

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0511.02 Michael Dohr x4347

SENATE BILL 23-170

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Senate Committees

State, Veterans, & Military Affairs

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill repeals and reenacts the statutory article related to extreme risk protection orders.

Under current law a family or household member and a law enforcement officer or agency can petition for an extreme risk protection order. The bill expands the list of who can petition for an extreme risk protection order to include licensed medical care providers, licensed

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

HOUSE
3rd Reading Unamended
March 26, 2023

HOUSE
Amended 2nd Reading
March 25, 2023

SENATE
3rd Reading Unamended
March 13, 2023

SENATE
Amended 2nd Reading
March 10, 2023

mental health-care providers, licensed educators, and district attorneys.
The bill requires the office of gun violence prevention to expend funds annually on a public education campaign regarding the availability of, and the process for requesting, an extreme risk protection order.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** article 14.5 of title 13 as follows:

4 **13-14.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 14.5
5 IS THE "DEPUTY ZACKARI PARRISH III VIOLENCE PREVENTION ACT".

6 **13-14.5-102. Definitions.** AS USED IN THIS ARTICLE 14.5, UNLESS
7 THE CONTEXT OTHERWISE CLEARLY REQUIRES:

8 (1) "COMMUNITY MEMBER" MEANS A LICENSED HEALTH- CARE
9 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL WHO, THROUGH A
10 DIRECT PROFESSIONAL RELATIONSHIP, PROVIDED CARE TO THE
11 RESPONDENT OR THE RESPONDENT'S CHILD WITHIN SIX MONTHS BEFORE
12 REQUESTING THE PROTECTION ORDER OR AN EDUCATOR WHO, THROUGH
13 A DIRECT PROFESSIONAL RELATIONSHIP, INTERACTED WITH THE
14 RESPONDENT OR THE RESPONDENT'S CHILD WITHIN SIX MONTHS BEFORE
15 REQUESTING THE PROTECTION ORDER.

16 (2) "EDUCATOR" MEANS A TEACHER EMPLOYED TO INSTRUCT
17 STUDENTS OR A SCHOOL ADMINISTRATOR IN A SCHOOL DISTRICT, PRIVATE
18 SCHOOL, CHARTER SCHOOL INSTITUTE, OR AN INDIVIDUAL CHARTER
19 SCHOOL; OR A FACULTY MEMBER AT AN INSTITUTION OF HIGHER
20 EDUCATION.

21 (3) "EXTREME RISK PROTECTION ORDER" MEANS EITHER A
22 TEMPORARY ORDER OR A CONTINUING ORDER GRANTED PURSUANT TO THIS
23 ARTICLE 14.5.

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

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

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

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

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

14 (d) DOMESTIC PARTNER OF THE RESPONDENT;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 MAKE REASONABLE EFFORTS TO LIMIT PROTECTED HEALTH INFORMATION
2 TO THE MINIMUM NECESSARY TO ACCOMPLISH THE FILING OF THE
3 PETITION. UPON RECEIPT OF A PETITION BY A LICENSED HEALTH-CARE
4 PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL, AND FOR GOOD CAUSE
5 SHOWN, THE COURT MAY ISSUE ORDERS TO OBTAIN ANY RECORDS OR
6 DOCUMENTS RELATING TO DIAGNOSIS, PROGNOSIS, OR TREATMENT, AND
7 CLINICAL RECORDS, OF THE RESPONDENT AS NECESSARY FOR THE FULL
8 INVESTIGATION AND DISPOSITION OF THE PETITION FOR A TEMPORARY
9 EXTREME RISK PROTECTION ORDER. WHEN PROTECTED HEALTH
10 INFORMATION IS DISCLOSED OR WHEN THE COURT RECEIVES ANY RECORDS
11 OR DOCUMENTS RELATED TO DIAGNOSIS, PROGNOSIS, OR TREATMENT OR
12 CLINICAL RECORDS, THE COURT SHALL ORDER THAT THE PARTIES ARE
13 PROHIBITED FROM USING OR DISCLOSING THE PROTECTED HEALTH
14 INFORMATION FOR ANY PURPOSE OTHER THAN THE PROCEEDINGS FOR A
15 PETITION FOR A TEMPORARY EXTREME RISK PROTECTION ORDER AND
16 SHALL ORDER THE RETURN TO THE COVERED ENTITY OR DESTROY THE
17 PROTECTED HEALTH INFORMATION, INCLUDING ALL COPIES MADE, AT THE
18 END OF THE LITIGATION OR PROCEEDING. THE COURT SHALL SEAL ALL
19 RECORDS AND OTHER HEALTH INFORMATION RECEIVED THAT CONTAIN
20 PROTECTED HEALTH INFORMATION. THE DECISION OF A LICENSED
21 HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL TO
22 DISCLOSE OR NOT TO DISCLOSE RECORDS OR DOCUMENTS RELATING TO THE
23 DIAGNOSIS, PROGNOSIS, OR TREATMENT, AND CLINICAL RECORDS OF A
24 RESPONDENT, WHEN MADE REASONABLY AND IN GOOD FAITH, SHALL NOT
25 BE THE BASIS FOR ANY CIVIL, ADMINISTRATIVE, OR CRIMINAL LIABILITY
26 WITH RESPECT TO THE LICENSED HEALTH-CARE PROFESSIONAL OR
27 LICENSED MENTAL HEALTH PROFESSIONAL.

1 (c) (I) VENUE FOR FILING A PETITION PURSUANT TO THIS SECTION
2 IF THE PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER IS PROPER IN ANY
3 COUNTY WHERE THE ACTS THAT ARE THE SUBJECT OF THE PETITION
4 OCCUR, IN ANY COUNTY WHERE ONE OF THE PARTIES RESIDES, OR IN ANY
5 COUNTY WHERE ONE OF THE PARTIES IS EMPLOYED. THIS REQUIREMENT
6 FOR VENUE DOES NOT PROHIBIT THE CHANGE OF VENUE TO ANY OTHER
7 COUNTY APPROPRIATE UNDER APPLICABLE LAW.

8 (II) A PETITION FOR AN EXTREME RISK PROTECTION ORDER BY A
9 PETITIONER WHO IS NOT A FAMILY OR HOUSEHOLD MEMBER MUST BE FILED
10 IN THE COUNTY WHERE THE RESPONDENT RESIDES.

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

15 (3) IF A COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE
16 THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION
17 13-14.5-105 (3), THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING
18 PERSONAL INJURY TO SELF OR OTHERS IN THE NEAR FUTURE BY HAVING IN
19 THE RESPONDENT'S CUSTODY OR CONTROL A FIREARM OR BY PURCHASING,
20 POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE A
21 TEMPORARY EXTREME RISK PROTECTION ORDER.

22 (4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK
23 PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY
24 THE PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING
25 THE DAY THE PETITION IS FILED. THE COURT MAY SCHEDULE A HEARING BY
26 TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY
27 ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO

1 PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL
2 REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE
3 CONDUCTING A TELEPHONIC HEARING. A COPY OF THE TELEPHONE
4 HEARING MUST BE PROVIDED TO THE RESPONDENT PRIOR TO THE HEARING
5 FOR AN EXTREME RISK PROTECTION ORDER.

6 (5)(a) IN ACCORDANCE WITH SECTION 13-14.5-105(1), THE COURT
7 SHALL SCHEDULE A HEARING WITHIN FOURTEEN DAYS AFTER THE
8 ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION ORDER TO
9 DETERMINE IF A THREE-HUNDRED-SIXTY-FOUR-DAY EXTREME RISK
10 PROTECTION ORDER SHOULD BE ISSUED PURSUANT TO THIS ARTICLE 14.5.
11 NOTICE OF THAT HEARING DATE MUST BE INCLUDED WITH THE
12 TEMPORARY EXTREME RISK PROTECTION ORDER THAT IS SERVED ON THE
13 RESPONDENT. THE COURT SHALL PROVIDE NOTICE OF THE HEARING DATE
14 TO THE PETITIONER.

15 (b) ANY TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED
16 EXPIRES ON THE DATE AND TIME OF THE HEARING ON THE EXTREME RISK
17 PROTECTION ORDER PETITION OR THE WITHDRAWAL OF THE PETITION.

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

- 20 (a) A STATEMENT OF THE GROUNDS ASSERTED FOR THE ORDER;
- 21 (b) THE DATE AND TIME THE ORDER WAS ISSUED;
- 22 (c) THE DATE AND TIME THE ORDER EXPIRES;
- 23 (d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE
24 PLEADING SHOULD BE FILED;
- 25 (e) THE DATE AND TIME OF THE SCHEDULED HEARING;
- 26 (f) THE REQUIREMENTS FOR SURRENDER OF FIREARMS PURSUANT
27 TO SECTION 13-14.5-108; AND

1 (g) THE FOLLOWING STATEMENT:
2 TO THE SUBJECT OF THIS TEMPORARY EXTREME RISK
3 PROTECTION ORDER: THIS ORDER IS VALID UNTIL THE DATE
4 AND TIME NOTED ABOVE. YOU MAY NOT HAVE IN YOUR
5 CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS,
6 RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM
7 WHILE THIS ORDER IS IN EFFECT. YOU MUST IMMEDIATELY
8 SURRENDER TO THE (INSERT NAME OF LAW ENFORCEMENT
9 AGENCY IN THE JURISDICTION WHERE THE RESPONDENT
10 RESIDES) ALL FIREARMS IN YOUR CUSTODY OR POSSESSION,
11 AND ANY CONCEALED CARRY PERMIT ISSUED TO YOU. A
12 HEARING WILL BE HELD ON THE DATE AND AT THE TIME
13 NOTED ABOVE TO DETERMINE IF AN EXTREME RISK
14 PROTECTION ORDER SHOULD BE ISSUED. FAILURE TO APPEAR
15 AT THAT HEARING MAY RESULT IN A COURT ENTERING AN
16 ORDER AGAINST YOU THAT IS VALID FOR THREE HUNDRED
17 SIXTY FOUR DAYS. AN ATTORNEY WILL BE APPOINTED TO
18 REPRESENT YOU, OR YOU MAY SEEK THE ADVICE OF YOUR
19 OWN ATTORNEY AT YOUR OWN EXPENSE AS TO ANY MATTER
20 CONNECTED WITH THIS ORDER.

21 (7) A LAW ENFORCEMENT OFFICER SHALL SERVE A TEMPORARY
22 EXTREME RISK PROTECTION ORDER CONCURRENTLY WITH THE NOTICE OF
23 HEARING AND PETITION AND A NOTICE THAT INCLUDES REFERRALS TO
24 APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE, BEHAVIORAL
25 HEALTH, AND COUNSELING RESOURCES, IN THE SAME MANNER AS
26 PROVIDED FOR IN SECTION 13-14.5-105 FOR SERVICE OF THE NOTICE OF
27 HEARING WHERE THE RESPONDENT RESIDES.

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

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

7 **13-14.5-104. Petition for extreme risk protection order.**

8 (1) (a) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE
9 FILED BY A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT, A
10 COMMUNITY MEMBER, OR A LAW ENFORCEMENT OFFICER OR AGENCY. IF
11 THE PETITION IS FILED BY A LAW ENFORCEMENT OFFICER OR AGENCY, A
12 COUNTY OR CITY ATTORNEY SHALL REPRESENT THE OFFICER OR AGENCY
13 IN ANY JUDICIAL PROCEEDING UPON REQUEST. IF THE PETITION IS FILED BY
14 A FAMILY OR HOUSEHOLD MEMBER OR COMMUNITY MEMBER, THE
15 PETITIONER, TO THE BEST OF THE PETITIONER'S ABILITY, SHALL NOTIFY THE
16 LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE
17 RESPONDENT RESIDES OF THE PETITION AND THE HEARING DATE WITH
18 ENOUGH ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR
19 ATTENDANCE. UPON THE FILING OF A PETITION, THE COURT SHALL APPOINT
20 AN ATTORNEY TO REPRESENT THE RESPONDENT, AND THE COURT SHALL
21 INCLUDE THE APPOINTMENT IN THE NOTICE OF HEARING PROVIDED TO THE
22 RESPONDENT PURSUANT TO SECTION 13-14.5-105 (1)(a). THE RESPONDENT
23 MAY REPLACE THE ATTORNEY WITH AN ATTORNEY OF THE RESPONDENT'S
24 OWN SELECTION AT ANY TIME AT THE RESPONDENT'S OWN EXPENSE. THE
25 COURT SHALL PAY THE ATTORNEY FEES FOR AN ATTORNEY APPOINTED FOR
26 THE RESPONDENT.

27 (b) NOTWITHSTANDING ANY PROVISION OF LAW TO THE

1 CONTRARY, A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH
2 PROFESSIONAL AUTHORIZED TO FILE A PETITION FOR AN EXTREME RISK
3 PROTECTION ORDER, UPON FILING THE PETITION FOR AN EXTREME RISK
4 PROTECTION ORDER, IS AUTHORIZED TO DISCLOSE PROTECTED HEALTH
5 INFORMATION, OF THE RESPONDENT AS NECESSARY FOR THE FULL
6 INVESTIGATION AND DISPOSITION OF THE PETITION FOR AN EXTREME RISK
7 PROTECTION ORDER. WHEN DISCLOSING PROTECTED HEALTH
8 INFORMATION, THE LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL
9 HEALTH PROFESSIONAL SHALL MAKE REASONABLE EFFORTS TO LIMIT
10 PROTECTED HEALTH INFORMATION TO THE MINIMUM NECESSARY TO
11 ACCOMPLISH THE FILING OF THE REQUEST. UPON RECEIPT OF A PETITION BY
12 A LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH
13 PROFESSIONAL AND FOR GOOD CAUSE SHOWN, THE COURT MAY ISSUE
14 ORDERS TO OBTAIN ANY RECORDS OR DOCUMENTS RELATING TO
15 DIAGNOSIS, PROGNOSIS, OR TREATMENT, AND CLINICAL RECORDS, OF THE
16 RESPONDENT AS NECESSARY FOR THE FULL INVESTIGATION AND
17 DISPOSITION OF THE PETITION FOR AN EXTREME RISK PROTECTION ORDER.
18 WHEN PROTECTED HEALTH INFORMATION IS DISCLOSED OR WHEN THE
19 COURT RECEIVES ANY RECORDS OR DOCUMENTS RELATED TO DIAGNOSIS,
20 PROGNOSIS, OR TREATMENT OR CLINICAL RECORDS, THE COURT SHALL
21 ORDER THAT THE PARTIES ARE PROHIBITED FROM USING OR DISCLOSING
22 THE PROTECTED HEALTH INFORMATION FOR ANY PURPOSE OTHER THAN
23 THE PROCEEDINGS FOR A PETITION FOR AN EXTREME RISK PROTECTION
24 ORDER AND SHALL ORDER THE RETURN TO THE COVERED ENTITY OR
25 DESTROY THE PROTECTED HEALTH INFORMATION, INCLUDING ALL COPIES
26 MADE, AT THE END OF THE LITIGATION OR PROCEEDING. THE COURT SHALL
27 SEAL ALL RECORDS AND OTHER HEALTH INFORMATION RECEIVED THAT

1 CONTAIN PROTECTED HEALTH INFORMATION. THE DECISION OF A LICENSED
2 HEALTH-CARE PROFESSIONAL OR MENTAL HEALTH PROFESSIONAL TO
3 DISCLOSE OR NOT TO DISCLOSE RECORDS OR DOCUMENTS RELATING TO THE
4 DIAGNOSIS, PROGNOSIS, OR TREATMENT, AND CLINICAL RECORDS OF A
5 RESPONDENT, WHEN MADE REASONABLY AND IN GOOD FAITH, MUST NOT
6 BE THE BASIS FOR ANY CIVIL, ADMINISTRATIVE, OR CRIMINAL LIABILITY
7 WITH RESPECT TO THE LICENSED HEALTH-CARE PROFESSIONAL OR MENTAL
8 HEALTH PROFESSIONAL.

9 (2) (a) VENUE FOR FILING A PETITION PURSUANT TO THIS SECTION
10 IF THE PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER IS PROPER IN ANY
11 COUNTY WHERE THE ACTS THAT ARE THE SUBJECT OF THE PETITION
12 OCCUR, IN ANY COUNTY WHERE ONE OF THE PARTIES RESIDES, OR IN ANY
13 COUNTY WHERE ONE OF THE PARTIES IS EMPLOYED. THIS REQUIREMENT
14 FOR VENUE DOES NOT PROHIBIT THE CHANGE OF VENUE TO ANY OTHER
15 COUNTY APPROPRIATE UNDER APPLICABLE LAW.

16 (b) A PETITION FOR AN EXTREME RISK PROTECTION ORDER BY A
17 PETITIONER WHO IS NOT A FAMILY OR HOUSEHOLD MEMBER MUST BE FILED
18 IN THE COUNTY WHERE THE RESPONDENT RESIDES.

19 (3) A PETITION MUST:

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

27 (b) IDENTIFY THE NUMBER, TYPES, AND LOCATIONS OF ANY

1 FIREARMS THE PETITIONER BELIEVES TO BE IN THE RESPONDENT'S CURRENT
2 OWNERSHIP, POSSESSION, CUSTODY, OR CONTROL;

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

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

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

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

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

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

1 MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

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

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

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

12 **13-14.5-105. Hearings on petition - grounds for order issuance.**

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

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

27 (c) A COPY OF THE NOTICE OF HEARING AND PETITION MUST BE

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

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

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

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

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

26 (b) A PATTERN OF ACTS OR CREDIBLE THREATS OF VIOLENCE BY
27 THE RESPONDENT WITHIN THE PAST YEAR, INCLUDING BUT NOT LIMITED TO

1 ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT AGAINST
2 SELF OR OTHERS;

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

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

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

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

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

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

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

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

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

26 (l) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR
27 AMMUNITION BY THE RESPONDENT.

1 (4) THE COURT MAY:

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

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

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

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

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

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

26 (b) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE
27 COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE

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

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

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

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

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

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

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

15 (f) THE FOLLOWING STATEMENT:

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

1 THROUGH ANY RENEWALS. YOU MAY SEEK THE ADVICE OF
2 AN ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS
3 ORDER.

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

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

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

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

25 (13) IF THE COURT ISSUES AN EXTREME RISK PROTECTION ORDER
26 AND THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR AGENCY OR
27 COMMUNITY MEMBER, THE PETITIONER SHALL MAKE A GOOD-FAITH

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

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

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

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

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

27 (5) IF AN EXTREME RISK PROTECTION ORDER ENTERED BY THE

1 COURT STATES THAT THE RESPONDENT APPEARED IN PERSON BEFORE THE
2 COURT, THE NECESSITY FOR FURTHER SERVICE IS WAIVED, AND PROOF OF
3 SERVICE OF THAT ORDER IS NOT NECESSARY.

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

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

12 **13-14.5-107. Termination or renewal of protection orders.**

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

1 FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM. THE
2 COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE
3 OF THE CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

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

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

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

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

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

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

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

26 **13-14.5-108. Surrender of a firearm.** (1) (a) UPON ISSUANCE OF
27 AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5,

1 INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT
2 SHALL ORDER THE RESPONDENT TO SURRENDER ALL FIREARMS BY:

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

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

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

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

24 (2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME
25 RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A
26 TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER
27 WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST

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

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

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

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

23 (4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
24 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT
25 THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO
26 COMPLY WITH THE SURRENDER OF FIREARMS OR A CONCEALED CARRY
27 PERMIT AS REQUIRED BY AN ORDER ISSUED PURSUANT TO THIS ARTICLE

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

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

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

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

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

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

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

5 (II) ATTEST TO THE COURT THAT:

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

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

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

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

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

10 **13-14.5-109. Firearms - return - disposal.** (1) IF AN EXTREME
11 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION
12 ORDER IS TERMINATED OR EXPIRES WITHOUT RENEWAL, A LAW
13 ENFORCEMENT AGENCY HOLDING ANY FIREARM THAT HAS BEEN
14 SURRENDERED PURSUANT TO SECTION 13-14.5-108 OR TAKEN CUSTODY OF
15 PURSUANT TO SECTION 16-3-301.5, OR A FEDERALLY LICENSED FIREARMS
16 DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, WITH CUSTODY
17 OF A FIREARM, OR A RELATIVE WITH CUSTODY OF AN ANTIQUE FIREARM OR
18 CURIO OR RELIC PURSUANT TO SECTION 13-14.5-108 (1)(a)(III), MUST
19 RETURN THE FIREARM REQUESTED BY A RESPONDENT WITHIN THREE DAYS
20 ONLY AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK
21 PERFORMED PURSUANT TO SECTION 24-33.5-424, THAT THE RESPONDENT
22 IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A FIREARM UNDER FEDERAL
23 AND STATE LAW AND AFTER CONFIRMING WITH THE COURT THAT THE
24 EXTREME RISK PROTECTION ORDER HAS TERMINATED OR HAS EXPIRED
25 WITHOUT RENEWAL.

26 (2) ANY FIREARM SURRENDERED BY A RESPONDENT PURSUANT TO
27 SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION

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

7 **13-14.5-110. Reporting of extreme risk protection orders.**

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

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

1 COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM IS
2 NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE EXISTENCE OF THE
3 ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY COUNTY IN THE STATE.

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

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

26 (5) UPON THE EXPIRATION OF A TEMPORARY EXTREME RISK
27 PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER, THE

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

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

16 **13-14.5-111. Penalties.** ANY PERSON WHO HAS IN THE PERSON'S
17 CUSTODY, POSSESSION, OR CONTROL A FIREARM, OR PURCHASES,
18 POSSESSES, OR RECEIVES A FIREARM WITH KNOWLEDGE THAT THE PERSON
19 IS PROHIBITED FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER
20 OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO
21 THIS ARTICLE 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

22 **13-14.5-112. Other authority retained.** THIS ARTICLE 14.5 DOES
23 NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A
24 FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A
25 SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL
26 AUTHORITY.

27 **13-14.5-113. Liability.** (1) EXCEPT AS PROVIDED IN SECTION

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

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

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

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

26 (5) A COMMUNITY MEMBER'S EMPLOYER SHALL NOT USE A
27 COMMUNITY MEMBER'S ACTS OR OMISSIONS MADE IN GOOD FAITH RELATED

1 TO OBTAINING AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY
2 EXTREME RISK PROTECTION ORDER, INCLUDING BUT NOT LIMITED TO
3 REPORTING, DECLINING TO REPORT, INVESTIGATING, DECLINING TO
4 INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION PURSUANT TO THIS
5 ARTICLE 14.5 AS A BASIS FOR DISCIPLINE OR TERMINATION.

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

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

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

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

1 COURT SHALL MAKE THE COMMUNITY RESOURCE LIST AVAILABLE AS PART
2 OF OR IN ADDITION TO THE INFORMATIONAL BROCHURES DESCRIBED IN
3 SUBSECTION (1) OF THIS SECTION.

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

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

10 **13-14.5-115. Effect of previous issued orders.** THE ENACTMENT
11 OF SB 23-170 AND THE PROVISIONS OF THIS ARTICLE 14.5 AUTHORIZING
12 THE COURT TO ENTER AN ORDER PURSUANT TO SECTION 13-14.5-103 OR
13 13-14.5-104 DO NOT LIMIT, CHANGE, VOID, OR OTHERWISE IMPACT AN
14 EXTREME RISK PROTECTION ORDER ENTERED BY THE COURT PURSUANT TO
15 THIS ARTICLE 14.5 PRIOR TO THE EFFECTIVE DATE OF SB 23-170. ANY
16 SUCH ORDER REMAINS IN EFFECT UNTIL IT EXPIRES BY ITS OWN TERMS OR
17 IS TERMINATED BY THE COURT.

18 **13-14.5-116. Severability.** IF ANY PROVISION OF THIS ARTICLE
19 14.5 OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCE IS
20 HELD INVALID, SUCH INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR
21 APPLICATIONS OF THIS ARTICLE 14.5 THAT CAN BE GIVEN EFFECT WITHOUT
22 THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE
23 PROVISIONS OF THIS ARTICLE 14.5 ARE DECLARED TO BE SEVERABLE.

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

26 **24-33.5-118. Extreme risk protection order information**
27 **hotline.** (1) (a) THE DEPARTMENT SHALL, SUBJECT TO AVAILABLE

1 RESOURCES OR WITHIN EXISTING RESOURCES, ESTABLISH A HOTLINE TO
2 RECEIVE AND REFER CALLS FROM THE PUBLIC ABOUT EXTREME RISK
3 PROTECTION ORDERS, AND PROVIDE THE CALLERS WITH INFORMATION
4 ABOUT FILING FOR AN ORDER AND ABOUT OTHER RELEVANT RESOURCES.
5 THE DEPARTMENT IS NOT REQUIRED TO ESTABLISH A DEDICATED PHONE
6 NUMBER FOR THE HOTLINE AND MAY INSTEAD USE AN EXISTING PHONE
7 NUMBER USED BY THE DEPARTMENT TO RECEIVE AND RESPOND TO PUBLIC
8 REQUESTS OR INQUIRIES. THE HOTLINE SHALL NOT PROVIDE LEGAL ADVICE
9 OR SERVE AS AN AVENUE FOR AN INDIVIDUAL TO FILE A PETITION FOR A
10 TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK
11 PROTECTION ORDER.

12 (b) THE HOTLINE SHALL NOT ADVISE A CALLER ON THE
13 RAMIFICATIONS CONCERNING THE FILING OR FALSE FILING OF A PETITION
14 FOR A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME
15 RISK PROTECTION ORDER. THE HOTLINE MAY REFER A CALLER TO THE
16 APPROPRIATE VENUE IN WHICH THE PETITION MAY BE FILED FOR FURTHER
17 INFORMATION CONCERNING SUCH RAMIFICATIONS.

18 (2) THE DEPARTMENT SHALL COLLABORATE WITH ANY OTHER
19 STATE AGENCY TO OBTAIN THE INFORMATION NECESSARY OR BENEFICIAL
20 FOR RESPONDING TO THE REQUESTS.

21 **SECTION 3.** In Colorado Revised Statutes, 25-20.5-1205, **add**
22 (3) as follows:

23 **25-20.5-1205. Federal grants - other funds - gifts, grants, and**
24 **donations.** (3) THE OFFICE SHALL EXPEND FUNDS ANNUALLY ON A PUBLIC
25 EDUCATION CAMPAIGN REGARDING THE AVAILABILITY OF, AND THE
26 PROCESS FOR REQUESTING, AN EXTREME RISK PROTECTION ORDER
27 PURSUANT TO ARTICLE 14.5 OF TITLE 13 AND AS DESCRIBED IN SECTION

1 25-20.5-1203 (2)(a).

2 **SECTION 4.** In Colorado Revised Statutes, 13-3-101, **repeal and**
3 **reenact** (13) as follows:

4 **13-3-101. State court administrator - report - definitions -**
5 **repeal.** (13) THE STATE COURT ADMINISTRATOR OR THE
6 ADMINISTRATOR'S DESIGNEE SHALL PRESENT AT THE JUDICIAL
7 DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203 STATISTICS
8 RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE 14.5 OF THIS
9 TITLE 13. THE STATISTICS MUST INCLUDE THE NUMBER OF PETITIONS FILED
10 FOR TEMPORARY EXTREME RISK PROTECTION ORDERS, THE NUMBER OF
11 PETITIONS FILED FOR EXTREME RISK PROTECTION ORDERS, THE NUMBER OF
12 TEMPORARY EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE
13 NUMBER OF EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE
14 NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS
15 TERMINATED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS
16 TERMINATED, AND THE NUMBER OF EXTREME RISK PROTECTION ORDERS
17 RENEWED. THE STATE COURT ADMINISTRATOR OR THE ADMINISTRATOR'S
18 DESIGNEE SHALL ALSO REPORT STATE COURT DATA RELATED TO ALL
19 PERSONS WHO ARE SUBJECT TO ANY TEMPORARY EMERGENCY RISK
20 PROTECTION ORDER OR EMERGENCY RISK PROTECTION ORDER AND WHO,
21 WITHIN THIRTY DAYS AFTER THE ISSUANCE OR EXECUTION OF THE
22 PROTECTION ORDER, ARE CHARGED WITH A CRIMINAL OFFENSE. THE
23 REPORT MUST INCLUDE THE NATURE OF THE CRIMINAL OFFENSE,
24 INCLUDING BUT NOT LIMITED TO ANY OFFENSE FOR VIOLATION OF THE
25 EMERGENCY RISK PROTECTION ORDER AND THE DISPOSITION OR STATUS OF
26 THAT CRIMINAL OFFENSE.

27 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**

1 16-3-301.5 as follows:

2 **16-3-301.5. Search warrant for firearms possessed by a**
3 **respondent in an extreme risk protection order.** (1) ANY COURT MAY
4 ISSUE A SEARCH WARRANT TO SEARCH FOR AND TAKE CUSTODY OF ANY
5 FIREARM IN THE POSSESSION OF A NAMED RESPONDENT IN AN EXTREME
6 RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION
7 ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13 IF THE APPLICATION
8 FOR THE WARRANT COMPLIES WITH ALL REQUIRED PROVISIONS OF SECTION
9 16-3-303 AND ALSO PROVIDES FACTS SUFFICIENT TO ESTABLISH BY
10 PROBABLE CAUSE:

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

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

16 (c) THE LOCATION OF SUCH FIREARMS; AND

17 (d) ANY OTHER INFORMATION RELIED UPON BY THE APPLICANT
18 AND WHY THE APPLICANT CONSIDERS SUCH INFORMATION CREDIBLE AND
19 RELIABLE.

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

23 **SECTION 6.** In Colorado Revised Statutes, 18-12-203, **repeal**
24 **and reenact** (1)(g)(IV) as follows:

25 **18-12-203. Criteria for obtaining a permit.** (1) Beginning May
26 17, 2003, except as set forth in this section, a sheriff shall issue a permit
27 to carry a concealed handgun to an applicant who:

1 (g) Is not subject to:

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

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

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

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

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

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.