

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0511.02 Michael Dohr x4347

SENATE BILL 23-170

SENATE SPONSORSHIP

Sullivan and Fenberg, Fields, Jaquez Lewis, Kolker, Bridges, Buckner, Coleman, Cutter, Danielson, Exum, Ginal, Gonzales, Hansen, Marchman, Moreno, Mullica, Rodriguez, Winter F., Zenzinger

HOUSE SPONSORSHIP

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

Senate Committees

State, Veterans, & Military Affairs

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING EXTREME RISK PROTECTION ORDERS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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
3rd Reading Unamended
March 13, 2023

SENATE
Amended 2nd Reading
March 10, 2023

mental health-care providers, licensed educators, and district attorneys.
The bill requires the office of gun violence prevention to expend 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.

1 (4) "FACULTY MEMBER" MEANS A PRESIDENT, DEAN, PROFESSOR,
2 ADMINISTRATOR, INSTRUCTOR, OR RESEARCH WORKER AT AN INSTITUTION
3 OF HIGHER EDUCATION.

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

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

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

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

14 (d) DOMESTIC PARTNER OF THE RESPONDENT;

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

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

20 (g) PERSON IN ANY OTHER RELATIONSHIP DESCRIBED IN SECTION
21 18-6-800.3 (2) WITH THE RESPONDENT.

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

24 (7) "LAW ENFORCEMENT OFFICER" MEANS A PEACE OFFICER THAT
25 IS:

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

1 (b) AUTHORIZED BY SECTION 16-2.5-113 WHEN ASSISTANCE IS
2 REQUESTED BY AN INDIVIDUAL OR ENTITY PURSUANT TO SECTION
3 24-33.5-412;

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

7 (d) EMPLOYED BY A DISTRICT ATTORNEY, DESIGNATED BY A
8 DISTRICT ATTORNEY, AND AUTHORIZED BY SECTION 16-2.5-132 OR
9 16-2.5-133;

10 (e) EMPLOYED BY THE DEPARTMENT OF LAW, DESIGNATED BY THE
11 ATTORNEY GENERAL, AND AUTHORIZED BY SECTION 16-2.5-128,
12 16-2.5-129, OR 16-2.5-130;

13 (f) AUTHORIZED BY SECTION 16-2.5-136, 16-2.5-137, OR
14 16-2.5-138;

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

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

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

26 (9) "MENTAL HEALTH PROFESSIONAL" MEANS A PSYCHOLOGIST,
27 LICENSED PROFESSIONAL SOCIAL WORKER, MARRIAGE AND FAMILY

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

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

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

21 **13-14.5-103. Temporary extreme risk protection orders.**

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

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

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

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

19 (c) VENUE FOR FILING A PETITION PURSUANT TO THIS SECTION IS
20 PROPER IN ANY COUNTY WHERE THE ACTS THAT ARE THE SUBJECT OF THE
21 PETITION OCCUR, IN ANY COUNTY WHERE ONE OF THE PARTIES RESIDES, OR
22 IN ANY COUNTY WHERE ONE OF THE PARTIES IS EMPLOYED. THIS
23 REQUIREMENT FOR VENUE DOES NOT PROHIBIT THE CHANGE OF VENUE TO
24 ANY OTHER COUNTY APPROPRIATE UNDER APPLICABLE LAW.

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

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

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

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

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

1 TO THE PETITIONER.

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

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

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

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

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

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

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

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

15 (g) THE FOLLOWING STATEMENT:

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

1 PROTECTION ORDER SHOULD BE ISSUED. FAILURE TO APPEAR
2 AT THAT HEARING MAY RESULT IN A COURT ENTERING AN
3 ORDER AGAINST YOU THAT IS VALID FOR THREE HUNDRED
4 SIXTY FOUR DAYS. AN ATTORNEY WILL BE APPOINTED TO
5 REPRESENT YOU, OR YOU MAY SEEK THE ADVICE OF YOUR
6 OWN ATTORNEY AT YOUR OWN EXPENSE AS TO ANY MATTER
7 CONNECTED WITH THIS ORDER.

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

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

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

21 **13-14.5-104. Petition for extreme risk protection order.**

22 (1) (a) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE
23 FILED BY A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT, A
24 COMMUNITY MEMBER, OR A LAW ENFORCEMENT OFFICER OR AGENCY. IF
25 THE PETITION IS FILED BY A LAW ENFORCEMENT OFFICER OR AGENCY, A
26 COUNTY OR CITY ATTORNEY SHALL REPRESENT THE OFFICER OR AGENCY
27 IN ANY JUDICIAL PROCEEDING UPON REQUEST. IF THE PETITION IS FILED BY

1 A FAMILY OR HOUSEHOLD MEMBER OR COMMUNITY MEMBER, THE
2 PETITIONER, TO THE BEST OF THE PETITIONER'S ABILITY, SHALL NOTIFY THE
3 LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE
4 RESPONDENT RESIDES OF THE PETITION AND THE HEARING DATE WITH
5 ENOUGH ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR
6 ATTENDANCE. UPON THE FILING OF A PETITION, THE COURT SHALL APPOINT
7 AN ATTORNEY TO REPRESENT THE RESPONDENT, AND THE COURT SHALL
8 INCLUDE THE APPOINTMENT IN THE NOTICE OF HEARING PROVIDED TO THE
9 RESPONDENT PURSUANT TO SECTION 13-14.5-105 (1)(a). THE RESPONDENT
10 MAY REPLACE THE ATTORNEY WITH AN ATTORNEY OF THE RESPONDENT'S
11 OWN SELECTION AT ANY TIME AT THE RESPONDENT'S OWN EXPENSE. THE
12 COURT SHALL PAY THE ATTORNEY FEES FOR AN ATTORNEY APPOINTED FOR
13 THE RESPONDENT.

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

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

14 (2) VENUE FOR FILING A PETITION PURSUANT TO THIS SECTION IS
15 PROPER IN ANY COUNTY WHERE THE ACTS THAT ARE THE SUBJECT OF THE
16 PETITION OCCUR, IN ANY COUNTY WHERE ONE OF THE PARTIES RESIDES, OR
17 IN ANY COUNTY WHERE ONE OF THE PARTIES IS EMPLOYED. THIS
18 REQUIREMENT FOR VENUE DOES NOT PROHIBIT THE CHANGE OF VENUE TO
19 ANY OTHER COUNTY APPROPRIATE UNDER APPLICABLE LAW.

20 (3) A PETITION MUST:

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

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

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

7 (d) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC
8 ABUSE PROTECTION ORDER OR EMERGENCY PROTECTION ORDER
9 GOVERNING THE PETITIONER OR RESPONDENT;

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

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

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

21 (5) IF THE PETITION STATES THAT DISCLOSURE OF THE PETITIONER'S
22 ADDRESS WOULD RISK HARM TO THE PETITIONER OR ANY MEMBER OF THE
23 PETITIONER'S FAMILY OR HOUSEHOLD, THE PETITIONER'S ADDRESS MAY BE
24 OMITTED FROM ALL DOCUMENTS FILED WITH THE COURT. IF THE
25 PETITIONER HAS NOT DISCLOSED AN ADDRESS PURSUANT TO THIS SECTION,
26 THE PETITIONER MUST DESIGNATE AN ALTERNATIVE ADDRESS AT WHICH
27 THE RESPONDENT MAY SERVE NOTICE OF ANY MOTIONS. IF THE PETITIONER

1 IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE ADDRESS OF RECORD
2 MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

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

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

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

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

14 (1) (a) UPON FILING OF THE PETITION, THE COURT SHALL ORDER A
15 HEARING TO BE HELD AND PROVIDE A NOTICE OF HEARING TO THE
16 RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING NO
17 LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK
18 PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY
19 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY
20 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO
21 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL
22 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE
23 CONDUCTING A TELEPHONIC HEARING.

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

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

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

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

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

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

27 (b) A PATTERN OF ACTS OR CREDIBLE THREATS OF VIOLENCE BY

1 THE RESPONDENT WITHIN THE PAST YEAR, INCLUDING BUT NOT LIMITED TO
2 ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT AGAINST
3 SELF OR OTHERS;

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

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

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

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

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

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

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

22 (j) EVIDENCE OF THE RESPONDENT'S ABUSE OF CONTROLLED
23 SUBSTANCES OR ALCOHOL;

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

27 (l) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR

1 AMMUNITION BY THE RESPONDENT.

2 (4) THE COURT MAY:

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

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

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

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

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

19 (8)(a) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE
20 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE
21 STANDARD FOR A COURT-ORDERED EVALUATION FOR PERSONS WITH
22 MENTAL HEALTH DISORDERS PURSUANT TO SECTION 27-65-106. IF THE
23 COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN,
24 IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION ORDER, THE
25 COURT SHALL ORDER MENTAL HEALTH TREATMENT AND EVALUATION
26 AUTHORIZED PURSUANT TO SECTION 27-65-106 (4)(d).

27 (b) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE

1 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE
2 STANDARD FOR AN EMERGENCY COMMITMENT PURSUANT TO SECTION
3 27-81-111. IF THE COURT DETERMINES THAT THE RESPONDENT MEETS THE
4 STANDARD, THEN, IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION
5 ORDER, THE COURT SHALL ORDER AN EMERGENCY COMMITMENT
6 PURSUANT TO SECTION 27-81-111.

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

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

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

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

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

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

16 (f) THE FOLLOWING STATEMENT:

17 TO THE SUBJECT OF THIS EXTREME RISK PROTECTION
18 ORDER: THIS ORDER WILL LAST UNTIL THE DATE AND TIME
19 NOTED ABOVE. IF YOU HAVE NOT DONE SO ALREADY, YOU
20 MUST IMMEDIATELY SURRENDER ANY FIREARMS IN YOUR
21 CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED
22 CARRY PERMIT ISSUED TO YOU. YOU MAY NOT HAVE IN
23 YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE,
24 POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE
25 A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU HAVE THE
26 RIGHT TO REQUEST ONE HEARING TO TERMINATE THIS
27 ORDER DURING THE PERIOD THAT THIS ORDER IS IN EFFECT,

1 STARTING FROM THE DATE OF THIS ORDER AND CONTINUING
2 THROUGH ANY RENEWALS. YOU MAY SEEK THE ADVICE OF
3 AN ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS
4 ORDER.

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

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

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

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

26 (13) IF THE COURT ISSUES AN EXTREME RISK PROTECTION ORDER
27 AND THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR AGENCY OR

1 COMMUNITY MEMBER, THE PETITIONER SHALL MAKE A GOOD-FAITH
2 EFFORT TO PROVIDE NOTICE OF THE ORDER TO A FAMILY OR HOUSEHOLD
3 MEMBER OF THE RESPONDENT AND TO ANY KNOWN THIRD PARTY WHO
4 MAY BE AT DIRECT RISK OF VIOLENCE. THE NOTICE MUST INCLUDE
5 REFERRALS TO APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE,
6 BEHAVIORAL HEALTH, AND COUNSELING RESOURCES.

7 **13-14.5-106. Service of protection orders.** (1) AN EXTREME
8 RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 MUST
9 BE SERVED PERSONALLY UPON THE RESPONDENT, EXCEPT AS OTHERWISE
10 PROVIDED IN THIS ARTICLE 14.5.

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

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

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

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

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

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

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

14 (1) **Termination.** (a) THE RESPONDENT MAY SUBMIT ONE WRITTEN
15 REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION
16 ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE
17 ORDER IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO
18 TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET
19 A DATE FOR A HEARING. NOTICE OF THE REQUEST AND DATE OF HEARING
20 MUST BE SERVED ON THE PETITIONER IN ACCORDANCE WITH THE
21 COLORADO RULES OF CIVIL PROCEDURE OR COLORADO RULES OF COUNTY
22 COURT CIVIL PROCEDURE. THE COURT SHALL SET THE HEARING FOURTEEN
23 DAYS AFTER THE FILING OF THE REQUEST FOR A HEARING TO TERMINATE
24 AN EXTREME RISK PROTECTION ORDER. THE COURT SHALL TERMINATE THE
25 EXTREME RISK PROTECTION ORDER IF THE RESPONDENT ESTABLISHES BY
26 CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT NO LONGER
27 POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR

1 OTHERS BY HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL A
2 FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM. THE
3 COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE
4 OF THE CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

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

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

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

22 (c) UPON RECEIPT OF THE MOTION TO RENEW, THE COURT SHALL
23 ORDER THAT A HEARING BE HELD NOT LATER THAN FOURTEEN DAYS AFTER
24 THE FILING OF THE MOTION TO RENEW. THE COURT MAY SCHEDULE A
25 HEARING BY TELEPHONE IN THE MANNER PRESCRIBED BY SECTION
26 13-14.5-105 (1)(a). THE RESPONDENT MUST BE PERSONALLY SERVED IN
27 THE SAME MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(b) AND

1 (1)(c).

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

6 (e) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE
7 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION
8 13-14.5-105 (3), THE RESPONDENT CONTINUES TO POSE A SIGNIFICANT
9 RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN THE
10 RESPONDENT'S CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,
11 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL RENEW THE
12 ORDER FOR A PERIOD OF TIME THE COURT DEEMS APPROPRIATE, NOT TO
13 EXCEED ONE YEAR. IN THE ORDER, THE COURT SHALL SET A RETURN DATE
14 TO REVIEW THE ORDER NO LATER THAN THIRTY-FIVE DAYS PRIOR TO THE
15 EXPIRATION OF THE ORDER. HOWEVER, IF, AFTER NOTICE, THE MOTION FOR
16 RENEWAL IS UNCONTESTED AND THE PETITIONER SEEKS NO MODIFICATION
17 OF THE ORDER, THE ORDER MAY BE RENEWED ON THE BASIS OF THE
18 PETITIONER'S MOTION OR AFFIDAVIT, SIGNED UNDER OATH AND PENALTY
19 OF PERJURY, STATING THAT THERE HAS BEEN NO MATERIAL CHANGE IN
20 RELEVANT CIRCUMSTANCES SINCE THE ENTRY OF THE ORDER AND STATING
21 THE REASON FOR THE REQUESTED RENEWAL.

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

27 **13-14.5-108. Surrender of a firearm.** (1) (a) UPON ISSUANCE OF

1 AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5,
2 INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT
3 SHALL ORDER THE RESPONDENT TO SURRENDER ALL FIREARMS BY:

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

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

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

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

25 (2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME
26 RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A
27 TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER

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

26 (b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER
27 IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT

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

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

24 (4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
25 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT
26 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO
27 COMPLY WITH THE SURRENDER OF FIREARMS OR A CONCEALED CARRY

1 PERMIT AS REQUIRED BY AN ORDER ISSUED PURSUANT TO THIS ARTICLE
2 14.5, THE COURT SHALL DETERMINE WHETHER PROBABLE CAUSE EXISTS TO
3 BELIEVE THAT THE RESPONDENT HAS FAILED TO SURRENDER ALL FIREARMS
4 OR A CONCEALED CARRY PERMIT IN HIS OR HER CUSTODY, THE
5 RESPONDENT'S CONTROL, OR POSSESSION. IF PROBABLE CAUSE EXISTS, THE
6 COURT SHALL ISSUE A SEARCH WARRANT THAT STATES WITH
7 PARTICULARITY THE PLACES TO BE SEARCHED AND THE ITEMS TO BE
8 TAKEN INTO CUSTODY.

9 (5) IF A PERSON OTHER THAN THE RESPONDENT CLAIMS TITLE TO
10 ANY FIREARMS SURRENDERED OR TAKEN CUSTODY OF PURSUANT TO
11 SECTION 16-3-301.5 PURSUANT TO THIS SECTION AND THE LAW
12 ENFORCEMENT AGENCY DETERMINES THAT THE RESPONDENT IS THE
13 LAWFUL OWNER OF THE FIREARM, THE FIREARM SHALL BE RETURNED TO
14 THE RESPONDENT IF:

15 (a) THE FIREARM IS REMOVED FROM THE RESPONDENT'S CUSTODY,
16 CONTROL, OR POSSESSION, AND THE LAWFUL OWNER AGREES TO STORE
17 THE FIREARM SO THAT THE RESPONDENT DOES NOT HAVE ACCESS TO OR
18 CONTROL OF THE FIREARM; AND

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

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

24 (I) FILE WITH THE COURT THAT ISSUED THE ORDER ONE OR MORE
25 PROOFS OF RELINQUISHMENT OR REMOVAL SHOWING THAT ALL FIREARMS
26 PREVIOUSLY IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION,
27 AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT, WERE

1 RELINQUISHED TO OR REMOVED BY A LAW ENFORCEMENT AGENCY, AND
2 ATTEST TO THE COURT THAT THE RESPONDENT DOES NOT CURRENTLY
3 HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR
4 POSSESSION, AND DOES NOT CURRENTLY HAVE A CONCEALED CARRY
5 PERMIT; OR

6 (II) ATTEST TO THE COURT THAT:

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

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

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

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

1 CARRY PERMIT ISSUED TO THE RESPONDENT.

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

11 **13-14.5-109. Firearms - return - disposal.** (1) IF AN EXTREME
12 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION
13 ORDER IS TERMINATED OR EXPIRES WITHOUT RENEWAL, A LAW
14 ENFORCEMENT AGENCY HOLDING ANY FIREARM THAT HAS BEEN
15 SURRENDERED PURSUANT TO SECTION 13-14.5-108 OR TAKEN CUSTODY OF
16 PURSUANT TO SECTION 16-3-301.5, OR A FEDERALLY LICENSED FIREARMS
17 DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, WITH CUSTODY
18 OF A FIREARM, OR A RELATIVE WITH CUSTODY OF AN ANTIQUE FIREARM OR
19 CURIO OR RELIC PURSUANT TO SECTION 13-14.5-108 (1)(a)(III), MUST
20 RETURN THE FIREARM REQUESTED BY A RESPONDENT WITHIN THREE DAYS
21 ONLY AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK
22 PERFORMED PURSUANT TO SECTION 24-33.5-424, THAT THE RESPONDENT
23 IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A FIREARM UNDER FEDERAL
24 AND STATE LAW AND AFTER CONFIRMING WITH THE COURT THAT THE
25 EXTREME RISK PROTECTION ORDER HAS TERMINATED OR HAS EXPIRED
26 WITHOUT RENEWAL.

27 (2) ANY FIREARM SURRENDERED BY A RESPONDENT PURSUANT TO

1 SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION
2 16-3-301.5 THAT REMAINS UNCLAIMED BY THE LAWFUL OWNER FOR AT
3 LEAST ONE YEAR FROM THE DATE THE TEMPORARY EXTREME RISK
4 PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER EXPIRED,
5 WHICHEVER IS LATER, SHALL BE DISPOSED OF IN ACCORDANCE WITH THE
6 LAW ENFORCEMENT AGENCY'S POLICIES AND PROCEDURES FOR THE
7 DISPOSAL OF FIREARMS IN POLICE CUSTODY.

8 **13-14.5-110. Reporting of extreme risk protection orders.**

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

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

1 REMOVE THE EXPIRED OR TERMINATED ORDERS. ENTRY INTO THE
2 COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM IS
3 NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE EXISTENCE OF THE
4 ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY COUNTY IN THE STATE.

5 (3) THE ISSUING COURT SHALL, WITHIN THREE COURT DAYS AFTER
6 ISSUANCE OF AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY
7 EXTREME RISK PROTECTION ORDER, FORWARD ALL IDENTIFYING
8 INFORMATION THE COURT HAS REGARDING THE RESPONDENT, ALONG WITH
9 THE DATE THE ORDER IS ISSUED, TO THE COUNTY SHERIFF IN THE
10 JURISDICTION WHERE THE RESPONDENT RESIDES. UPON RECEIPT OF THE
11 INFORMATION, THE COUNTY SHERIFF SHALL DETERMINE IF THE
12 RESPONDENT HAS A CONCEALED CARRY PERMIT. IF THE RESPONDENT DOES
13 HAVE A CONCEALED CARRY PERMIT, THE ISSUING COUNTY SHERIFF SHALL
14 IMMEDIATELY REVOKE THE PERMIT. THE RESPONDENT MAY REAPPLY FOR
15 A CONCEALED CARRY PERMIT AFTER THE TEMPORARY EXTREME RISK
16 PROTECTION ORDER AND EXTREME RISK PROTECTION ORDER, IF ORDERED,
17 ARE NO LONGER IN EFFECT.

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

27 (5) UPON THE EXPIRATION OF A TEMPORARY EXTREME RISK

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

6 (6) AN EXTREME RISK PROTECTION ORDER DOES NOT CONSTITUTE
7 A FINDING THAT A RESPONDENT IS A PROHIBITED PERSON PURSUANT TO 18
8 U.S.C. sec. 922 (d)(4) OR (g)(4). THIS SUBSECTION (6) DOES NOT ALTER
9 A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK
10 PROTECTION ORDER, AND A RESPONDENT SUBJECT TO A TEMPORARY
11 EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION
12 ORDER IS PROHIBITED FROM POSSESSING A FIREARM UNDER STATE LAW.
13 THIS SUBSECTION (6) DOES NOT CHANGE THE DUTY TO ENTER A
14 TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK
15 PROTECTION ORDER INTO THE APPROPRIATE DATABASES PURSUANT TO
16 THIS SECTION.

17 **13-14.5-111. Penalties.** ANY PERSON WHO HAS IN THE PERSON'S
18 CUSTODY, POSSESSION, OR CONTROL A FIREARM, OR PURCHASES,
19 POSSESSES, OR RECEIVES A FIREARM WITH KNOWLEDGE THAT THE PERSON
20 IS PROHIBITED FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER
21 OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO
22 THIS ARTICLE 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

23 **13-14.5-112. Other authority retained.** THIS ARTICLE 14.5 DOES
24 NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A
25 FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A
26 SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL
27 AUTHORITY.

1 **13-14.5-113. Liability.** (1) EXCEPT AS PROVIDED IN SECTION
2 13-14.5-111, THIS ARTICLE 14.5 DOES NOT IMPOSE CRIMINAL,
3 ADMINISTRATIVE, OR CIVIL LIABILITY ON ANY PERSON, INCLUDING A
4 COMMUNITY MEMBER, OR ENTITY FOR ACTS OR OMISSIONS MADE IN GOOD
5 FAITH RELATED TO OBTAINING AN EXTREME RISK PROTECTION ORDER OR
6 A TEMPORARY EXTREME RISK PROTECTION ORDER, INCLUDING BUT NOT
7 LIMITED TO REPORTING, DECLINING TO REPORT, INVESTIGATING,
8 DECLINING TO INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION
9 PURSUANT TO THIS ARTICLE 14.5. THIS ARTICLE 14.5 DOES NOT IMPOSE
10 CRIMINAL OR CIVIL LIABILITY ON A PEACE OFFICER LAWFULLY ENFORCING
11 AN ORDER PURSUANT TO THIS ARTICLE 14.5.

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

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

22 (4) THIS ARTICLE 14.5 DOES NOT REQUIRE A FAMILY OR
23 HOUSEHOLD MEMBER OF THE RESPONDENT, A COMMUNITY MEMBER, OR A
24 LAW ENFORCEMENT OFFICER OR AGENCY TO FILE A PETITION FOR A
25 TEMPORARY EMERGENCY EXTREME RISK PROTECTION ORDER OR PETITION
26 FOR AN EXTREME RISK PROTECTION ORDER.

27 (5) A COMMUNITY MEMBER'S EMPLOYER SHALL NOT USE A

1 COMMUNITY MEMBER'S ACTS OR OMISSIONS MADE IN GOOD FAITH RELATED
2 TO OBTAINING AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY
3 EXTREME RISK PROTECTION ORDER, INCLUDING BUT NOT LIMITED TO
4 REPORTING, DECLINING TO REPORT, INVESTIGATING, DECLINING TO
5 INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION PURSUANT TO THIS
6 ARTICLE 14.5 AS A BASIS FOR DISCIPLINE OR TERMINATION.

7 **13-14.5-114. Instructional and informational material -**
8 **definition.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL DEVELOP
9 STANDARD PETITIONS AND EXTREME RISK PROTECTION ORDER FORMS AND
10 TEMPORARY EXTREME RISK PROTECTION ORDER FORMS IN MORE THAN ONE
11 LANGUAGE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES.
12 THE STANDARD PETITION AND ORDER FORMS MUST BE USED AFTER
13 JANUARY 1, 2020, FOR ALL PETITIONS FILED AND ORDERS ISSUED
14 PURSUANT TO THIS ARTICLE 14.5. THE STATE COURT ADMINISTRATOR MAY
15 CONSULT WITH INTERESTED PARTIES IN DEVELOPING THE PETITIONS AND
16 FORMS. THE MATERIALS MUST BE AVAILABLE ONLINE CONSISTENT WITH
17 STATE JUDICIAL DEPARTMENT PRACTICES.

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

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

25 (2) A COURT CLERK FOR EACH JUDICIAL DISTRICT SHALL CREATE
26 A COMMUNITY RESOURCE LIST OF CRISIS INTERVENTION, MENTAL HEALTH,
27 SUBSTANCE ABUSE, INTERPRETER, COUNSELING, AND OTHER RELEVANT

1 RESOURCES SERVING THE COUNTY IN WHICH THE COURT IS LOCATED. THE
2 COURT SHALL MAKE THE COMMUNITY RESOURCE LIST AVAILABLE AS PART
3 OF OR IN ADDITION TO THE INFORMATIONAL BROCHURES DESCRIBED IN
4 SUBSECTION (1) OF THIS SECTION.

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

9 (4) COURTS SHALL ACCEPT PETITIONS PURSUANT TO SECTIONS
10 13-14.5-103 AND 13-14.5-104 BEGINNING ON JANUARY 1, 2020.

11 **13-14.5-115. Effect of previous issued orders.** THE ENACTMENT
12 OF THIS SB 23-___ AND THE PROVISIONS OF THIS ARTICLE 14.5
13 AUTHORIZING THE COURT TO ENTER AN ORDER PURSUANT TO SECTION
14 13-14.5-103 OR 13-14.5-104 DO NOT LIMIT, CHANGE, VOID, OR OTHERWISE
15 IMPACT AN EXTREME RISK PROTECTION ORDER ENTERED BY THE COURT
16 PURSUANT TO THIS ARTICLE 14.5 PRIOR TO THE EFFECTIVE DATE OF THIS
17 SB 23-___. ANY SUCH ORDER REMAINS IN EFFECT UNTIL IT EXPIRES BY ITS
18 OWN TERMS OR IS TERMINATED BY THE COURT.

19 **13-14.5-116. Severability.** IF ANY PROVISION OF THIS ARTICLE
20 14.5 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS
21 HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
22 APPLICATIONS OF THIS ARTICLE 14.5 THAT CAN BE GIVEN EFFECT WITHOUT
23 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
24 PROVISIONS OF THIS ARTICLE 14.5 ARE DECLARED TO BE SEVERABLE.

25 **SECTION 2.** In Colorado Revised Statutes, **add 24-33.5-118** as
26 follows:

27 **24-33.5-118. Extreme risk protection order information**

1 **hotline.** (1) THE DEPARTMENT SHALL, SUBJECT TO AVAILABLE RESOURCES
2 OR WITHIN EXISTING RESOURCES, ESTABLISH A HOTLINE TO RECEIVE AND
3 REFER CALLS FROM THE PUBLIC ABOUT EXTREME RISK PROTECTION
4 ORDERS, AND PROVIDE THE CALLERS WITH INFORMATION ABOUT FILING
5 FOR AN ORDER AND ABOUT OTHER RELEVANT RESOURCES. THE
6 DEPARTMENT IS NOT REQUIRED TO ESTABLISH A DEDICATED PHONE
7 NUMBER FOR THE HOTLINE AND MAY INSTEAD USE AN EXISTING PHONE
8 NUMBER USED BY THE DEPARTMENT TO RECEIVE AND RESPOND TO PUBLIC
9 REQUESTS OR INQUIRIES.

10 (2) THE DEPARTMENT SHALL COLLABORATE WITH ANY OTHER
11 STATE AGENCY TO OBTAIN THE INFORMATION NECESSARY OR BENEFICIAL
12 FOR RESPONDING TO THE REQUESTS.

13 **SECTION 3.** 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 4.** 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 5.** 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 6.** 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 7. Appropriation.** (1) For the 2023-24 state fiscal
25 year, \$140,462 is appropriated to the judicial department. This
26 appropriation is from the general fund. To implement this act, the
27 department may use this appropriation as follows:

1 (a) \$110,008 for trial court programs, which amount is based on
2 an assumption that the department will require an additional 1.1 FTE; and

3 (b) \$30,454 for capital outlay.

4 (2) For the 2023-24 state fiscal year, \$238,846 is appropriated to
5 the department of public safety. This appropriation is from the general
6 fund and is based on an assumption that the department will require an
7 additional 2.8 FTE. To implement this act, the department may use this
8 appropriation for the extreme risk protection order hotline.

9 **SECTION 8. Safety clause.** The general assembly hereby finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety.