

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

February 21, 2019

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB19-1177 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 4, line 17, strike "EXIST." and substitute "EXIST
- 2 AND ATTESTING THAT THE PETITIONER IS A FAMILY OR HOUSEHOLD
- 3 MEMBER."

- 4 Page 4, line 26, strike "THE COURT" and substitute "A COURT OF
- 5 COMPETENT JURISDICTION".

- 6 Page 7, strike line 1 and substitute "SIXTY FOUR DAYS. AN ATTORNEY
- 7 WILL BE APPOINTED TO REPRESENT YOU, OR YOU MAY SEEK THE ADVICE OF
- 8 YOUR OWN".

- 9 Page 7, strike lines 8 and 9 and substitute "RESPONDENT RESIDES."

- 10 Page 8, line 2, strike "RESPONDENT." and substitute "RESPONDENT, AND
- 11 THE COURT SHALL INCLUDE THE APPOINTMENT IN THE NOTICE OF HEARING
- 12 PROVIDED TO THE RESPONDENT PURSUANT TO SECTION 13-14.5-105
- 13 (1)(a)".

- 14 Page 8, line 4, strike "TIME." and substitute "TIME AT THE RESPONDENT'S
- 15 OWN EXPENSE.", and strike "AN INDIGENT" and substitute "A".

- 16 Page 8, strike lines 7 and 8 and substitute "BE FILED IN THE COUNTY
- 17 WHERE THE RESPONDENT RESIDES."

- 1 Page 9, lines 8 and 9, strike " PARTIES OR THE NECESSITY OF VERIFYING
2 THE TERMS OF AN EXISTING ORDER." and substitute "PARTIES."
- 3 Page 10, line 7, after "PETITIONER" insert "OR RESPONDENT".
- 4 Page 10, line 16, strike "RECEIPT" and substitute "FILING".
- 5 Page 10, line 17, strike "ISSUE" and substitute "PROVIDE".
- 6 Page 10, line 26, strike "ON OR BEFORE" and substitute "BEFORE".
- 7 Page 11, line 26, strike "EVIDENCE," and substitute "CORROBORATED
8 EVIDENCE,".
- 9 Page 12, line 25, strike "CORROBORATED EVIDENCE" and substitute
10 "EVIDENCE".
- 11 Page 13, lines 11 and 12, strike "PURSUANT TO SECTION 24-33.5-424".
- 12 Page 15, after line 20 insert:
13 "(12) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK
14 PROTECTION ORDER BUT ORDERED A TEMPORARY EXTREME RISK
15 PROTECTION ORDER AND A LAW ENFORCEMENT AGENCY TOOK CUSTODY
16 OF THE RESPONDENT'S CONCEALED CARRY PERMIT OR THE RESPONDENT
17 SURRENDERED HIS OR HER CONCEALED CARRY PERMIT AS A RESULT OF THE
18 TEMPORARY EXTREME RISK PROTECTION ORDER, THE SHERIFF WHO ISSUED
19 THE CONCEALED CARRY PERMIT SHALL REISSUE THE CONCEALED CARRY
20 PERMIT TO THE RESPONDENT WITHIN THREE DAYS."
- 21 Page 17, strike line 7, after "REQUEST" insert "AND DATE OF HEARING".
- 22 Page 17, strike lines 10 and 11 and substitute "THE HEARING SHALL
23 OCCUR WITHIN FOURTEEN DAYS OF THE DATE OF SERVICE OF THE".
- 24 Page 23, line 9, strike "FORTY-EIGHT HOURS" and substitute "TWO FULL
25 COURT DAYS".
- 26 Page 24, line 14, after "RESPONDENT" insert "WITHIN THREE DAYS".
- 27 Page 25, line 21, strike "TERMINATED." and substitute "TERMINATED AND
28 SHALL PROMPTLY REMOVE THE ORDERS."

1 Page 26, after line 20 insert:
2 "(5) UPON THE EXPIRATION OF A TEMPORARY EXTREME RISK
3 PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER, THE
4 COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT
5 AGENCY SPECIFIED IN THE ORDER SHALL PROMPTLY REMOVE THE ORDER
6 FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT WAS ENTERED
7 PURSUANT TO SUBSECTION (2) OF THIS SECTION."

8 Page 28, after line 18 insert:
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 Page 29, line 6, after the period, add "THE STATE COURT ADMINISTRATOR
12 OR HIS OR HER DESIGNEE SHALL ALSO REPORT DATA RELATED TO ALL
13 PERSONS WHO ARE SUBJECT TO ANY TEMPORARY EMERGENCY RISK
14 PROTECTION ORDER OR EMERGENCY RISK PROTECTION ORDER AND WHO,
15 AS A RESULT OF THE ISSUANCE OR EXECUTION OF THE PROTECTION ORDER,
16 ARE CHARGED WITH A CRIMINAL OFFENSE. THE REPORT MUST INCLUDE
17 THE NATURE OF THE CRIMINAL OFFENSE, INCLUDING BUT NOT LIMITED TO
18 ANY OFFENSE FOR VIOLATION OF THE EMERGENCY RISK PROTECTION
19 ORDER AND THE DISPOSITION OR STATUS OF THAT CRIMINAL OFFENSE."

20 Strike "OR WHERE THE FIREARMS ARE LOCATED" on: **Page 7**, lines 25 and
21 26; **Page 11**, line 2; and **Page 15**, line 26.

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