

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0556.02 Owen Hatch x2698

HOUSE BILL 26-1072

HOUSE SPONSORSHIP

Slaugh,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 CONCERNING AN INDIVIDUAL'S RIGHT TO POSSESS A FIREARM TO THE
102 EXTENT PERMITTED BY THE CONSTITUTION, AND, IN
103 CONNECTION THEREWITH, ELIMINATING EXTREME RISK
104 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 codifies an individual's right to own, possess, and use a firearm to the maximum extent permissible by the state and federal constitutions.

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.

Extreme risk protection orders and temporary extreme risk protection orders are repealed.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-12-100.5 as
3 follows:

4 **18-12-100.5. Constitutional right to own, possess, and use a**
5 **firearm.**

6 AN INDIVIDUAL HAS A RIGHT TO OWN, POSSESS, AND USE A FIREARM
7 TO THE MAXIMUM EXTENT PERMISSIBLE BY THE STATE AND FEDERAL
8 CONSTITUTIONS.

9 **SECTION 2.** In Colorado Revised Statutes, **repeal** article 14.5
10 of title 13.

11 **SECTION 3.** In Colorado Revised Statutes, **repeal** 16-3-301.5.

12 **SECTION 4.** In Colorado Revised Statutes, 13-3-101, **repeal** (13)
13 as follows:

14 **13-3-101. State court administrator - duties - report -**
15 **definitions - repeal.**

16 ~~(13) The state court administrator or the administrator's designee~~
17 ~~shall present at the judicial department's hearing pursuant to section~~
18 ~~2-7-203 statistics related to extreme risk protection orders in article 14.5~~
19 ~~of this title 13. The statistics must include the number of petitions filed~~
20 ~~for temporary extreme risk protection orders, the number of petitions filed~~
21 ~~for extreme risk protection orders, the number of temporary extreme risk~~
22 ~~protection orders issued and denied, the number of extreme risk~~
23 ~~protection orders issued and denied, the number of temporary extreme~~
24 ~~risk protection orders terminated, the number of extreme risk protection~~
25 ~~orders terminated, and the number of extreme risk protection orders~~

1 ~~renewed. The state court administrator or the administrator's designee~~
2 ~~shall also report state court data related to all persons who are subject to~~
3 ~~any temporary emergency risk protection order or emergency risk~~
4 ~~protection order and who, within thirty days after the issuance or~~
5 ~~execution of the protection order, are charged with a criminal offense.~~
6 ~~The report must include the nature of the criminal offense, including but~~
7 ~~not limited to any offense for violation of the emergency risk protection~~
8 ~~order and the disposition or status of that criminal offense.~~

9 **SECTION 5.** In Colorado Revised Statutes, 13-40-104, **amend**
10 (4)(a)(II) as follows:

11 **13-40-104. Unlawful detention defined - definitions - repeal.**

12 (4) (a) It is not an unlawful detention of real property as described
13 in subsection (1)(d), (1)(d.5), (1)(e), (1)(e.5), or (1)(j) of this section if the
14 tenant or lessee is a victim-survivor of unlawful sexual behavior, stalking,
15 domestic violence, or domestic abuse, which unlawful sexual behavior,
16 stalking, domestic violence, or domestic abuse was the cause of,
17 contributed to, or resulted in the alleged unlawful detention and which
18 unlawful sexual behavior, stalking, domestic violence, or domestic abuse
19 has been documented by at least one of the following:

20 (II) A valid civil, criminal, or emergency protection order or
21 restraining order issued pursuant to article 14 ~~or article 14.5~~ of this title
22 13 or section 18-1-1001;

23 **SECTION 6.** In Colorado Revised Statutes, 18-12-116, **amend**
24 (5)(a)(IV) as follows:

25 **18-12-116. Enforcement of large-capacity magazine ban by**
26 **regulating the manufacture, distribution, transfer, sale, and purchase**
27 **of specified semiautomatic firearms - penalties - definitions.**

1 (5) (a) (IV) A basic or extended firearms safety course must
2 satisfy the course requirements adopted by the division and include, but
3 is not limited to including, instruction on safe handling of semiautomatic
4 firearms and ammunition magazines, safe storage of firearms and child
5 safety, firearm deaths associated with mental illness, ~~extreme risk~~
6 ~~protection orders described in article 14.5 of title 13~~, and victim
7 awareness and empathy.

8 **SECTION 7.** In Colorado Revised Statutes, 18-12-202.5, **amend**
9 (3)(d) as follows:

10 **18-12-202.5. Concealed handgun training class - refresher**
11 **class - rules.**

12 (3) A concealed handgun training class must include the following
13 elements:

14 (d) Instruction regarding federal and state laws pertaining to the
15 lawful purchase, ownership, transportation, use, and possession of
16 firearms, including ~~instruction on extreme risk protection orders~~
17 ~~described in article 14.5 of title 13~~, requirements for reporting lost or
18 stolen firearms described in section 18-12-113, secure firearms storage
19 requirements described in section 18-12-114, and any other state law
20 enacted within five years before the class that pertains to the purchase,
21 ownership, transportation, use, and possession of firearms;

22 **SECTION 8.** In Colorado Revised Statutes, 18-12-203, **amend**
23 (1) introductory portion and (1)(g) as follows:

24 **18-12-203. Criteria for obtaining a permit.**

25 (1) ~~Beginning May 17, 2003~~, Except as set forth in this section,
26 a sheriff shall issue a permit to carry a concealed handgun to an applicant
27 who:

1 (g) Is not subject to:

2 (I) A protection order issued pursuant to section 18-1-1001 or
3 section 19-2.5-607 that is in effect at the time the application is
4 submitted; ~~or~~

5 (II) A permanent protection order issued pursuant to article 14 of
6 title 13; OR

7 (III) A temporary protection order issued pursuant to article 14 of
8 title 13 that is in effect at the time the application is submitted; ~~or~~

9 (IV) ~~A temporary extreme risk protection order issued pursuant~~
10 ~~to section 13-14.5-103 (3) or an extreme risk protection order issued~~
11 ~~pursuant to section 13-14.5-105 (2);~~

12 **SECTION 9.** In Colorado Revised Statutes, **repeal** 24-33.5-119.

13 **SECTION 10.** In Colorado Revised Statutes, 24-33.5-539, **repeal**
14 (3)(d) as follows:

15 **24-33.5-539. Automated protection order notification system**
16 **- definitions.**

17 (3) The automated protection order notification system must
18 include, but is not limited to, the following information, if available:

19 (d) ~~Whether an extreme risk protection order was issued against~~
20 ~~the restrained person pursuant to article 14.5 of title 13, and if so, the date~~
21 ~~the extreme risk protection order was served or was attempted to be~~
22 ~~served;~~

23 **SECTION 11.** In Colorado Revised Statutes, 25-20.5-1203,
24 **repeal** (1)(a) as follows:

25 **25-20.5-1203. Gun violence prevention awareness and**
26 **education - violence intervention grant program - rules.**

27 (1) The office shall increase the awareness of, and educate the

1 general public about, state and federal laws and existing resources
2 relating to gun violence prevention, including the following:

3 (a) ~~The availability of, and the process for requesting, an extreme~~
4 ~~risk protection order pursuant to article 14.5 of title 13;~~

5 **SECTION 12.** In Colorado Revised Statutes, 25-20.5-1205,
6 **amend** (3) as follows:

7 **25-20.5-1205. Federal grants - other funds - gifts, grants, and**
8 **donations.**

9 (3) The office shall expend funds annually on a public education
10 campaign ~~regarding the availability of, and the process for requesting, an~~
11 ~~extreme risk protection order pursuant to article 14.5 of title 13 and as~~
12 described in section 25-20.5-1203 (2)(a).

13 **SECTION 13.** In Colorado Revised Statutes, 38-12-402, **amend**
14 (2)(a.5)(I)(D) as follows:

15 **38-12-402. Protection for victim-survivors of unlawful sexual**
16 **behavior, stalking, domestic violence, or domestic abuse.**

17 (2) (a.5) (I) For the purposes of subsection (2)(a) of this section,
18 to provide evidence that the tenant is a victim-survivor of unlawful sexual
19 behavior, stalking, domestic violence, or domestic abuse, a tenant may
20 provide to the landlord at least one of the following:

21 (D) A valid civil, criminal, or emergency protection order or
22 restraining order issued pursuant to article 14 ~~or article 14.5~~ of title 13 or
23 section 18-1-1001.

24 **SECTION 14. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2026 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.