

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

**INTRODUCED**

LLS NO. 21-0021.01 Shelby Ross x4510

**HOUSE BILL 21-1255**

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**HOUSE SPONSORSHIP**

**Duran and Gray,**

**SENATE SPONSORSHIP**

**Jaquez Lewis and Pettersen,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PROCEDURES FOR A DOMESTIC ABUSER UPON THE**  
102 **ISSUANCE OF A PROTECTION ORDER.**

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**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 modifies the required procedures relating to a respondent's firearms or ammunition following the issuance of a protection order.

The bill requires a person to complete an affidavit, which must be filed in the court record within 7 business days after a protection order is issued against them, stating the number of firearms, the type of each firearm, and the location of all firearms in the person's immediate

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.

possession or control. If the person does not possess a firearm at the time the order is issued, the person shall indicate such nonpossession in the affidavit.

The bill requires the court to conduct a compliance hearing within 7 business days after the issuance of a protection order if the person has not completed the affidavit. For criminal cases, the court may consider the issue in other proceedings before the court and the hearing is considered a court action involving a bond reduction or modification. Information compelled or any information directly or indirectly derived from testimony, the affidavit, or other information shall not be used against the defendant in any criminal case, except for prosecution of perjury.

The bill excludes legal holidays and weekends from the current time frame a person has to relinquish a firearm. The bill allows a court to grant a person an additional 24 hours to relinquish a firearm if the person is unable to comply with the required time frame of relinquishment.

The bill requires a federally licensed firearms dealer, law enforcement agency, or private party to issue a signed declaration memorializing the sale or transfer of the firearm.

The bill allows a law enforcement agency to enter into an agreement with any other law enforcement agency or storage facility for the storage of transferred firearms. The bill requires a law enforcement agency that elects to store a firearm to obtain a search warrant to examine or test the firearm or facilitate any criminal investigation if the law enforcement agency has probable cause to believe the firearm has been used in the commission of a crime, is stolen, or is contraband.

The bill prohibits the person from transferring the firearm to a private party living in the same residence as the person at the time of transfer. The bill prohibits a private party from returning a firearm to the person until the private party receives a written statement of the results of the background check conducted by the Colorado bureau of investigation authorizing the return of the firearm to the person.

Current law requires a copy of the written receipt and the written statement of the criminal background check to be filed with the court as proof of relinquishment. The bill requires the signed declaration to be filed with the court instead of the receipt. Both the signed declaration and written statement are only available for inspection by the court and the parties to the proceeding.

A federally licensed firearms dealer, law enforcement agency, storage facility, or private party that elects to store a firearm is not civilly liable for any resulting damages to the firearm, as long as such damage did not result from the willful and wrongful act or gross negligence of the person or agency storing the firearm.

1           **SECTION 1.** In Colorado Revised Statutes, **amend with**  
2 **relocated provisions** 13-14-105.5 as follows:

3           **13-14-105.5. Civil protection orders - prohibition on**  
4 **possessing or purchasing a firearm. (1) Order requirements.** If the  
5 court subjects a ~~person~~ RESPONDENT to a civil protection order ~~pursuant~~  
6 ~~to a provision of this article~~ and THE COURT DETERMINES ON THE RECORD  
7 AFTER REVIEWING THE PETITION FOR THE PROTECTION ORDER THAT the  
8 protection order qualifies as an order described in 18 U.S.C. sec. 922  
9 (d)(8) or (g)(8) OR INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED  
10 IN SECTION 18-6-800.3 (1), the court, as part of such order:

11           (a) Shall order the ~~person~~ RESPONDENT to:

12           (I) Refrain from possessing or purchasing any firearm or  
13 ammunition for the duration of the order; and

14           (II) Relinquish, for the duration of the order, any firearm or  
15 ammunition in the respondent's immediate possession or control or  
16 subject to the respondent's immediate possession or control; and

17           (b) May require that before the ~~person~~ RESPONDENT is released  
18 from custody on bond, the ~~person shall~~ RESPONDENT relinquish, for the  
19 duration of the order, any firearm or ammunition in the ~~person's~~  
20 RESPONDENT'S immediate possession or control or subject to the ~~person's~~  
21 RESPONDENT'S immediate possession or control; AND

22           (c) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO  
23 SUBSECTION (5)(a) OF THIS SECTION AND NOTIFY THE RESPONDENT OF THE  
24 HEARING DATE AND THAT THE RESPONDENT SHALL APPEAR AT THE  
25 HEARING IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO  
26 SUBSECTION (5)(a) OF THIS SECTION.

27           (2) **Time period to relinquish.** (a) Except as described in

1 ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION,  
2 upon issuance of an order pursuant to subsection (1) of this section, the  
3 respondent shall relinquish, IN ACCORDANCE WITH SUBSECTION (4) OF THIS  
4 SECTION, any firearm or ammunition:

5 (I) Not more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS  
6 AND WEEKENDS, after being served with the order in open court; or

7 (II) Not more than forty-eight hours, EXCLUDING LEGAL HOLIDAYS  
8 AND WEEKENDS, after being served with the order outside of the court.

9 (b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, a  
10 court may allow a respondent up to ~~seventy-two~~ AN ADDITIONAL  
11 TWENTY-FOUR hours to relinquish a firearm ~~or up to five days to~~  
12 ~~relinquish ammunition pursuant to paragraph (a) of this subsection (2)~~ if  
13 the respondent demonstrates to the satisfaction of the court that ~~he or she~~  
14 THE RESPONDENT is unable to comply within the time frame set forth in  
15 ~~said subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION.

16 (3) **Additional time to comply if respondent in custody.** If a  
17 respondent is unable to satisfy the provisions of ~~subsection (2)~~ of this  
18 section because ~~he or she~~ THE RESPONDENT is incarcerated or otherwise  
19 held in the custody of a law enforcement agency, the court shall require  
20 the respondent to satisfy ~~such~~ THE PROVISIONS OF THIS SECTION not more  
21 than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS,  
22 after ~~his or her~~ THE RESPONDENT'S release from incarceration or custody,  
23 or be held in contempt of court. Notwithstanding any provision of this  
24 subsection (3), the court may, in its discretion, require the respondent to  
25 relinquish any firearm or ammunition in the respondent's immediate  
26 possession or control or subject to the respondent's immediate possession  
27 or control before the end of the respondent's incarceration. In such a case,

1 a respondent's failure to relinquish a firearm or ammunition as required  
2 ~~shall constitute~~ CONSTITUTES contempt of court.

3 (4) [~~Formerly 13-14-105.5 (2)(c)~~] **Relinquishment options.** To  
4 satisfy the requirement in ~~paragraph (a) of this~~ subsection (2) OF THIS  
5 SECTION, the respondent ~~may~~ SHALL EITHER:

6 (H) (a) Sell or transfer possession of the firearm or ammunition to  
7 a federally licensed firearms dealer described in 18 U.S.C. sec. 923, as  
8 amended; except that this provision ~~shall~~ MUST not be interpreted to  
9 require any federally licensed firearms dealer to purchase or accept  
10 possession of any firearm or ammunition; OR

11 (HH) (b) Arrange for the storage of the firearm or ammunition by  
12 a law enforcement agency OR BY A STORAGE FACILITY WITH WHICH THE  
13 SHERIFF HAS CONTRACTED FOR THE STORAGE OF TRANSFERRED FIREARMS  
14 OR AMMUNITION, PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION;  
15 except that this provision ~~shall~~ MUST not be interpreted to require any law  
16 enforcement agency to provide storage of firearms or ammunition for any  
17 person; or

18 (HH) (c) Sell or otherwise transfer the firearm or ammunition to a  
19 private party who may legally possess the firearm or ammunition; except  
20 that a ~~person~~ RESPONDENT who sells or transfers a firearm pursuant to this  
21 ~~subparagraph (HH)~~ SUBSECTION (4)(c) shall satisfy all of the provisions of  
22 section 18-12-112 ~~C.R.S.~~, concerning private firearms transfers, including  
23 but not limited to the performance of a criminal background check of the  
24 transferee.

25 (5) **Compliance hearing and affidavit.** (a) THE COURT SHALL  
26 CONDUCT A COMPLIANCE HEARING WITHIN SEVEN BUSINESS DAYS AFTER  
27 THE ORDER IS ISSUED TO ENSURE THE RESPONDENT HAS COMPLIED WITH

1 THIS SECTION BY REQUIRING THE RESPONDENT TO COMPLY WITH  
2 SUBSECTION (5)(b) OF THIS SECTION. THE COURT MAY VACATE THE  
3 HEARING IF THE COURT DETERMINES THE RESPONDENT HAS COMPLETED  
4 THE AFFIDAVIT DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION.  
5 FAILURE TO APPEAR AT A HEARING DESCRIBED IN THIS SUBSECTION (5)(a)  
6 CONSTITUTES CONTEMPT OF COURT.

7 (b) THE RESPONDENT SHALL COMPLETE AN AFFIDAVIT, WHICH  
8 MUST BE FILED IN THE COURT RECORD WITHIN SEVEN BUSINESS DAYS  
9 AFTER THE ORDER IS ISSUED, STATING THE NUMBER OF FIREARMS IN THE  
10 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
11 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL, THE TYPE OF EACH  
12 FIREARM, AND THE LOCATION OF EACH FIREARM. IF THE RESPONDENT DOES  
13 NOT POSSESS A FIREARM AT THE TIME THE ORDER IS ISSUED PURSUANT TO  
14 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT SHALL INDICATE SUCH  
15 NONPOSSESSION IN THE AFFIDAVIT.

16 (c) IF THE RESPONDENT POSSESSED A FIREARM AT THE TIME OF THE  
17 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE  
18 FIREARM PURSUANT TO THIS SECTION BUT TRANSFERRED OR SOLD THE  
19 FIREARM TO A PRIVATE PARTY PRIOR TO THE COURT'S ISSUANCE OF THE  
20 ORDER, THE RESPONDENT SHALL DISCLOSE THE SALE OR TRANSFER OF THE  
21 FIREARM TO THE PRIVATE PARTY IN COURT OR IN THE AFFIDAVIT  
22 DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION. THE RESPONDENT,  
23 WITHIN SEVEN BUSINESS DAYS AFTER THE ORDER IS ISSUED, SHALL  
24 ACQUIRE A WRITTEN RECEIPT AND SIGNED DECLARATION THAT COMPLIES  
25 WITH SUBSECTION (8)(a)(I) OF THIS SECTION.

26 (d) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE  
27 AFFIDAVIT DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION AND ALL

1 OTHER FORMS NECESSARY TO IMPLEMENT THIS SECTION NO LATER THAN  
2 JANUARY 1, 2022. STATE COURTS MAY USE THE FORMS DEVELOPED BY THE  
3 STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION (5)(d) OR  
4 ANOTHER FORM OF THE COURT'S CHOOSING, SO LONG AS THE FORMS  
5 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (5).

6 ~~(4)~~ (6) **Relinquishment to a federally licensed firearms dealer.**

7 A federally licensed firearms dealer who takes possession of a firearm or  
8 ammunition pursuant to this section shall issue a WRITTEN receipt AND  
9 SIGNED DECLARATION to the respondent at the time of relinquishment.  
10 THE DECLARATION MUST MEMORIALIZE THE SALE OR TRANSFER OF THE  
11 FIREARM. The federally licensed firearms dealer shall not return the  
12 firearm or ammunition to the respondent unless the dealer:

13 (a) Contacts the ~~bureau~~ COLORADO BUREAU OF INVESTIGATION,  
14 REFERRED TO IN THIS SECTION AS "THE BUREAU", to request that a  
15 CRIMINAL background check of the respondent be performed; and

16 (b) Obtains approval of the transfer from the bureau after the  
17 performance of the CRIMINAL background check.

18 ~~(5)~~ (7) **Storage by a law enforcement agency or storage**

19 **facility.** (a) A local law enforcement agency may elect to store firearms  
20 or ammunition for ~~persons~~ A RESPONDENT pursuant to this section. THE  
21 LAW ENFORCEMENT AGENCY MAY ENTER INTO AN AGREEMENT WITH ANY  
22 OTHER LAW ENFORCEMENT AGENCY OR STORAGE FACILITY FOR THE  
23 STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION. If ~~an~~ A LAW  
24 ENFORCEMENT agency ~~so~~ elects TO STORE FIREARMS OR AMMUNITION FOR  
25 A RESPONDENT:

26 ~~(a)~~ (I) The LAW ENFORCEMENT agency may charge a fee for ~~such~~  
27 THE storage, the amount of which ~~shall~~ MUST not exceed the direct and

1 indirect costs incurred by the LAW ENFORCEMENT agency in providing  
2 ~~such~~ THE storage;

3 ~~(b)~~ (II) The LAW ENFORCEMENT agency ~~may~~ SHALL establish  
4 policies for disposal of abandoned or stolen firearms or ammunition; and

5 ~~(c)~~ (III) The LAW ENFORCEMENT agency shall issue a WRITTEN  
6 receipt AND SIGNED DECLARATION to ~~each~~ THE respondent at the time ~~the~~  
7 ~~respondent relinquishes possession of a firearm or ammunition~~ OF  
8 RELINQUISHMENT. THE DECLARATION MUST MEMORIALIZE THE TRANSFER  
9 OF THE FIREARM.

10 ~~(6)~~ (b) If a local law enforcement agency elects to store firearms  
11 or ammunition for a ~~person~~ RESPONDENT pursuant to this ~~section~~  
12 SUBSECTION (7), the law enforcement agency shall not return the firearm  
13 or ammunition to the respondent unless the LAW ENFORCEMENT agency:

14 ~~(a)~~ (I) Contacts the bureau to request that a CRIMINAL background  
15 check of the respondent be performed; and

16 ~~(b)~~ (II) Obtains approval of the transfer from the bureau after the  
17 performance of the CRIMINAL background check.

18 ~~(7)~~ ~~(a)~~ (c) (I) A law enforcement agency that elects to store a  
19 firearm or ammunition for a ~~person~~ RESPONDENT pursuant to this section  
20 may elect to cease storing the firearm or ammunition. A law enforcement  
21 agency that elects to cease storing a firearm or ammunition for a ~~person~~  
22 RESPONDENT shall notify the ~~person~~ RESPONDENT of ~~such~~ THE decision  
23 and request that the ~~person~~ RESPONDENT immediately make arrangements  
24 for the transfer of the possession of the firearm or ammunition to the  
25 ~~person~~ RESPONDENT or, if the ~~person~~ RESPONDENT is prohibited from  
26 possessing a firearm, to another person who is legally permitted to  
27 possess a firearm.

1           **(b)** (II) If a law enforcement agency elects to cease storing a  
2 firearm or ammunition for a ~~person~~ RESPONDENT and notifies the ~~person~~  
3 RESPONDENT as described in ~~paragraph (a) of this subsection (7)~~  
4 SUBSECTION (7)(c)(I) OF THIS SECTION, the law enforcement agency may  
5 dispose of the firearm or ammunition if the ~~person~~ RESPONDENT fails to  
6 make arrangements for the transfer of the firearm or ammunition and  
7 complete ~~said~~ THE transfer within ninety days ~~of~~ AFTER receiving ~~such~~  
8 THE notification.

9           (d) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A  
10 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO  
11 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A  
12 CRIMINAL INVESTIGATION IF A LAW ENFORCEMENT AGENCY HAS PROBABLE  
13 CAUSE TO BELIEVE THE FIREARM OR AMMUNITION HAS BEEN USED IN THE  
14 COMMISSION OF A CRIME, IS STOLEN, OR IS CONTRABAND. THIS  
15 SUBSECTION (7)(d) DOES NOT PRECLUDE A LAW ENFORCEMENT AGENCY  
16 FROM CONDUCTING A ROUTINE INSPECTION OF THE FIREARM OR  
17 AMMUNITION PRIOR TO ACCEPTING THE FIREARM FOR STORAGE.

18           **(8) Relinquishment to a private party.** (a) If a respondent sells  
19 or otherwise transfers a firearm or ammunition to a private party who may  
20 legally possess the firearm or ammunition, as described in ~~subparagraph~~  
21 ~~(H) of paragraph (c) of subsection (2)~~ SUBSECTION (4)(c) of this section,  
22 the respondent shall acquire:

23           **(a)** (I) From the ~~transferee~~ FEDERALLY LICENSED FIREARMS  
24 DEALER, a written receipt ~~acknowledging~~ AND SIGNED DECLARATION  
25 MEMORIALIZING the transfer, which receipt ~~shall~~ MUST be dated and  
26 signed by the respondent, ~~and~~ the transferee, AND THE FEDERALLY  
27 LICENSED FIREARMS DEALER; and

1           ~~(b)~~ (II) From the FEDERALLY licensed ~~gun~~ FIREARMS dealer who  
2 requests from the bureau a CRIMINAL background check of the transferee,  
3 as described in section 18-12-112, ~~C.R.S.~~, a written statement of the  
4 results of the CRIMINAL background check.

5           (b) THE RESPONDENT SHALL NOT TRANSFER THE FIREARM TO A  
6 PRIVATE PARTY LIVING IN THE SAME RESIDENCE AS THE DEFENDANT AT  
7 THE TIME OF THE TRANSFER.

8           (c) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY  
9 ELECTS TO STORE A FIREARM FOR A RESPONDENT PURSUANT TO THIS  
10 SECTION, THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO THE  
11 RESPONDENT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE FEDERALLY  
12 LICENSED FIREARMS DEALER WHO REQUESTS FROM THE BUREAU A  
13 BACKGROUND CHECK OF THE RESPONDENT, A WRITTEN STATEMENT OF THE  
14 RESULTS OF THE BACKGROUND CHECK AUTHORIZING THE RETURN OF THE  
15 FIREARM TO THE RESPONDENT.

16           **(9) Requirement to file signed declaration.** (a) Not more than  
17 three business days, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS, after  
18 the relinquishment, the respondent shall file a copy of the ~~receipt~~ SIGNED  
19 DECLARATION issued pursuant to ~~subsection (4), (5), or (8)~~ SUBSECTION  
20 (6), (7)(a)(III), OR (8)(a)(I) of this section, and, if applicable, the written  
21 statement of the results of a CRIMINAL background check performed on  
22 the respondent, as described in ~~paragraph (b) of subsection (8)~~  
23 SUBSECTION (8)(a)(II) of this section, with the court as proof of the  
24 relinquishment. THE SIGNED DECLARATION AND WRITTEN STATEMENT  
25 FILED PURSUANT TO THIS SUBSECTION (9) ARE ONLY AVAILABLE FOR  
26 INSPECTION BY THE COURT AND THE PARTIES TO THE PROCEEDING. If a  
27 respondent fails to timely TRANSFER OR SELL A FIREARM OR file a ~~receipt~~

1 THE SIGNED DECLARATION or written statement as described in this  
2 subsection (9):

3 (I) The failure constitutes a violation of the protection order  
4 pursuant to section 18-6-803.5 (1)(c); ~~C.R.S.~~; and

5 (II) The court shall issue a warrant for the respondent's arrest.

6 (b) In any subsequent prosecution for a violation of a protection  
7 order described in this subsection (9), the court shall take judicial notice  
8 of the ~~defendant's~~ RESPONDENT'S failure to TRANSFER OR SELL A FIREARM,  
9 OR file a receipt THE SIGNED DECLARATION or written statement, which  
10 ~~will constitute~~ CONSTITUTES prima facie evidence of a violation of the  
11 protection order pursuant to section 18-6-803.5 (1)(c), ~~C.R.S.~~, and  
12 testimony of the clerk of the court or ~~his or her~~ THE CLERK OF THE  
13 COURT'S deputy is not required.

14 (10) Nothing in this section ~~shall be construed to limit~~ LIMITS a  
15 respondent's right to petition the court for dismissal of a protection order.

16 (11) A ~~person~~ RESPONDENT subject to a civil protection order  
17 issued pursuant to section 13-14-104.5 (1)(a) who possesses or attempts  
18 to purchase or receive a firearm or ammunition while the protection order  
19 is in effect violates the order pursuant to section 18-6-803.5 (1)(c). ~~C.R.S.~~

20 (12) (a) A law enforcement agency that elects in good faith to not  
21 store a firearm or ammunition for a ~~person~~ RESPONDENT pursuant to  
22 ~~subparagraph (II) of paragraph (c) of subsection (2)~~ SUBSECTION (7)(a) of  
23 this section ~~shall~~ IS not ~~be held~~ criminally or civilly liable for such  
24 ~~election not to act~~ INACTION.

25 (b) A law enforcement agency that returns possession of a firearm  
26 or ammunition to a ~~person~~ RESPONDENT in good faith as permitted by  
27 ~~subsection (6)~~ SUBSECTION (7) of this section ~~shall~~ IS not ~~be held~~

1 criminally or civilly liable for such action.

2 (13) **Immunity.** A FEDERALLY LICENSED FIREARMS DEALER, LAW  
3 ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE PARTY THAT  
4 ELECTS TO STORE A FIREARM PURSUANT TO THIS SECTION IS NOT CIVILLY  
5 LIABLE FOR ANY RESULTING DAMAGES TO THE FIREARM, AS LONG AS SUCH  
6 DAMAGE DID NOT RESULT FROM THE WILLFUL AND WRONGFUL ACT OR  
7 GROSS NEGLIGENCE OF THE FEDERALLY LICENSED FIREARMS DEALER, LAW  
8 ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE PARTY.

9 **SECTION 2.** In Colorado Revised Statutes, 18-1-1001, **amend**  
10 **with relocated provisions** (9) as follows:

11 **18-1-1001. Protection order against defendant - definitions.**

12 (9) (a) **Order requirements.** When the court subjects a defendant to a  
13 mandatory protection order that THE COURT, USING THE PROBABLE CAUSE  
14 STANDARD OF REVIEW, DETERMINES ON THE RECORD AFTER REVIEWING  
15 THE PROBABLE CAUSE STATEMENT OR ARREST WARRANT THAT THE ORDER  
16 qualifies as an order described in 18 U.S.C. sec. 922 (g)(8) OR INCLUDES  
17 A CRIME THAT INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN  
18 SECTION 18-6-800.3 (1), the court, as part of such order:

19 (I) Shall order the defendant to:

20 (A) Refrain from possessing or purchasing any firearm or  
21 ammunition for the duration of the order; and

22 (B) Relinquish, for the duration of the order, any firearm or  
23 ammunition in the defendant's immediate possession or control or subject  
24 to the defendant's immediate possession or control; and

25 (II) May require that before the defendant is released from custody  
26 on bond, the defendant shall relinquish, for the duration of the order, any  
27 firearm or ammunition in the defendant's immediate possession or control

1 or subject to the defendant's immediate possession or control; AND

2 (III) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO  
3 SUBSECTION (9)(e) OF THIS SECTION AND NOTIFY THE DEFENDANT OF THE  
4 HEARING DATE AND THAT THE DEFENDANT SHALL APPEAR AT THE HEARING  
5 IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO SUBSECTION  
6 (9)(e)(I) OF THIS SECTION.

7 (b) **Time period to relinquish.** Upon issuance of an order  
8 pursuant to ~~paragraph (a) of this subsection (9)~~ SUBSECTION (9)(a) OF THIS  
9 SECTION, the defendant shall relinquish, IN ACCORDANCE WITH  
10 SUBSECTION (9)(d) OF THIS SECTION, any firearm or ammunition not more  
11 than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS,  
12 after being served with the order; except that a court may allow a  
13 defendant up to ~~seventy-two~~ AN ADDITIONAL TWENTY-FOUR hours to  
14 relinquish a firearm or up to five days to relinquish ammunition pursuant  
15 to ~~this paragraph (b)~~ if the defendant demonstrates to the satisfaction of  
16 the court that ~~he or she~~ THE DEFENDANT is unable to comply within  
17 ~~twenty-four hours. To satisfy this requirement, the defendant may:~~ THE  
18 TIME FRAME SET FORTH IN THIS SUBSECTION (9)(b).

19 (c) **Additional time to comply if defendant is in custody.** If a  
20 defendant is unable to satisfy the provisions of ~~paragraph (b) of this~~  
21 subsection (9) because ~~he or she~~ THE DEFENDANT is incarcerated or  
22 otherwise held in the custody of a law enforcement agency, the court shall  
23 require the defendant to satisfy ~~such~~ THE PROVISIONS OF THIS SUBSECTION  
24 (9) not more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND  
25 WEEKENDS, after ~~his or her~~ THE DEFENDANT'S release from incarceration  
26 or custody or be held in contempt of court. Notwithstanding any provision  
27 of this ~~paragraph (c)~~ SUBSECTION (9)(c), the court may, in its discretion,

1 require the defendant to relinquish any firearm or ammunition in the  
2 defendant's immediate possession or control or subject to the defendant's  
3 immediate possession or control before the end of the defendant's  
4 incarceration OR RELEASE FROM CUSTODY. In such a case, a defendant's  
5 failure to relinquish a firearm or ammunition as required ~~shall constitute~~  
6 CONSTITUTES contempt of court.

7 (d) **Relinquishment options.** TO SATISFY THE REQUIREMENT IN  
8 SUBSECTION (9)(b) OF THIS SECTION, THE DEFENDANT SHALL EITHER:

9 (I) **[Formerly 18-1-1001 (9)(b)(I)]** Sell or transfer possession of  
10 the firearm or ammunition to a federally licensed firearms dealer  
11 described in 18 U.S.C. sec. 923, as amended; except that this provision  
12 ~~shall~~ MUST not be interpreted to require any federally licensed firearms  
13 dealer to purchase or accept possession of any firearm or ammunition; OR

14 (II) **[Formerly 18-1-1001 (9)(b)(II)]** Arrange for the storage of the  
15 firearm or ammunition by a law enforcement agency OR BY A STORAGE  
16 FACILITY WITH WHICH THE LAW ENFORCEMENT AGENCY HAS CONTRACTED  
17 FOR THE STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION,  
18 PURSUANT TO SUBSECTION (9)(g) OF THIS SECTION; except that this  
19 provision ~~shall~~ MUST not be interpreted to require any law enforcement  
20 agency to provide storage of firearms or ammunition for any person; or

21 (III) **[Formerly 18-1-1001 (9)(b)(III)]** Sell or otherwise transfer  
22 the firearm or ammunition to a private party who may legally possess the  
23 firearm or ammunition; except that a defendant who sells or transfers a  
24 firearm pursuant to this ~~subparagraph (HH)~~ SUBSECTION (9)(d)(III) shall  
25 satisfy all of the provisions of section 18-12-112 concerning private  
26 firearms transfers, including but not limited to the performance of a  
27 criminal background check of the transferee.

1           **(e) Compliance hearing, conditions of release on bond, and**

2           **affidavit.** (I) THE COURT SHALL CONDUCT A COMPLIANCE HEARING TO  
3 ENSURE THE DEFENDANT HAS COMPLIED WITH THIS SUBSECTION (9) BY  
4 REQUIRING THE DEFENDANT TO COMPLY WITH SUBSECTION (9)(e)(II) OF  
5 THIS SECTION. THE COURT MAY CONSIDER THE ISSUE IN OTHER  
6 PROCEEDINGS BEFORE THE COURT IN THE CRIMINAL CASE. THE HEARING  
7 IS CONSIDERED A COURT ACTION INVOLVING A BOND REDUCTION OR  
8 MODIFICATION AS DESCRIBED IN SECTION 24-4.1-302 (2)(c). A DEFENDANT  
9 SHALL COMPLY WITH SECTION 16-4-105 (4.1) AS IT RELATES TO THE  
10 CONDITIONS OF RELEASE ON BOND. THE COURT MAY VACATE THE HEARING  
11 IF THE COURT DETERMINES THAT THE DEFENDANT HAS COMPLETED THE  
12 AFFIDAVIT DESCRIBED IN SUBSECTION (9)(e)(II) OF THIS SECTION. FAILURE  
13 TO APPEAR AT A HEARING DESCRIBED IN THIS SUBSECTION (9)(e)(I)  
14 CONSTITUTES CONTEMPT OF COURT.

15           (II) THE DEFENDANT SHALL COMPLETE AN AFFIDAVIT, WHICH MUST  
16 BE FILED IN THE COURT RECORD WITHIN SEVEN BUSINESS DAYS AFTER THE  
17 ORDER IS ISSUED, STATING THE NUMBER OF FIREARMS IN THE DEFENDANT'S  
18 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S  
19 IMMEDIATE POSSESSION OR CONTROL, THE TYPE OF EACH FIREARM, AND  
20 THE LOCATION OF EACH FIREARM. IF THE DEFENDANT DOES NOT POSSESS  
21 A FIREARM AT THE TIME THE ORDER IS ISSUED PURSUANT TO SUBSECTION  
22 (9)(a) OF THIS SECTION, THE DEFENDANT SHALL INDICATE SUCH  
23 NONPOSSESSION IN THE AFFIDAVIT.

24           (III) IF THE DEFENDANT POSSESSED A FIREARM AT THE TIME OF THE  
25 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE  
26 FIREARM PURSUANT TO THIS SUBSECTION (9) BUT TRANSFERRED OR SOLD  
27 THE FIREARM TO A PRIVATE PARTY PRIOR TO THE COURT'S ISSUANCE OF

1 THE ORDER, THE DEFENDANT SHALL DISCLOSE THE SALE OR TRANSFER OF  
2 THE FIREARM TO THE PRIVATE PARTY IN COURT OR IN THE AFFIDAVIT  
3 DESCRIBED IN SUBSECTION (9)(e)(II) OF THIS SECTION. THE DEFENDANT,  
4 WITHIN SEVEN BUSINESS DAYS AFTER THE RELINQUISHMENT PERIOD  
5 ESTABLISHED BY THE COURT PURSUANT TO THIS SUBSECTION (9), SHALL  
6 ACQUIRE A WRITTEN RECEIPT AND SIGNED DECLARATION THAT COMPLIES  
7 WITH SUBSECTION (9)(h)(I)(A) OF THIS SECTION.

8 (IV) NO TESTIMONY OR OTHER INFORMATION COMPELLED  
9 PURSUANT TO THIS SUBSECTION (9), OR ANY INFORMATION DIRECTLY OR  
10 INDIRECTLY DERIVED FROM SUCH TESTIMONY OR OTHER INFORMATION,  
11 MAY BE USED AGAINST THE DEFENDANT IN ANY CRIMINAL CASE, EXCEPT  
12 PROSECUTION FOR PERJURY PURSUANT TO SECTION 18-8-503.

13 (V) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE  
14 AFFIDAVIT DESCRIBED IN SUBSECTION (9)(e)(II) OF THIS SECTION AND ALL  
15 OTHER FORMS NECESSARY TO IMPLEMENT THIS SUBSECTION (9) NO LATER  
16 THAN JANUARY 1, 2022. STATE COURTS MAY USE THE FORMS DEVELOPED  
17 BY THE STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION  
18 (9)(e) OR ANOTHER FORM OF THE COURT'S CHOOSING, SO LONG AS THE  
19 FORMS COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (9)(e).

20 ~~(d)~~ (f) **Relinquishment to a federally licensed firearms dealer.**  
21 A federally licensed firearms dealer who takes possession of a firearm or  
22 ammunition pursuant to this ~~section~~ SUBSECTION (9) shall issue a  
23 WRITTEN receipt AND SIGNED DECLARATION to the defendant at the time  
24 of relinquishment. THE DECLARATION MUST MEMORIALIZE THE SALE OR  
25 TRANSFER OF THE FIREARM. The federally licensed firearms dealer shall  
26 not return the firearm or ammunition to the defendant unless the dealer:

27 (I) Contacts the ~~bureau~~ COLORADO BUREAU OF INVESTIGATION,

1 REFERRED TO IN THIS SUBSECTION (9) AS "THE BUREAU", to request that a  
2 CRIMINAL background check of the defendant be performed; and

3 (II) Obtains approval of the transfer from the bureau after the  
4 performance of the CRIMINAL background check.

5 ~~(e)~~ (g) **Storage by a law enforcement agency or storage facility.**

6 (I) A local law enforcement agency may elect to store firearms or  
7 ammunition for ~~persons~~ A DEFENDANT pursuant to this subsection (9).

8 THE LAW ENFORCEMENT AGENCY MAY ENTER INTO AN AGREEMENT WITH  
9 ANY OTHER LAW ENFORCEMENT AGENCY OR STORAGE FACILITY FOR THE  
10 STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION. If ~~an~~ A LAW  
11 ENFORCEMENT agency ~~so~~ elects TO STORE FIREARMS OR AMMUNITION FOR  
12 A DEFENDANT:

13 ~~(f)~~ (A) The LAW ENFORCEMENT agency may charge a fee for ~~such~~  
14 THE storage, the amount of which ~~shall~~ MUST not exceed the direct and  
15 indirect costs incurred by the LAW ENFORCEMENT agency in providing  
16 ~~such~~ THE storage;

17 ~~(h)~~ (B) The LAW ENFORCEMENT agency ~~may~~ SHALL establish  
18 policies for disposal of abandoned or stolen firearms or ammunition; and

19 ~~(hh)~~ (C) The LAW ENFORCEMENT agency shall issue a WRITTEN  
20 receipt AND SIGNED DECLARATION to ~~each~~ THE defendant at the time ~~the~~  
21 ~~defendant relinquishes possession of a firearm or ammunition~~ OF  
22 RELINQUISHMENT. THE DECLARATION MUST MEMORIALIZE THE SALE OR  
23 TRANSFER OF THE FIREARM.

24 ~~(f)~~ (II) If a local law enforcement agency elects to store firearms  
25 or ammunition for a defendant pursuant to this ~~subsection (9)~~ SUBSECTION  
26 (9)(g), the law enforcement agency shall not return the firearm or  
27 ammunition to the defendant unless the LAW ENFORCEMENT agency:

1           ~~(H)~~(A) Contacts the bureau to request that a CRIMINAL background  
2 check of the defendant be performed; and

3           ~~(H)~~(B) Obtains approval of the transfer from the bureau after the  
4 performance of the CRIMINAL background check.

5           ~~(g)~~~~(H)~~ (III) (A) A law enforcement agency that elects to store a  
6 firearm or ammunition for a defendant pursuant to this subsection (9) may  
7 elect to cease storing the firearm or ammunition. A law enforcement  
8 agency that elects to cease storing a firearm or ammunition for a  
9 defendant shall notify the defendant of ~~such~~ THE decision and request that  
10 the defendant immediately make arrangements for the transfer of the  
11 possession of the firearm or ammunition to the defendant or, if the  
12 defendant is prohibited from possessing a firearm, to another person who  
13 is legally permitted to possess a firearm.

14           ~~(H)~~ (B) If a law enforcement agency elects to cease storing a  
15 firearm or ammunition for a ~~person~~ DEFENDANT and notifies the  
16 defendant as described in ~~subparagraph (I) of this paragraph (g)~~  
17 SUBSECTION (9)(g)(III)(A) OF THIS SECTION, the law enforcement agency  
18 may dispose of the firearm or ammunition if the defendant fails to make  
19 arrangements for the transfer of the firearm or ammunition and complete  
20 ~~said~~ THE transfer within ninety days ~~of~~ AFTER receiving ~~such~~ THE  
21 notification.

22           (IV) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A  
23 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO  
24 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A  
25 CRIMINAL INVESTIGATION IF A LAW ENFORCEMENT AGENCY HAS PROBABLE  
26 CAUSE TO BELIEVE THE FIREARM OR AMMUNITION HAS BEEN USED IN THE  
27 COMMISSION OF A CRIME, IS STOLEN, OR IS CONTRABAND. THIS

1 SUBSECTION (9)(g)(IV) DOES NOT PRECLUDE A LAW ENFORCEMENT  
2 AGENCY FROM CONDUCTING A ROUTINE INSPECTION OF THE FIREARM OR  
3 AMMUNITION PRIOR TO ACCEPTING THE FIREARM FOR STORAGE.

4 (h) **Relinquishment to a private party.** (I) If a defendant sells  
5 or otherwise transfers a firearm or ammunition to a private party who may  
6 legally possess the firearm or ammunition, as described in ~~subparagraph~~  
7 ~~(H) of paragraph (b) of this subsection (9)~~ SUBSECTION (9)(d)(III) OF  
8 THIS SECTION, the defendant shall acquire:

9 (H) (A) From the ~~transferee~~ FEDERALLY LICENSED FIREARMS  
10 DEALER, a written receipt ~~acknowledging~~ AND SIGNED DECLARATION  
11 MEMORIALIZING the transfer, which receipt ~~shall~~ MUST be dated and  
12 signed by the defendant, ~~and~~ the transferee, AND THE FEDERALLY  
13 LICENSED FIREARMS DEALER; and

14 (H) (B) From the FEDERALLY licensed ~~gun~~ FIREARMS dealer who  
15 requests from the bureau a CRIMINAL background check of the transferee,  
16 as described in section 18-12-112, a written statement of the results of the  
17 CRIMINAL background check.

18 (II) THE DEFENDANT SHALL NOT TRANSFER THE FIREARM TO A  
19 PRIVATE PARTY LIVING IN THE SAME RESIDENCE AS THE DEFENDANT AT  
20 THE TIME OF THE TRANSFER.

21 (III) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY  
22 ELECTS TO STORE A FIREARM FOR A DEFENDANT PURSUANT TO THIS  
23 SUBSECTION (9), THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO  
24 THE DEFENDANT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE  
25 FEDERALLY LICENSED FIREARMS DEALER WHO REQUESTS FROM THE  
26 BUREAU A CRIMINAL BACKGROUND CHECK OF THE DEFENDANT, A WRITTEN  
27 STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK AUTHORIZING

1 THE RETURN OF THE FIREARM TO THE DEFENDANT.

2 (i) **Requirement to file signed declaration.** (I) Not more than  
3 three business days, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS, after  
4 the relinquishment, the defendant shall file a copy of the ~~receipt~~ SIGNED  
5 DECLARATION issued pursuant to ~~paragraph (d), (e), or (h) of this~~  
6 ~~subsection (9)~~ SUBSECTION (9)(f), (9)(g)(I)(C), OR (9)(h)(I)(A) OF THIS  
7 SECTION, and, if applicable, the written statement of the results of a  
8 CRIMINAL background check performed on the defendant, as described in  
9 ~~subparagraph (H) of paragraph (h) of this subsection (9)~~ SUBSECTION  
10 (9)(h)(I)(B) OF THIS SECTION, with the court as proof of the  
11 relinquishment. THE SIGNED DECLARATION AND WRITTEN STATEMENT  
12 FILED PURSUANT TO THIS SUBSECTION (9)(i) ARE ONLY AVAILABLE FOR  
13 INSPECTION BY THE COURT AND THE PARTIES TO THE PROCEEDING. If a  
14 defendant fails to timely TRANSFER OR SELL A FIREARM OR file a ~~receipt~~  
15 THE SIGNED DECLARATION or written statement as described in this  
16 ~~paragraph (i)~~ SUBSECTION (9)(i)(I):

17 (A) The failure constitutes a violation of the protection order  
18 pursuant to section 18-6-803.5 (1)(c); and

19 (B) The court shall issue a warrant for the defendant's arrest.

20 (II) In any subsequent prosecution for a violation of a protection  
21 order described in this ~~paragraph (i)~~ SUBSECTION (9)(i), the court shall  
22 take judicial notice of the defendant's failure to TRANSFER OR SELL A  
23 FIREARM, OR file a ~~receipt~~ THE SIGNED DECLARATION or written statement,  
24 which ~~will constitute~~ CONSTITUTES prima facie evidence of a violation of  
25 the protection order pursuant to section 18-6-803.5 (1)(c), ~~C.R.S.~~, and  
26 testimony of the clerk of the court or ~~his or her~~ THE CLERK OF THE  
27 COURT'S deputy is not required.

1 (j) Nothing in this subsection (9) ~~shall be construed to limit~~ LIMITS  
2 a defendant's right to petition the court for dismissal of a protection order.

3 (k) A ~~person~~ DEFENDANT subject to a mandatory protection order  
4 issued pursuant to this subsection (9) who possesses or attempts to  
5 purchase or receive a firearm or ammunition while the protection order  
6 is in effect violates the order pursuant to section 18-6-803.5 (1)(c).

7 (l) (I) A law enforcement agency that elects in good faith to not  
8 store a firearm or ammunition for a defendant pursuant to ~~subsection~~  
9 ~~(9)(b)(II)~~ SUBSECTION (9)(g) of this section ~~shall~~ IS NOT ~~be held~~ criminally  
10 or civilly liable for such ~~election not to act~~ INACTION.

11 (II) A law enforcement agency that returns possession of a firearm  
12 or ammunition to a defendant in good faith as permitted by ~~paragraph (f)~~  
13 ~~of this subsection (9)~~ ~~shall~~ SUBSECTION (9)(g) OF THIS SECTION IS NOT ~~be~~  
14 ~~held~~ criminally or civilly liable for such action.

15 (m) **Immunity.** A FEDERALLY LICENSED FIREARMS DEALER, LAW  
16 ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE PARTY THAT  
17 ELECTS TO STORE A FIREARM PURSUANT TO THIS SUBSECTION (9) IS NOT  
18 CIVILLY LIABLE FOR ANY RESULTING DAMAGES TO THE FIREARM, AS LONG  
19 AS SUCH DAMAGE DID NOT RESULT FROM THE WILLFUL AND WRONGFUL  
20 ACT OR GROSS NEGLIGENCE OF THE FEDERALLY LICENSED FIREARMS  
21 DEALER, LAW ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE  
22 PARTY.

23 **SECTION 3.** In Colorado Revised Statutes, 18-6-801, **amend**  
24 **with relocated provisions** (8) as follows:

25 **18-6-801. Domestic violence - sentencing.** (8) (a) **Sentencing**  
26 **requirements.** In addition to any sentence that is imposed upon a  
27 defendant for violation of any criminal law under this ~~title~~ TITLE 18, if a

1 defendant is convicted of any crime, the underlying factual basis of which  
2 is found by the court on the record to be a misdemeanor crime of  
3 domestic violence, as defined in 18 U.S.C. sec. 921 (a)(33), or that is  
4 punishable by a term of imprisonment exceeding one year and includes  
5 an act of domestic violence, as defined in section 18-6-800.3 (1), the  
6 court:

7 (I) Shall order the defendant to:

8 (A) Refrain from possessing or purchasing any firearm or  
9 ammunition ~~for the duration of the order~~ UNTIL THE DEFENDANT'S  
10 SENTENCE IS SATISFIED; and

11 (B) Relinquish any firearm or ammunition in the defendant's  
12 immediate possession or control or subject to the defendant's immediate  
13 possession or control; and

14 (II) May require that before the defendant is released from custody  
15 on bond, the defendant ~~shall relinquish, for the duration of the order,~~  
16 RELINQUISH any firearm or ammunition in the defendant's immediate  
17 possession or control or subject to the defendant's immediate possession  
18 or control; AND

19 (III) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO  
20 SUBSECTION (8)(e) OF THIS SECTION AND NOTIFY THE DEFENDANT OF THE  
21 HEARING DATE AND THAT THE DEFENDANT SHALL APPEAR AT THE HEARING  
22 IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO SUBSECTION  
23 (8)(e)(I) OF THIS SECTION.

24 (b) **Time period to relinquish.** ~~Upon issuance of an order to~~  
25 ~~relinquish one or more firearms or ammunition pursuant to paragraph (a)~~  
26 ~~of this subsection (8);~~ The defendant shall relinquish, IN ACCORDANCE  
27 WITH SUBSECTION (8)(d) OF THIS SECTION, any firearm or ammunition not

1 more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND  
2 WEEKENDS, after ~~being served with the order~~ SENTENCING; except that a  
3 court may allow a defendant up to ~~seventy-two~~ AN ADDITIONAL  
4 TWENTY-FOUR hours to relinquish a firearm ~~or up to five days to~~  
5 ~~relinquish ammunition pursuant to this paragraph (b)~~ if the defendant  
6 demonstrates to the satisfaction of the court that ~~he or she~~ THE  
7 DEFENDANT is unable to comply within ~~twenty-four hours. To satisfy this~~  
8 ~~requirement, the defendant may:~~ THE TIME FRAME SET FORTH IN THIS  
9 SUBSECTION (8)(b).

10 (c) **Additional time to comply if defendant is in custody.** If a  
11 defendant is unable to satisfy the provisions of ~~paragraph (b) of this~~  
12 ~~subsection (8)~~ THIS SUBSECTION (8) because ~~he or she~~ THE DEFENDANT is  
13 incarcerated or otherwise held in the custody of a law enforcement  
14 agency, the court shall require the defendant to satisfy ~~such~~ THE  
15 provisions not more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS  
16 AND WEEKENDS, after ~~his or her~~ THE DEFENDANT'S release from  
17 incarceration or custody or be held in contempt of court. Notwithstanding  
18 any provision of this ~~paragraph (c)~~ SUBSECTION (8)(c), the court may, in  
19 its discretion, require the defendant to relinquish any firearm or  
20 ammunition in the defendant's immediate possession or control or subject  
21 to the defendant's immediate possession or control before the end of the  
22 defendant's incarceration. In such a case, a defendant's failure to  
23 relinquish a firearm or ammunition as required ~~shall constitute~~  
24 CONSTITUTES contempt of court.

25 (d) **Relinquishment options.** TO SATISFY THE REQUIREMENT IN  
26 SUBSECTION (8)(b) OF THIS SECTION, THE DEFENDANT SHALL EITHER:

27 (I) [Formerly 18-6-801 (8)(b)(I)] Sell or transfer possession of the

1 firearm or ammunition to a federally licensed firearms dealer described  
2 in 18 U.S.C. sec. 923, as amended; except that this provision ~~shall~~ MUST  
3 not be interpreted to require any federally licensed firearms dealer to  
4 purchase or accept possession of any firearm or ammunition; OR

5 (II) [Formerly 18-6-801 (8)(b)(II)] Arrange for the storage of the  
6 firearm or ammunition by a law enforcement agency OR BY A STORAGE  
7 FACILITY WITH WHICH THE LAW ENFORCEMENT AGENCY HAS CONTRACTED  
8 FOR THE STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION,  
9 PURSUANT TO SUBSECTION (8)(g) OF THIS SECTION; except that this  
10 provision ~~shall~~ MUST not be interpreted to require any law enforcement  
11 agency to provide storage of firearms or ammunition for any person; or

12 (III) [Formerly 18-6-801 (8)(b)(III)] Sell or otherwise transfer the  
13 firearm or ammunition to a private party who may legally possess the  
14 firearm or ammunition; except that a defendant who sells or transfers a  
15 firearm pursuant to this ~~subparagraph (II)~~ SUBSECTION (8)(d)(III) shall  
16 satisfy all of the provisions of section 18-12-112 concerning private  
17 firearms transfers, including but not limited to the performance of a  
18 criminal background check of the transferee.

19 (e) **Compliance hearing and affidavit.** (I) THE COURT SHALL  
20 CONDUCT A COMPLIANCE HEARING WITHIN SEVEN BUSINESS DAYS AFTER  
21 SENTENCING TO ENSURE THE DEFENDANT HAS COMPLIED WITH THIS  
22 SUBSECTION (8) BY REQUIRING THE DEFENDANT TO COMPLY WITH  
23 SUBSECTION (8)(e)(II) OF THIS SECTION. THE COURT MAY VACATE THE  
24 HEARING IF THE COURT DETERMINES THE DEFENDANT HAS COMPLETED THE  
25 AFFIDAVIT DESCRIBED IN SUBSECTION (8)(e)(II) OF THIS SECTION. FAILURE  
26 TO APPEAR AT A HEARING DESCRIBED IN THIS SUBSECTION (8)(e)(I)  
27 CONSTITUTES CONTEMPT OF COURT.

1 (II) THE DEFENDANT SHALL COMPLETE AN AFFIDAVIT, WHICH MUST  
2 BE FILED IN THE COURT RECORD WITHIN SEVEN BUSINESS DAYS AFTER  
3 SENTENCING, STATING THE NUMBER OF FIREARMS IN THE DEFENDANT'S  
4 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S  
5 IMMEDIATE POSSESSION OR CONTROL, THE TYPE OF EACH FIREARM, AND  
6 THE LOCATION OF EACH FIREARM. IF THE DEFENDANT DOES NOT POSSESS  
7 A FIREARM AT THE TIME OF SENTENCING, THE DEFENDANT SHALL INDICATE  
8 SUCH NONPOSSESSION IN THE AFFIDAVIT.

9 (III) IF THE DEFENDANT POSSESSED A FIREARM AT THE TIME OF THE  
10 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE  
11 FIREARM PURSUANT TO THIS SECTION BUT TRANSFERRED OR SOLD THE  
12 FIREARM TO A PRIVATE PARTY PRIOR TO SENTENCING, THE DEFENDANT  
13 SHALL DISCLOSE THE SALE OR TRANSFER OF THE FIREARM TO THE PRIVATE  
14 PARTY IN COURT OR IN THE AFFIDAVIT DESCRIBED IN SUBSECTION (8)(e)(II)  
15 OF THIS SECTION. THE DEFENDANT, WITHIN SEVEN BUSINESS DAYS AFTER  
16 SENTENCING, SHALL ACQUIRE A WRITTEN RECEIPT AND SIGNED  
17 DECLARATION THAT COMPLIES WITH SUBSECTION (8)(h)(I)(A) OF THIS  
18 SECTION.

19 (IV) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE  
20 AFFIDAVIT DESCRIBED IN SUBSECTION (8)(e)(II) OF THIS SECTION AND ALL  
21 OTHER FORMS NECESSARY TO IMPLEMENT THIS SUBSECTION (8) NO LATER  
22 THAN JANUARY 1, 2022. STATE COURTS MAY USE THE FORMS DEVELOPED  
23 BY THE STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION  
24 (8)(e) OR ANOTHER FORM OF THE COURT'S CHOOSING, SO LONG AS THE  
25 FORMS COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (8)(e).

26 ~~(d)~~ (f) **Relinquishment to a federally licensed firearms dealer.**  
27 A federally licensed firearms dealer who takes possession of a firearm or

1 ammunition pursuant to this subsection (8) shall issue a WRITTEN receipt  
2 AND SIGNED DECLARATION to the defendant at the time of relinquishment.  
3 THE DECLARATION MUST MEMORIALIZE THE SALE OR TRANSFER OF THE  
4 FIREARM. The federally licensed firearms dealer shall not return the  
5 firearm or ammunition to the defendant unless the dealer:

6 (I) Contacts the ~~bureau~~ COLORADO BUREAU OF INVESTIGATION,  
7 REFERRED TO IN THIS SUBSECTION (8) AS THE "BUREAU", to request that a  
8 CRIMINAL background check of the defendant be performed; and

9 (II) Obtains approval of the transfer from the bureau after the  
10 performance of the CRIMINAL background check.

11 ~~(e)~~ (g) **Storage by a law enforcement agency or storage facility.**

12 (I) A local law enforcement agency may elect to store firearms or  
13 ammunition for ~~persons~~ A DEFENDANT pursuant to this subsection (8).  
14 THE LAW ENFORCEMENT AGENCY MAY ENTER INTO AN AGREEMENT WITH  
15 ANY OTHER LAW ENFORCEMENT AGENCY OR STORAGE FACILITY FOR THE  
16 STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION. If ~~an~~ A LAW  
17 ENFORCEMENT agency ~~so~~ elects TO STORE FIREARMS OR AMMUNITION FOR  
18 A DEFENDANT:

19 ~~(f)~~ (A) The LAW ENFORCEMENT agency may charge a fee for ~~such~~  
20 THE storage, the amount of which ~~shall~~ MUST not exceed the direct and  
21 indirect costs incurred by the LAW ENFORCEMENT agency in providing  
22 ~~such~~ THE storage;

23 ~~(h)~~ (B) The LAW ENFORCEMENT agency ~~may~~ SHALL establish  
24 policies for disposal of abandoned or stolen firearms or ammunition; and

25 ~~(h)~~ (C) The LAW ENFORCEMENT agency shall issue a WRITTEN  
26 receipt AND SIGNED DECLARATION to ~~each~~ THE defendant at the time ~~the~~  
27 ~~defendant relinquishes possession of a firearm or ammunition OF~~

1 RELINQUISHMENT. THE DECLARATION MUST MEMORIALIZE THE SALE OR  
2 TRANSFER OF THE FIREARM.

3 ~~(f)~~ (II) If a local law enforcement agency elects to store firearms  
4 or ammunition for a defendant pursuant to this ~~subsection (8)~~ SUBSECTION  
5 (8)(g), the law enforcement agency shall not return the firearm or  
6 ammunition to the defendant unless the LAW ENFORCEMENT agency:

7 ~~(H)~~ (A) Contacts the bureau to request that a CRIMINAL background  
8 check of the defendant be performed; and

9 ~~(H)~~ (B) Obtains approval of the transfer from the bureau after the  
10 performance of the CRIMINAL background check.

11 ~~(g)~~ ~~(f)~~ (III) (A) A law enforcement agency that elects to store a  
12 firearm or ammunition for a defendant pursuant to this subsection (8) may  
13 elect to cease storing the firearm or ammunition. A law enforcement  
14 agency that elects to cease storing a firearm or ammunition for a  
15 defendant shall notify the defendant of ~~such~~ THE decision and request that  
16 the defendant immediately make arrangements for the transfer of the  
17 possession of the firearm or ammunition to the defendant or, if the  
18 defendant is prohibited from possessing a firearm, to another person who  
19 is legally permitted to possess a firearm.

20 ~~(H)~~ (B) If a law enforcement agency elects to cease storing a  
21 firearm or ammunition for a defendant and notifies the defendant as  
22 described in ~~subparagraph (f) of this paragraph (g)~~ SUBSECTION  
23 (8)(g)(III)(A) OF THIS SECTION, the law enforcement agency may dispose  
24 of the firearm or ammunition if the defendant fails to make arrangements  
25 for the transfer of the firearm or ammunition and complete ~~said~~ THE  
26 transfer within ninety days ~~of~~ AFTER receiving ~~such~~ THE notification.

27 (IV) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A

1 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO  
2 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A  
3 CRIMINAL INVESTIGATION IF A LAW ENFORCEMENT AGENCY HAS PROBABLE  
4 CAUSE TO BELIEVE THE FIREARM OR AMMUNITION HAS BEEN USED IN THE  
5 COMMISSION OF A CRIME, IS STOLEN, OR IS CONTRABAND. THIS  
6 SUBSECTION (8)(g)(IV) DOES NOT PRECLUDE A LAW ENFORCEMENT  
7 AGENCY FROM CONDUCTING A ROUTINE INSPECTION OF THE FIREARM OR  
8 AMMUNITION PRIOR TO ACCEPTING THE FIREARM FOR STORAGE.

9 (h) **Relinquishment to a private party.** (I) If a defendant sells or  
10 otherwise transfers a firearm or ammunition to a private party who may  
11 legally possess the firearm or ammunition, as described in ~~subparagraph~~  
12 ~~(H) of paragraph (b) of this subsection (8)~~ SUBSECTION (8)(d)(III) OF  
13 THIS SECTION, the defendant shall acquire:

14 ~~(H)~~ (A) From the ~~transferee~~ FEDERALLY LICENSED FIREARMS  
15 DEALER, a written receipt ~~acknowledging~~ AND SIGNED DECLARATION  
16 MEMORIALIZING the transfer, which receipt ~~shall~~ MUST be dated and  
17 signed by the defendant, ~~and~~ the transferee, AND THE FEDERALLY  
18 LICENSED FIREARMS DEALER; and

19 ~~(H)~~ (B) From the FEDERALLY licensed ~~gun~~ FIREARMS dealer who  
20 requests from the bureau a CRIMINAL background check of the transferee,  
21 as described in section 18-12-112, a written statement of the results of the  
22 CRIMINAL background check.

23 (II) THE DEFENDANT SHALL NOT TRANSFER THE FIREARM TO A  
24 PRIVATE PARTY LIVING IN THE SAME RESIDENCE AS THE DEFENDANT AT  
25 THE TIME OF THE TRANSFER.

26 (III) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY  
27 ELECTS TO STORE A FIREARM FOR A DEFENDANT PURSUANT TO THIS

1 SUBSECTION (8), THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO  
2 THE DEFENDANT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE  
3 FEDERALLY LICENSED FIREARMS DEALER, WHO REQUESTS FROM THE  
4 BUREAU A CRIMINAL BACKGROUND CHECK OF THE DEFENDANT, A WRITTEN  
5 STATEMENT OF THE RESULTS OF THE CRIMINAL BACKGROUND CHECK  
6 AUTHORIZING THE RETURN OF THE FIREARM TO THE DEFENDANT.

7 (i) **Requirement to file signed declaration.** (I) Not more than  
8 three business days, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS, after  
9 the relinquishment, the defendant shall file a copy of the ~~receipt~~ SIGNED  
10 DECLARATION issued pursuant to ~~paragraph (d), (e), or (h) of this~~  
11 ~~subsection (8)~~ SUBSECTION (8)(f), (8)(g)(I)(C), OR (8)(h)(I)(A) OF THIS  
12 SECTION, and, if applicable, the written statement of the results of a  
13 CRIMINAL background check performed on the ~~transferee~~ DEFENDANT, as  
14 described in ~~subparagraph (H) of paragraph (h) of this subsection (8)~~  
15 SUBSECTION (8)(h)(I)(B) OF THIS SECTION, with the court as proof of the  
16 relinquishment. THE SIGNED DECLARATION AND WRITTEN STATEMENT  
17 FILED PURSUANT TO THIS SUBSECTION (8)(i) ARE ONLY AVAILABLE FOR  
18 INSPECTION BY THE COURT AND THE PARTIES TO THE PROCEEDING. If a  
19 defendant fails to timely TRANSFER OR SELL A FIREARM OR file a ~~receipt~~  
20 THE SIGNED DECLARATION or written statement as described in this  
21 ~~paragraph (i)~~ SUBSECTION (8)(i)(I):

22 (A) The failure constitutes a class 2 misdemeanor, and the  
23 defendant ~~shall be~~ IS punished as provided in section 18-1.3-501; and

24 (B) The court shall issue a warrant for the defendant's arrest.

25 (II) In any subsequent prosecution for a violation of this ~~paragraph~~  
26 ~~(i)~~ SUBSECTION (8)(i), the court shall take judicial notice of the  
27 defendant's failure to TRANSFER OR SELL A FIREARM, OR file a ~~receipt~~ THE

1 SIGNED DECLARATION or written statement, which ~~will constitute~~  
2 CONSTITUTES prima facie evidence that the defendant has violated this  
3 ~~paragraph (i)~~ SUBSECTION (8), and testimony of the clerk of the court or  
4 ~~his or her~~ THE CLERK OF THE COURT'S deputy is not required.

5 (j) (I) A law enforcement agency that elects in good faith to not  
6 store a firearm or ammunition for a defendant pursuant to ~~subsection~~  
7 ~~(8)(b)(II)~~ SUBSECTION (8)(g) of this section ~~shall~~ IS NOT ~~be held~~ criminally  
8 or civilly liable for such ~~election not to act~~ INACTION.

9 (II) A law enforcement agency that returns possession of a firearm  
10 or ammunition to a defendant in good faith as permitted by ~~paragraph (f)~~  
11 ~~of this subsection (8) shall~~ SUBSECTION (8)(g) OF THIS SECTION IS NOT ~~be~~  
12 ~~held~~ criminally or civilly liable for such action.

13 (k) **Immunity.** A FEDERALLY LICENSED FIREARMS DEALER, LAW  
14 ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE PARTY THAT  
15 ELECTS TO STORE A FIREARM PURSUANT TO THIS SUBSECTION (8) IS NOT  
16 CIVILLY LIABLE FOR ANY RESULTING DAMAGES TO THE FIREARM, AS LONG  
17 AS SUCH DAMAGE DID NOT RESULT FROM THE WILLFUL AND WRONGFUL  
18 ACT OR GROSS NEGLIGENCE OF THE FEDERALLY LICENSED FIREARMS  
19 DEALER, LAW ENFORCEMENT AGENCY, STORAGE FACILITY, OR THIRD  
20 PARTY.

21 **SECTION 4.** In Colorado Revised Statutes, 18-6-803.5, **amend**  
22 (1)(c) introductory portion and (1)(c)(II) as follows:

23 **18-6-803.5. Crime of violation of a protection order - penalty**  
24 **- peace officers' duties - definitions.** (1) A person commits the crime of  
25 violation of a protection order if, after the person has been personally  
26 served with a protection order that identifies the person as a restrained  
27 person or otherwise has acquired from the court or law enforcement

1 personnel actual knowledge of the contents of a protection order that  
2 identifies the person as a restrained person, the person:

3 (c) Violates a civil protection order issued pursuant to section  
4 13-14-105.5 ~~C.R.S.~~, or A MANDATORY PROTECTION ORDER ISSUED  
5 pursuant to section 18-1-1001 (9) by:

6 (II) Failing to timely file a ~~receipt~~ SIGNED AFFIDAVIT or written  
7 statement with the court as described in ~~section 13-14-105.5 (9), C.R.S.,~~  
8 ~~or in section 18-1-1001 (9)(i) or 18-6-801 (8)(i)~~ SECTION 13-14-105.5  
9 (10), 18-1-1001 (9)(i), OR 18-6-801 (8)(i).

10 **SECTION 5.** In Colorado Revised Statutes, 16-4-105, **add** (4.1)  
11 as follows:

12 **16-4-105. Conditions of release on bond - definition.**  
13 (4.1) NOTWITHSTANDING ANY OTHER TYPE OF BOND AND CONDITIONS OF  
14 RELEASE SET BY THE COURT, IN CASES INVOLVING DOMESTIC VIOLENCE, AS  
15 DEFINED IN SECTION 18-6-800.3 (1), OR IN CASES WHERE THE COURT  
16 SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER THAT  
17 QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g)(8), THE  
18 COURT SHALL ORDER THE DEFENDANT TO COMPLY WITH THE PROVISIONS  
19 OF SECTION 18-1-1001 AS IT RELATES TO FIREARM RELINQUISHMENT.

20 **SECTION 6.** In Colorado Revised Statutes, 13-14.5-113, **add** (3)  
21 as follows:

22 **13-14.5-113. Liability.** (3) A FEDERALLY LICENSED FIREARMS  
23 DEALER OR LAW ENFORCEMENT AGENCY THAT STORES A FIREARM AS  
24 PERMITTED BY THIS ARTICLE 14.5 IS NOT CIVILLY LIABLE FOR ANY  
25 RESULTING DAMAGES TO THE FIREARM, AS LONG AS SUCH DAMAGE DID  
26 NOT RESULT FROM THE WILLFUL AND WRONGFUL ACT OR GROSS  
27 NEGLIGENCE OF THE PERSON OR LAW ENFORCEMENT AGENCY STORING THE

1 FIREARM.

2 **SECTION 7.** In Colorado Revised Statutes, 13-14.5-108, **amend**  
3 (2)(b) as follows:

4 **13-14.5-108. Surrender of a firearm.** (2) (b) If the petitioner for  
5 an extreme risk protection order is a law enforcement agency or officer,  
6 the law enforcement officer serving the extreme risk protection order  
7 shall take custody of the respondent's firearms pursuant to the search  
8 warrant for firearms possessed by a respondent in an extreme risk  
9 protection order, as described in section 16-3-301.5, if a warrant was  
10 obtained. After the law enforcement agency or officer has custody of the  
11 firearms, the respondent may inform the law enforcement officer of ~~his~~  
12 ~~or her~~ THE RESPONDENT'S preference for sale, transfer, or storage of the  
13 firearms as specified in ~~section 13-14-105.5 (2)(c)~~ SECTION 13-14-105.5  
14 (4). The law enforcement officer shall request that the respondent  
15 immediately surrender any concealed carry permit issued to the  
16 respondent and conduct any search permitted by law for the permit.

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