

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Luck

1 Amend reengrossed bill, page 4, line 13, strike "section 13-14.5-104 (3)."
2 and substitute "~~section 13-14.5-104 (3)~~ SECTIONS 13-14.5-104 (3) AND
3 13-14.5-104 (3.5).".

4 Page 6, line 9, strike "(1)(b)" and substitute "(1)(b); and **add** (3.5)".

5 Page 8, after line 7 insert:

6 "(3.5) (a) IN ADDITION TO MEETING THE REQUIREMENTS OF
7 SUBSECTION (3) OF THIS SECTION, A PETITION FILED BY A FAMILY OR
8 HOUSEHOLD MEMBER OF THE RESPONDENT, A COMMUNITY MEMBER, OR AN
9 INSTITUTIONAL PETITIONER MUST BE REVIEWED BY A LAW ENFORCEMENT
10 AGENCY PRIOR TO JUDICIAL CONSIDERATION OF THE PETITION.

11 (b) WHEN REVIEWING A PETITION FILED BY A FAMILY OR
12 HOUSEHOLD MEMBER OF THE RESPONDENT, A COMMUNITY MEMBER, OR AN
13 INSTITUTIONAL PETITIONER, THE REVIEWING LAW ENFORCEMENT AGENCY
14 SHALL:

15 (I) CONDUCT A PRELIMINARY INVESTIGATION;

16 (II) DETERMINE WHETHER PROBABLE CAUSE EXISTS THAT THE
17 RESPONDENT POSES AN IMMINENT RISK OF UNLAWFUL FIREARM USE; AND

18 (III) SUBMIT A SWORN AFFIDAVIT TO THE COURT AFFIRMING THERE
19 EXISTS PROBABLE CAUSE THAT THE RESPONDENT POSES AN IMMINENT RISK
20 OF UNLAWFUL FIREARM USE.

21 (c) A COURT SHALL NOT ISSUE A TEMPORARY EXTREME RISK
22 PROTECTION ORDER OR AN EXTREME RISK PROTECTION ORDER RESULTING
23 FROM AN EX PARTE HEARING ABSENT AN AFFIDAVIT DESCRIBED IN
24 SUBSECTION (3.5)(b) OF THIS SECTION."

** ** ** ** **