

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

**PREAMENDED**

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

LLS NO. 19-0031.01 Michael Dohr x4347

**HOUSE BILL 19-1177**

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**HOUSE SPONSORSHIP**

**Sullivan and Garnett,**

**SENATE SPONSORSHIP**

**Court and Pettersen,**

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**House Committees**

Judiciary  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CREATION OF AN EXTREME RISK PROTECTION ORDER.**

**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 creates the ability for a family or household member or a law enforcement officer to petition the court for a temporary extreme risk protection order (ERPO). The petitioner must establish by a preponderance of the evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm. The petitioner must submit an affidavit signed under oath and penalty of perjury that sets forth facts to support the issuance of a temporary ERPO and a reasonable basis for

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

believing they exist. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed.

After issuance of a temporary ERPO, the court must schedule a second hearing no later than 14 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. The court shall appoint counsel to represent the respondent at the hearing. If a family or household member or a law enforcement officer establishes by clear and convincing evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm, the court may issue a continuing ERPO. The ERPO prohibits the respondent from possessing, controlling, purchasing, or receiving a firearm for 364 days.

Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

The respondent can motion the court once during the 364-day ERPO for a hearing to terminate the ERPO. The respondent has the burden of proof at a termination hearing. The court shall terminate the ERPO if the respondent establishes by clear and convincing evidence that he or she no longer poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm. The court may continue the hearing if the court cannot issue an order for termination at that time but believes there is a strong possibility the court could issue a termination order prior to the expiration of the ERPO.

The petitioner requesting the original ERPO may request an extension of the ERPO before it expires. The petitioner must show by clear and convincing evidence that the respondent continues to pose a significant risk of causing personal injury to self or others by having a firearm in his or her custody or control or by purchasing, possessing, or receiving a firearm. If the ERPO expires or is terminated, all of the respondent's firearms must be returned.

The bill requires the state court administrator to develop and prepare standard petitions and ERPO forms. Additionally, the state court administrator at the judicial department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing shall provide statistics related to petitions for ERPOs.



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

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

5 (4) "PETITIONER" MEANS THE PERSON WHO PETITIONS FOR AN  
6 EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5.

7 (5) "RESPONDENT" MEANS THE PERSON WHO IS IDENTIFIED AS THE  
8 RESPONDENT IN A PETITION FILED PURSUANT TO THIS ARTICLE 14.5.

9 **13-14.5-103. Temporary extreme risk protection orders.** (1) A  
10 FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW  
11 ENFORCEMENT OFFICER OR AGENCY MAY REQUEST A TEMPORARY  
12 EXTREME RISK PROTECTION ORDER WITHOUT NOTICE TO THE RESPONDENT  
13 BY INCLUDING IN THE PETITION FOR AN EXTREME RISK PROTECTION ORDER  
14 AN AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY,  
15 SUPPORTING THE ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION  
16 ORDER THAT SETS FORTH THE FACTS TENDING TO ESTABLISH THE GROUNDS  
17 OF THE PETITION OR THE REASON FOR BELIEVING THEY EXIST AND  
18 ATTESTING THAT THE PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER.  
19 THE PETITION SHALL COMPLY WITH THE REQUIREMENTS OF SECTION  
20 13-14.5-104 (3). IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR  
21 LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT OFFICER OR LAW  
22 ENFORCEMENT AGENCY SHALL CONCURRENTLY FILE A SWORN AFFIDAVIT  
23 FOR A SEARCH WARRANT PURSUANT TO SECTION 16-3-301.5 TO SEARCH  
24 FOR ANY FIREARMS IN THE POSSESSION OR CONTROL OF THE RESPONDENT  
25 AT A LOCATION OR LOCATIONS TO BE NAMED IN THE WARRANT. IF A  
26 PETITION PURSUANT TO SECTION 27-65-106 IS ALSO FILED AGAINST THE  
27 RESPONDENT, A COURT OF COMPETENT JURISDICTION CAN HEAR THAT

1 PETITION AT THE SAME TIME AS THE HEARING FOR A TEMPORARY EXTREME  
2 RISK PROTECTION ORDER OR THE HEARING FOR A CONTINUING EXTREME  
3 RISK PROTECTION ORDER.

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

8 (3) IF A COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE  
9 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION  
10 13-14.5-105 (3), THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING  
11 PERSONAL INJURY TO SELF OR OTHERS IN THE NEAR FUTURE BY HAVING IN  
12 HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,  
13 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE A  
14 TEMPORARY EXTREME RISK PROTECTION ORDER.

15 (4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK  
16 PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY  
17 THE PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING  
18 THE DAY THE PETITION IS FILED.

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

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

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

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

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

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

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

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

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

14 (g) THE FOLLOWING STATEMENT:

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

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

7 (7) A LAW ENFORCEMENT OFFICER SHALL SERVE A TEMPORARY  
8 EXTREME RISK PROTECTION ORDER CONCURRENTLY WITH THE NOTICE OF  
9 HEARING AND PETITION IN THE SAME MANNER AS PROVIDED FOR IN  
10 SECTION 13-14.5-105 FOR SERVICE OF THE NOTICE OF HEARING WHERE THE  
11 RESPONDENT RESIDES.

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

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

18 **13-14.5-104. Petition for extreme risk protection order.** (1) A  
19 PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE FILED BY A  
20 FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW  
21 ENFORCEMENT OFFICER OR AGENCY. IF THE PETITION IS FILED BY A LAW  
22 ENFORCEMENT OFFICER OR AGENCY, THE OFFICER OR AGENCY SHALL BE  
23 REPRESENTED IN ANY JUDICIAL PROCEEDING BY A COUNTY OR CITY  
24 ATTORNEY UPON REQUEST. IF THE PETITION IS FILED BY A FAMILY OR  
25 HOUSEHOLD MEMBER, THE PETITIONER, TO THE BEST OF HIS OR HER  
26 ABILITY, SHALL NOTIFY THE LAW ENFORCEMENT AGENCY IN THE  
27 JURISDICTION WHERE THE RESPONDENT RESIDES OF THE PETITION AND

1 THE HEARING DATE WITH ENOUGH ADVANCE NOTICE TO ALLOW FOR  
2 PARTICIPATION OR ATTENDANCE. UPON THE FILING OF A PETITION, THE  
3 COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT,  
4 AND THE COURT SHALL INCLUDE THE APPOINTMENT IN THE NOTICE OF  
5 HEARING PROVIDED TO THE RESPONDENT PURSUANT TO SECTION  
6 13-14.5-105 (1)(a). THE RESPONDENT MAY REPLACE THE ATTORNEY WITH  
7 AN ATTORNEY OF THE RESPONDENT'S OWN SELECTION AT ANY TIME AT THE  
8 RESPONDENT'S OWN EXPENSE. ATTORNEY FEES FOR A RESPONDENT SHALL  
9 BE PAID BY THE COURT.

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

12 (3) A PETITION MUST:

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

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

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

26 (d) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC  
27 ABUSE PROTECTION ORDER OR EMERGENCY PROTECTION ORDER



1 GOVERNING THE PETITIONER OR RESPONDENT;

2 (e) IDENTIFY WHETHER THERE IS A PENDING LAWSUIT, COMPLAINT,  
3 PETITION, OR OTHER ACTION BETWEEN THE PARTIES TO THE PETITION  
4 PURSUANT TO COLORADO LAW OR FEDERAL LAW; AND

5 (f) IF THE PETITIONER IS NOT A LAW ENFORCEMENT AGENCY,  
6 IDENTIFY WHETHER THE PETITIONER INFORMED A LOCAL LAW  
7 ENFORCEMENT AGENCY REGARDING THE RESPONDENT.

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

14 (5) IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR  
15 AGENCY, THE PETITIONER SHALL MAKE A GOOD FAITH EFFORT TO PROVIDE  
16 NOTICE TO A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT AND  
17 TO ANY KNOWN THIRD PARTY WHO MAY BE AT RISK OF VIOLENCE. THE  
18 NOTICE MUST STATE THAT THE PETITIONER INTENDS TO FILE A PETITION  
19 FOR AN EXTREME RISK PROTECTION ORDER OR HAS ALREADY DONE SO AND  
20 MUST INCLUDE REFERRALS TO APPROPRIATE RESOURCES, INCLUDING  
21 DOMESTIC VIOLENCE, BEHAVIORAL HEALTH, AND COUNSELING RESOURCES.  
22 THE PETITIONER MUST ATTEST IN THE PETITION TO HAVING PROVIDED THE  
23 NOTICE OR ATTEST TO THE STEPS THAT WILL BE TAKEN TO PROVIDE THE  
24 NOTICE.

25 (6) IF THE PETITION STATES THAT DISCLOSURE OF THE PETITIONER'S  
26 ADDRESS WOULD RISK HARM TO THE PETITIONER OR ANY MEMBER OF THE  
27 PETITIONER'S FAMILY OR HOUSEHOLD, THE PETITIONER'S ADDRESS MAY BE

1 OMITTED FROM ALL DOCUMENTS FILED WITH THE COURT. IF THE  
2 PETITIONER HAS NOT DISCLOSED AN ADDRESS PURSUANT TO THIS SECTION,  
3 THE PETITIONER MUST DESIGNATE AN ALTERNATIVE ADDRESS AT WHICH  
4 THE RESPONDENT MAY SERVE NOTICE OF ANY MOTIONS. IF THE PETITIONER  
5 IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE ADDRESS OF RECORD  
6 MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

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

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

14 (9) THE DISTRICT AND COUNTY COURTS OF THE STATE OF  
15 COLORADO HAVE JURISDICTION OVER PROCEEDINGS PURSUANT TO THIS  
16 ARTICLE 14.5.

17 **13-14.5-105. Hearings on petition - grounds for order issuance.**

18 (1) (a) UPON FILING OF THE PETITION, THE COURT SHALL ORDER A  
19 HEARING TO BE HELD AND PROVIDE A NOTICE OF HEARING TO THE  
20 RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING  
21 NOT LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK  
22 PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY  
23 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY  
24 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO  
25 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL  
26 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE  
27 CONDUCTING A TELEPHONIC HEARING.

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

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

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

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

25 (3) IN DETERMINING WHETHER GROUNDS FOR AN EXTREME RISK  
26 PROTECTION ORDER EXIST, THE COURT MAY CONSIDER ANY RELEVANT  
27 CORROBORATED EVIDENCE, INCLUDING BUT NOT LIMITED TO ANY OF THE

1 FOLLOWING:

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

5 (b) A PATTERN OF ACTS OR CREDIBLE THREATS OF VIOLENCE BY  
6 THE RESPONDENT WITHIN THE PAST YEAR, INCLUDING BUT NOT LIMITED TO  
7 ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT AGAINST  
8 SELF OR OTHERS;

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

11 (d) A PREVIOUS OR EXISTING EXTREME RISK PROTECTION ORDER  
12 ISSUED AGAINST THE RESPONDENT AND A VIOLATION OF A PREVIOUS OR  
13 EXISTING EXTREME RISK PROTECTION ORDER;

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

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

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

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

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

27 (j) EVIDENCE OF THE ABUSE OF CONTROLLED SUBSTANCES OR

1 ALCOHOL BY THE RESPONDENT;

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

5 (l) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR  
6 AMMUNITION BY THE RESPONDENT.

7 (4) THE COURT MAY:

8 (a) EXAMINE UNDER OATH THE PETITIONER, THE RESPONDENT, AND  
9 ANY WITNESSES THEY MAY PRODUCE, OR, IN LIEU OF EXAMINATION,  
10 CONSIDER SWORN AFFIDAVITS OF THE PETITIONER, THE RESPONDENT, AND  
11 ANY WITNESSES THEY MAY PRODUCE; AND

12 (b) REQUEST THAT THE COLORADO BUREAU OF INVESTIGATION  
13 CONDUCT A CRIMINAL HISTORY RECORD CHECK [REDACTED] RELATED TO THE  
14 RESPONDENT AND PROVIDE THE RESULTS TO THE COURT UNDER SEAL.

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

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

21 (7) DURING THE HEARING, THE COURT SHALL CONSIDER ANY  
22 AVAILABLE MENTAL HEALTH EVALUATION OR CHEMICAL DEPENDENCY  
23 EVALUATION PROVIDED TO THE COURT.

24 (8)(a) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE  
25 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE  
26 STANDARD FOR A COURT-ORDERED EVALUATION FOR PERSONS WITH  
27 MENTAL HEALTH DISORDERS PURSUANT TO SECTION 27-65-106. IF THE

1 COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN,  
2 IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION ORDER, THE  
3 COURT SHALL ORDER MENTAL HEALTH TREATMENT AND EVALUATION  
4 AUTHORIZED PURSUANT TO SECTION 27-65-106 (6).

5 (b) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE  
6 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE  
7 STANDARD FOR AN EMERGENCY COMMITMENT PURSUANT TO SECTION  
8 27-81-111 OR 27-82-107. IF THE COURT DETERMINES THAT THE  
9 RESPONDENT MEETS THE STANDARD, THEN, IN ADDITION TO ISSUING AN  
10 EXTREME RISK PROTECTION ORDER, THE COURT SHALL ORDER AN  
11 EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111 OR  
12 27-82-107.

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

14 (a) A STATEMENT OF THE GROUNDS SUPPORTING THE ISSUANCE OF  
15 THE ORDER;

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

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

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

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

22 (f) THE FOLLOWING STATEMENT:

23 TO THE SUBJECT OF THIS EXTREME RISK PROTECTION  
24 ORDER: THIS ORDER WILL LAST UNTIL THE DATE AND TIME  
25 NOTED ABOVE. IF YOU HAVE NOT DONE SO ALREADY, YOU  
26 MUST IMMEDIATELY SURRENDER ANY FIREARMS IN YOUR  
27 CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED

1 CARRY PERMIT ISSUED TO YOU. YOU MAY NOT HAVE IN  
2 YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE,  
3 POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE  
4 A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU HAVE THE  
5 RIGHT TO REQUEST ONE HEARING TO TERMINATE THIS  
6 ORDER DURING THE PERIOD THAT THIS ORDER IS IN EFFECT,  
7 STARTING FROM THE DATE OF THIS ORDER AND CONTINUING  
8 THROUGH ANY RENEWALS. YOU MAY SEEK THE ADVICE OF  
9 AN ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS  
10 ORDER.

11 (10) WHEN THE COURT ISSUES AN EXTREME RISK PROTECTION  
12 ORDER, THE COURT SHALL INFORM THE RESPONDENT THAT HE OR SHE IS  
13 ENTITLED TO REQUEST TERMINATION OF THE ORDER IN THE MANNER  
14 PRESCRIBED BY SECTION 13-14.5-107. THE COURT SHALL PROVIDE THE  
15 RESPONDENT WITH A FORM TO REQUEST A TERMINATION HEARING.

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

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

22 (12) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK  
23 PROTECTION ORDER BUT ORDERED A TEMPORARY EXTREME RISK  
24 PROTECTION ORDER AND A LAW ENFORCEMENT AGENCY TOOK CUSTODY  
25 OF THE RESPONDENT'S CONCEALED CARRY PERMIT OR THE RESPONDENT  
26 SURRENDERED HIS OR HER CONCEALED CARRY PERMIT AS A RESULT OF THE  
27 TEMPORARY EXTREME RISK PROTECTION ORDER, THE SHERIFF WHO ISSUED

1 THE CONCEALED CARRY PERMIT SHALL REISSUE THE CONCEALED CARRY  
2 PERMIT TO THE RESPONDENT WITHIN THREE DAYS.

3 **13-14.5-106. Service of protection orders.** (1) AN EXTREME  
4 RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 MUST  
5 BE SERVED PERSONALLY UPON THE RESPONDENT, EXCEPT AS OTHERWISE  
6 PROVIDED IN THIS ARTICLE 14.5.

7 (2) THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE  
8 THE RESPONDENT RESIDES [REDACTED] SHALL SERVE THE RESPONDENT  
9 PERSONALLY.

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

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

25 (5) IF AN EXTREME RISK PROTECTION ORDER ENTERED BY THE  
26 COURT STATES THAT THE RESPONDENT APPEARED IN PERSON BEFORE THE  
27 COURT, THE NECESSITY FOR FURTHER SERVICE IS WAIVED, AND PROOF OF



1 SERVICE OF THAT ORDER IS NOT NECESSARY.

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

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

10 **13-14.5-107. Termination or renewal of protection orders.**

11 (1) **Termination.** (a) THE RESPONDENT MAY SUBMIT ONE WRITTEN  
12 REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION  
13 ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE  
14 ORDER IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO  
15 TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET  
16 A DATE FOR A HEARING. NOTICE OF THE REQUEST AND DATE OF HEARING  
17 MUST BE SERVED ON THE PETITIONER IN ACCORDANCE WITH THE  
18 COLORADO RULES OF CIVIL PROCEDURE OR COLORADO RULES OF COUNTY  
19 COURT CIVIL PROCEDURE. THE HEARING SHALL OCCUR WITHIN FOURTEEN  
20 DAYS OF THE DATE OF SERVICE OF THE REQUEST UPON THE PETITIONER.  
21 THE COURT SHALL TERMINATE THE EXTREME RISK PROTECTION ORDER IF  
22 THE RESPONDENT ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE  
23 THAT HE OR SHE NO LONGER POSES A SIGNIFICANT RISK OF CAUSING  
24 PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY  
25 OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING  
26 A FIREARM. THE COURT MAY CONSIDER ANY RELEVANT EVIDENCE,  
27 INCLUDING EVIDENCE OF THE CONSIDERATIONS LISTED IN SECTION

1 13-14.5-105 (3).

2 (b) THE COURT MAY CONTINUE THE HEARING IF THE COURT  
3 DETERMINES THAT IT CANNOT ENTER A TERMINATION ORDER AT THE  
4 HEARING BUT DETERMINES THAT THERE IS A STRONG POSSIBILITY THAT  
5 THE COURT COULD ENTER A TERMINATION ORDER AT A FUTURE DATE  
6 BEFORE THE EXPIRATION OF THE EXTREME RISK PROTECTION ORDER.

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

11 (b) A PETITIONER, A FAMILY OR HOUSEHOLD MEMBER OF A  
12 RESPONDENT, OR A LAW ENFORCEMENT OFFICER OR AGENCY MAY, BY  
13 MOTION, REQUEST A RENEWAL OF AN EXTREME RISK PROTECTION ORDER  
14 AT ANY TIME WITHIN SIXTY-THREE CALENDAR DAYS BEFORE THE  
15 EXPIRATION OF THE ORDER.

16 (c) UPON RECEIPT OF THE MOTION TO RENEW, THE COURT SHALL  
17 ORDER THAT A HEARING BE HELD NOT LATER THAN FOURTEEN DAYS AFTER  
18 THE FILING OF THE MOTION TO RENEW. THE COURT MAY SCHEDULE A  
19 HEARING BY TELEPHONE IN THE MANNER PRESCRIBED BY SECTION  
20 13-14.5-105 (1)(a). THE RESPONDENT MUST BE PERSONALLY SERVED IN  
21 THE SAME MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(b) AND  
22 (1)(c).

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

27 (e) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE

1 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION  
2 13-14.5-105 (3), THE RESPONDENT CONTINUES TO POSE A SIGNIFICANT  
3 RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS  
4 OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,  
5 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL RENEW THE  
6 ORDER FOR A PERIOD OF TIME THE COURT DEEMS APPROPRIATE, NOT TO  
7 EXCEED ONE YEAR. IN THE ORDER, THE COURT SHALL SET A RETURN DATE  
8 TO REVIEW THE ORDER NO LATER THAN THIRTY-FIVE DAYS PRIOR TO THE  
9 EXPIRATION OF THE ORDER. HOWEVER, IF, AFTER NOTICE, THE MOTION FOR  
10 RENEWAL IS UNCONTESTED AND THE PETITIONER SEEKS NO MODIFICATION  
11 OF THE ORDER, THE ORDER MAY BE RENEWED ON THE BASIS OF THE  
12 PETITIONER'S MOTION OR AFFIDAVIT, SIGNED UNDER OATH AND PENALTY  
13 OF PERJURY, STATING THAT THERE HAS BEEN NO MATERIAL CHANGE IN  
14 RELEVANT CIRCUMSTANCES SINCE THE ENTRY OF THE ORDER AND STATING  
15 THE REASON FOR THE REQUESTED RENEWAL.

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

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

25 (II) ARRANGING FOR THE STORAGE OF THE FIREARM BY A LAW  
26 ENFORCEMENT AGENCY. IF THE RESPONDENT DOES NOT CHOOSE THE  
27 OPTION IN SUBSECTION (1)(a)(I) OF THIS SECTION, A LOCAL LAW

1 ENFORCEMENT AGENCY SHALL STORE THE FIREARM.

2 (b) THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER  
3 ANY CONCEALED CARRY PERMIT TO THE LAW ENFORCEMENT OFFICER  
4 SERVING THE EXTREME RISK PROTECTION ORDER.

5 (2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME  
6 RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A  
7 TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER  
8 WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST  
9 THAT THE RESPONDENT IMMEDIATELY SURRENDER ALL FIREARMS IN HIS  
10 OR HER CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED CARRY  
11 PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH  
12 PERMITTED BY LAW FOR SUCH FIREARMS OR PERMIT. AFTER THE LAW  
13 ENFORCEMENT AGENCY OR OFFICER HAS CUSTODY OF THE FIREARMS, THE  
14 RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF HIS OR HER  
15 PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS  
16 SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE RESPONDENT ELECTS  
17 TO SELL OR TRANSFER THE FIREARMS TO A FEDERALLY LICENSED FIREARMS  
18 DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, THE LAW  
19 ENFORCEMENT OFFICER OR AGENCY SHALL MAINTAIN CUSTODY OF THE  
20 FIREARMS UNTIL THEY ARE SOLD OR TRANSFERRED PURSUANT TO  
21 SUBSECTION (1)(a)(I) OF THIS SECTION. THE LAW ENFORCEMENT OFFICER  
22 SHALL TAKE POSSESSION OF ALL FIREARMS AND ANY SUCH PERMIT  
23 BELONGING TO THE RESPONDENT THAT ARE SURRENDERED, IN PLAIN  
24 SIGHT, OR DISCOVERED PURSUANT TO A LAWFUL SEARCH.  
25 ALTERNATIVELY, IF PERSONAL SERVICE BY THE LAW ENFORCEMENT  
26 AGENCY IS NOT POSSIBLE, OR NOT REQUIRED BECAUSE THE RESPONDENT  
27 WAS PRESENT AT THE EXTREME RISK PROTECTION ORDER HEARING, THE

1       RESPONDENT SHALL SURRENDER THE FIREARMS AND ANY CONCEALED  
2       CARRY PERMIT WITHIN TWENTY-FOUR HOURS AFTER BEING SERVED WITH  
3       THE ORDER BY ALTERNATE SERVICE OR WITHIN TWENTY-FOUR HOURS  
4       AFTER THE HEARING AT WHICH THE RESPONDENT WAS PRESENT.

5               (b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER  
6       IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT  
7       OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE  
8       CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH  
9       WARRANT FOR FIREARMS POSSESSED BY A RESPONDENT IN AN EXTREME  
10      RISK PROTECTION ORDER, AS DESCRIBED IN SECTION 16-3-301.5, IF A  
11      WARRANT WAS OBTAINED. AFTER THE LAW ENFORCEMENT AGENCY OR  
12      OFFICER HAS CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM  
13      THE LAW ENFORCEMENT OFFICER OF HIS OR HER PREFERENCE FOR SALE,  
14      TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SECTION  
15      13-14-105.5 (2)(c). THE LAW ENFORCEMENT OFFICER SHALL REQUEST  
16      THAT THE RESPONDENT IMMEDIATELY SURRENDER ANY CONCEALED  
17      CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH  
18      PERMITTED BY LAW FOR THE PERMIT.

19              (3) AT THE TIME OF SURRENDER OR TAKING CUSTODY PURSUANT  
20      TO SECTION 16-3-301.5, A LAW ENFORCEMENT OFFICER TAKING  
21      POSSESSION OF A FIREARM OR A CONCEALED CARRY PERMIT SHALL ISSUE  
22      A RECEIPT IDENTIFYING ALL FIREARMS AND ANY PERMIT THAT HAVE BEEN  
23      SURRENDERED OR TAKEN CUSTODY OF AND PROVIDE A COPY OF THE  
24      RECEIPT TO THE RESPONDENT. WITHIN SEVENTY-TWO HOURS AFTER  
25      SERVICE OF THE ORDER, THE OFFICER SERVING THE ORDER SHALL FILE THE  
26      ORIGINAL RECEIPT WITH THE COURT AND SHALL ENSURE THAT HIS OR HER  
27      LAW ENFORCEMENT AGENCY RETAINS A COPY OF THE RECEIPT, OR, IF THE

1 OFFICER DID NOT TAKE CUSTODY OF ANY FIREARMS, SHALL FILE A  
2 STATEMENT TO THAT EFFECT WITH THE COURT.

3 (4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE  
4 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT  
5 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO  
6 COMPLY WITH THE SURRENDER OF FIREARMS OR A CONCEALED CARRY  
7 PERMIT AS REQUIRED BY AN ORDER ISSUED PURSUANT TO THIS ARTICLE  
8 14.5, THE COURT SHALL DETERMINE WHETHER PROBABLE CAUSE EXISTS TO  
9 BELIEVE THAT THE RESPONDENT HAS FAILED TO SURRENDER ALL FIREARMS  
10 OR A CONCEALED CARRY PERMIT IN HIS OR HER CUSTODY, CONTROL, OR  
11 POSSESSION. IF PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A  
12 SEARCH WARRANT THAT STATES WITH PARTICULARITY THE PLACES TO BE  
13 SEARCHED AND THE ITEMS TO BE TAKEN INTO CUSTODY.

14 (5) IF A PERSON OTHER THAN THE RESPONDENT CLAIMS TITLE TO  
15 ANY FIREARMS SURRENDERED OR TAKEN CUSTODY OF PURSUANT TO  
16 SECTION 16-3-301.5 PURSUANT TO THIS SECTION AND HE OR SHE IS  
17 DETERMINED BY THE LAW ENFORCEMENT AGENCY TO BE THE LAWFUL  
18 OWNER OF THE FIREARM, THE FIREARM SHALL BE RETURNED TO HIM OR  
19 HER IF:

20 (a) THE FIREARM IS REMOVED FROM THE RESPONDENT'S CUSTODY,  
21 CONTROL, OR POSSESSION, AND THE LAWFUL OWNER AGREES TO STORE  
22 THE FIREARM SO THAT THE RESPONDENT DOES NOT HAVE ACCESS TO OR  
23 CONTROL OF THE FIREARM; AND

24 (b) THE FIREARM IS NOT OTHERWISE UNLAWFULLY POSSESSED BY  
25 THE LAWFUL OWNER.

26 (6) (a) WITHIN FORTY-EIGHT HOURS AFTER THE ISSUANCE OF AN  
27 EXTREME RISK PROTECTION ORDER, A RESPONDENT SUBJECT TO THE

1 ORDER MAY EITHER:

2 (I) FILE WITH THE COURT THAT ISSUED THE ORDER ONE OR MORE  
3 PROOFS OF RELINQUISHMENT OR REMOVAL SHOWING THAT ALL FIREARMS  
4 PREVIOUSLY IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION,  
5 AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT, WERE  
6 RELINQUISHED TO OR REMOVED BY A LAW ENFORCEMENT AGENCY, AND  
7 ATTEST TO THE COURT THAT THE RESPONDENT DOES NOT CURRENTLY  
8 HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR  
9 POSSESSION, AND DOES NOT CURRENTLY HAVE A CONCEALED CARRY  
10 PERMIT; OR

11 (II) ATTEST TO THE COURT THAT:

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

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

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

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

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

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



1 THE COURT THAT THE EXTREME RISK PROTECTION ORDER HAS  
2 TERMINATED OR HAS EXPIRED WITHOUT RENEWAL.

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

11 **13-14.5-110. Reporting of extreme risk protection orders.**

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

16 (2) THE COURT CLERK SHALL FORWARD A COPY OF AN EXTREME  
17 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION  
18 ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 THE SAME DAY THE ORDER  
19 IS ISSUED TO THE COLORADO BUREAU OF INVESTIGATION AND THE LAW  
20 ENFORCEMENT AGENCY SPECIFIED IN THE ORDER. UPON RECEIPT OF THE  
21 COPY OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION SHALL  
22 ENTER THE ORDER INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND  
23 CHECK SYSTEM, ANY OTHER FEDERAL OR STATE COMPUTER-BASED  
24 SYSTEMS USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY  
25 PROHIBITED PURCHASERS OF FIREARMS, AND ANY COMPUTER-BASED  
26 CRIMINAL INTELLIGENCE INFORMATION SYSTEM AVAILABLE IN THIS STATE  
27 USED BY LAW ENFORCEMENT AGENCIES TO LIST OUTSTANDING WARRANTS.

1 THE ORDER MUST REMAIN IN EACH SYSTEM FOR THE PERIOD STATED IN THE  
2 ORDER, AND THE LAW ENFORCEMENT AGENCY SHALL ONLY EXPUNGE  
3 ORDERS FROM THE SYSTEMS THAT HAVE EXPIRED OR TERMINATED AND  
4 SHALL PROMPTLY REMOVE THE ORDERS. ENTRY INTO THE  
5 COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM IS  
6 NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE EXISTENCE OF THE  
7 ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY COUNTY IN THE STATE.

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

21 (4) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED  
22 BEFORE ITS EXPIRATION DATE, THE COURT CLERK SHALL FORWARD, ON THE  
23 SAME DAY AS THE TERMINATION ORDER, A COPY OF THE TERMINATION  
24 ORDER TO THE COLORADO BUREAU OF INVESTIGATION AND THE  
25 APPROPRIATE LAW ENFORCEMENT AGENCY SPECIFIED IN THE TERMINATION  
26 ORDER. UPON RECEIPT OF THE ORDER, THE COLORADO BUREAU OF  
27 INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SHALL PROMPTLY

1 REMOVE THE ORDER FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT  
2 WAS ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

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

9 **13-14.5-111. Penalties.** ANY PERSON WHO HAS IN HIS OR HER  
10 CUSTODY OR CONTROL A FIREARM OR PURCHASES, POSSESSES, OR  
11 RECEIVES A FIREARM WITH KNOWLEDGE THAT HE OR SHE IS PROHIBITED  
12 FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER OR TEMPORARY  
13 EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE  
14 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

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

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

1           (2) A PERSON WHO FILES A MALICIOUS OR FALSE PETITION FOR  
2 TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK  
3 PROTECTION ORDER MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR  
4 THOSE ACTS.

5           **13-14.5-114. Instructional and informational material -**  
6 **definition.** (1) (a) THE STATE COURT ADMINISTRATOR SHALL DEVELOP  
7 STANDARD PETITIONS AND EXTREME RISK PROTECTION ORDER FORMS AND  
8 TEMPORARY EXTREME RISK PROTECTION ORDER FORMS IN MORE THAN ONE  
9 LANGUAGE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES.  
10 THE STANDARD PETITION AND ORDER FORMS MUST BE USED AFTER  
11 JANUARY 1, 2020, FOR ALL PETITIONS FILED AND ORDERS ISSUED  
12 PURSUANT TO THIS ARTICLE 14.5. THE STATE COURT ADMINISTRATOR MAY  
13 CONSULT WITH INTERESTED PARTIES IN DEVELOPING THE PETITIONS AND  
14 FORMS. THE MATERIALS MUST BE AVAILABLE ONLINE CONSISTENT WITH  
15 STATE JUDICIAL DEPARTMENT PRACTICES.

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

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

23           (2) A COURT CLERK FOR EACH JUDICIAL DISTRICT SHALL CREATE  
24 A COMMUNITY RESOURCE LIST OF CRISIS INTERVENTION, MENTAL HEALTH,  
25 SUBSTANCE ABUSE, INTERPRETER, COUNSELING, AND OTHER RELEVANT  
26 RESOURCES SERVING THE COUNTY IN WHICH THE COURT IS LOCATED. THE  
27 COURT SHALL MAKE THE COMMUNITY RESOURCE LIST AVAILABLE AS PART

1 OF OR IN ADDITION TO THE INFORMATIONAL BROCHURES DESCRIBED IN  
2 SUBSECTION (1) OF THIS SECTION.

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

7 (4) COURTS SHALL ACCEPT PETITIONS PURSUANT TO SECTIONS  
8 13-14.5-103 AND 13-14.5-104 BEGINNING ON JANUARY 1, 2020.

9 **SECTION 2.** In Colorado Revised Statutes, 13-3-101, **add** (10)  
10 as follows:

11 **13-3-101. State court administrator.** (10) THE STATE COURT  
12 ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL PRESENT AT THE  
13 JUDICIAL DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203  
14 STATISTICS RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE  
15 14.5 OF THIS TITLE 13. THE STATISTICS MUST INCLUDE THE NUMBER OF  
16 PETITIONS FILED FOR TEMPORARY EXTREME RISK PROTECTION ORDERS,  
17 THE NUMBER OF PETITIONS FILED FOR EXTREME RISK PROTECTION ORDERS,  
18 THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS ISSUED  
19 AND DENIED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS ISSUED  
20 AND DENIED, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION  
21 ORDERS TERMINATED, THE NUMBER OF EXTREME RISK PROTECTION  
22 ORDERS TERMINATED, AND THE NUMBER OF EXTREME RISK PROTECTION  
23 ORDERS RENEWED. THE STATE COURT ADMINISTRATOR OR HIS OR HER  
24 DESIGNEE SHALL ALSO REPORT DATA RELATED TO ALL PERSONS WHO ARE  
25 SUBJECT TO ANY TEMPORARY EMERGENCY RISK PROTECTION ORDER OR  
26 EMERGENCY RISK PROTECTION ORDER AND WHO, AS A RESULT OF THE  
27 ISSUANCE OR EXECUTION OF THE PROTECTION ORDER, ARE CHARGED WITH

1 A CRIMINAL OFFENSE. THE REPORT MUST INCLUDE THE NATURE OF THE  
2 CRIMINAL OFFENSE, INCLUDING BUT NOT LIMITED TO ANY OFFENSE FOR  
3 VIOLATION OF THE EMERGENCY RISK PROTECTION ORDER AND THE  
4 DISPOSITION OR STATUS OF THAT CRIMINAL OFFENSE.

5 **SECTION 3.** In Colorado Revised Statutes, **add** 16-3-301.5 as  
6 follows:

7 **16-3-301.5. Search warrant for firearms possessed by a**  
8 **respondent in an extreme risk protection order.** (1) ANY COURT MAY  
9 ISSUE A SEARCH WARRANT TO SEARCH FOR AND TAKE CUSTODY OF ANY  
10 FIREARM IN THE POSSESSION OF A NAMED RESPONDENT IN AN EXTREME  
11 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION  
12 ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13 IF THE APPLICATION  
13 FOR THE WARRANT COMPLIES WITH ALL REQUIRED PROVISIONS OF SECTION  
14 16-3-303 AND ALSO PROVIDES FACTS SUFFICIENT TO ESTABLISH BY  
15 PROBABLE CAUSE:

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

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

21 (c) THE LOCATION OF SUCH FIREARMS; AND

22 (d) ANY OTHER INFORMATION RELIED UPON BY THE APPLICANT  
23 AND WHY THE APPLICANT CONSIDERS SUCH INFORMATION CREDIBLE AND  
24 RELIABLE.

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

1           **SECTION 4.** In Colorado Revised Statutes, 18-12-203, **amend**  
2 (1)(g)(II) and (1)(g)(III); and **add** (1)(g)(IV) as follows:

3           **18-12-203. Criteria for obtaining a permit.** (1) Beginning May  
4 17, 2003, except as otherwise provided in this section, a sheriff shall issue  
5 a permit to carry a concealed handgun to an applicant who:

6           (g) Is not subject to:

7           (II) A permanent protection order issued pursuant to article 14 of  
8 title 13; ~~C.R.S.~~; or

9           (III) A temporary protection order issued pursuant to article 14 of  
10 title 13 ~~C.R.S.~~; that is in effect at the time the application is submitted; OR

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

14           **SECTION 5. Safety clause.** The general assembly hereby finds,  
15 determines, and declares that this act is necessary for the immediate  
16 preservation of the public peace, health, and safety.