHALL PRESENT AT THE JUDICIAL
26 DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203 STATISTICS
27 RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE 14.5 OF THIS

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

19 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
20 16-3-301.5 as follows:

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

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

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

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

8 (c) THE LOCATION OF SUCH FIREARMS; AND

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

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

15 **SECTION 5.** In Colorado Revised Statutes, 18-12-203, **repeal**
16 **and reenact** (1)(g)(IV) as follows:

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

20 (g) Is not subject to:

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

24 **SECTION 6. No appropriation.** The general assembly has
25 determined that this act can be implemented within existing
26 appropriations, and therefore no separate appropriation of state money is
27 necessary to carry out the purposes of this act.

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