

CHAPTER 366

CRIMINAL LAW AND PROCEDURE

SENATE BILL 13-197

BY SENATOR(S) Hudak, Newell, Aguilar, Carroll, Giron, Guzman, Heath, Jahn, Johnston, Kerr, Nicholson, Schwartz, Tochtrop, Todd, Ulibarri, Morse;
also REPRESENTATIVE(S) McCann and Fields, Court, Fischer, Foote, Hamner, Hullinghorst, Kagan, Labuda, Levy, May, Pettersen, Primavera, Rosenthal.

AN ACT**CONCERNING PREVENTING PERSONS WHO HAVE COMMITTED DOMESTIC VIOLENCE FROM POSSESSING FIREARMS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) Many domestic violence offenders are subjected to civil or criminal protection orders or are convicted of crimes with an underlying factual basis of domestic violence and, pursuant to federal law, are prohibited from purchasing or possessing firearms or ammunition;

(b) Despite efforts by law enforcement, prosecutors, and judges at the state level, gun violence against intimate partners continues to plague Colorado;

(c) Each year, persons who commit domestic violence use firearms to threaten, injure, and kill victims, and firearms are the weapon used most often in deaths due to domestic violence;

(d) The immediate period proceeding a domestic violence conviction or the issuance of a domestic violence protection order is a particularly dangerous time for victims of domestic violence;

(e) The federal "Gun Ban for Individuals Convicted of a Misdemeanor Crime of Domestic Violence", Pub.L. 104-208, specifically addresses the most dangerous domestic violence offenders; that is, those who have the highest risk of committing a domestic violence homicide involving a firearm; and

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(f) State enforcement of these federal laws is needed and is the key to help protect victims of domestic violence and their children.

(2) Now, therefore, the general assembly hereby declares that if a person is convicted of a qualifying misdemeanor or felony offense with an underlying factual basis of domestic violence or subjected to a qualifying civil or mandatory criminal protection order that prohibits the person from purchasing or possessing firearms or ammunition under the federal "Gun Control Act of 1968", chapter 44 of title 18, U.S.C., as amended, the court shall require the respondent to:

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

(b) Relinquish any firearm or ammunition in the respondent's immediate possession or control or subject to the respondent's immediate possession or control.

SECTION 2. In Colorado Revised Statutes, 18-6-803.5, **amend** (1) as follows:

18-6-803.5. Crime of violation of a protection order - penalty - peace officers' duties. (1) A person commits the crime of violation of a protection order if, after the person has been personally served with a protection order that identifies the person as a restrained person or otherwise has acquired from the court or law enforcement personnel actual knowledge of the contents of a protection order that identifies the person as a restrained person, the person:

(a) Contacts, harasses, injures, intimidates, molests, threatens, or touches the protected person or protected property, including an animal, identified in the protection order or enters or remains on premises or comes within a specified distance of the protected person, protected property, including an animal, or premises or violates any other provision of the protection order to protect the protected person from imminent danger to life or health, and such conduct is prohibited by the protection order; ~~or~~

(b) Except as permitted pursuant to section 18-13-126 (1) (b), hires, employs, or otherwise contracts with another person to locate or assist in the location of the protected person; OR

(c) VIOLATES A CIVIL PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14-102 (22), C.R.S., OR PURSUANT TO SECTION 18-1-1001 (9) BY:

(I) POSSESSING OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE PROTECTION ORDER IS IN EFFECT; OR

(II) FAILING TO TIMELY FILE A RECEIPT OR WRITTEN STATEMENT WITH THE COURT AS DESCRIBED IN SECTION 13-14-102 (22) (i), C.R.S., OR IN SECTION 18-1-1001 (9) (i) OR 18-6-801(8) (i).

SECTION 3. In Colorado Revised Statutes, 13-14-102, **add** (22) as follows:

13-14-102. Civil protection orders - legislative declaration. (22) (a) WHEN

THE COURT SUBJECTS A PERSON TO A CIVIL PROTECTION ORDER TO PREVENT DOMESTIC ABUSE, WHICH PROTECTION ORDER QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (d) (8) AND (g) (8), THE COURT, AS PART OF SUCH ORDER:

(I) SHALL ORDER THE PERSON TO:

(A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE ORDER; AND

(B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL; AND

(II) MAY REQUIRE THAT BEFORE THE PERSON IS RELEASED FROM CUSTODY ON BOND, THE PERSON SHALL RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE PERSON'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE PERSON'S IMMEDIATE POSSESSION OR CONTROL.

(b) (I) EXCEPT AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (b), UPON ISSUANCE OF AN ORDER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (22), THE RESPONDENT SHALL RELINQUISH ANY FIREARM OR AMMUNITION:

(A) NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED WITH THE ORDER IN OPEN COURT; OR

(B) NOT MORE THAN FORTY-EIGHT HOURS AFTER BEING SERVED WITH THE ORDER OUTSIDE OF THE COURT.

(II) A COURT MAY ALLOW A RESPONDENT UP TO SEVENTY-TWO HOURS TO RELINQUISH A FIREARM OR UP TO FIVE DAYS TO RELINQUISH AMMUNITION PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF THE RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET FORTH IN SAID SUBPARAGRAPH (I).

(III) TO SATISFY THE REQUIREMENT IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE RESPONDENT MAY:

(A) SELL OR TRANSFER POSSESSION OF THE FIREARM OR AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR AMMUNITION;

(B) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

(C) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR AMMUNITION; EXCEPT THAT A PERSON WHO SELLS OR TRANSFERS A FIREARM PURSUANT TO THIS

SUB-SUBPARAGRAPH (C) SHALL SATISFY ALL OF THE PROVISIONS OF SECTION 18-12-112, C.R.S., CONCERNING PRIVATE FIREARMS TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

(c) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (22) BECAUSE HE OR SHE IS INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE RESPONDENT TO SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE RESPONDENT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF THE RESPONDENT'S INCARCERATION. IN SUCH A CASE, A RESPONDENT'S FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL CONSTITUTE CONTEMPT OF COURT.

(d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL NOT RETURN THE FIREARM OR AMMUNITION TO THE RESPONDENT UNLESS THE DEALER:

(I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND CHECK OF THE RESPONDENT BE PERFORMED; AND

(II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

(e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION (22). IF AN AGENCY SO ELECTS:

(I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

(II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

(III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH RESPONDENT AT THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM OR AMMUNITION.

(f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION (22), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE FIREARM OR AMMUNITION TO THE RESPONDENT UNLESS THE AGENCY:

(I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND CHECK OF THE RESPONDENT BE PERFORMED; AND

(II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

(g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO THIS SUBSECTION (22) MAY ELECT TO CEASE STORING THE FIREARM OR AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE STORING A FIREARM OR AMMUNITION FOR A PERSON SHALL NOTIFY THE PERSON OF SUCH DECISION AND REQUEST THAT THE PERSON IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE POSSESSION OF THE FIREARM OR AMMUNITION TO THE PERSON OR, IF THE PERSON IS PROHIBITED FROM POSSESSING A FIREARM, TO ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

(II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING A FIREARM OR AMMUNITION FOR A PERSON AND NOTIFIES THE PERSON AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR AMMUNITION IF THE PERSON FAILS TO MAKE ARRANGEMENTS FOR THE TRANSFER OF THE FIREARM OR AMMUNITION AND COMPLETE SAID TRANSFER WITHIN NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

(h) IF A RESPONDENT SELLS OR OTHERWISE TRANSFERS A FIREARM OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR AMMUNITION, AS DESCRIBED IN SUB-SUBPARAGRAPH (C) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22), THE RESPONDENT SHALL ACQUIRE:

(I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE RESPONDENT AND THE TRANSFEREE; AND

(II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE BUREAU A BACKGROUND CHECK OF THE TRANSFEREE, AS DESCRIBED IN SECTION 18-12-112, C.R.S., A WRITTEN STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK.

(i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE RELINQUISHMENT, THE RESPONDENT SHALL FILE A COPY OF THE RECEIPT ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (22), AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A BACKGROUND CHECK PERFORMED ON THE RESPONDENT, AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (22), WITH THE COURT AS PROOF OF THE RELINQUISHMENT. IF A RESPONDENT FAILS TO TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS PARAGRAPH (i):

(A) THE FAILURE CONSTITUTES A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c), C.R.S.; AND

(B) THE COURT SHALL ISSUE A WARRANT FOR THE RESPONDENT'S ARREST.

(II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (i), THE COURT SHALL TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF

THE COURT OR HIS OR HER DEPUTY IS NOT REQUIRED.

(j) NOTHING IN THIS SUBSECTION (22) SHALL BE CONSTRUED TO LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF A PROTECTION ORDER.

(k) A PERSON SUBJECT TO A CIVIL PROTECTION ORDER ISSUED PURSUANT TO SUBSECTION (1.5) OF THIS SECTION WHO POSSESSES OR ATTEMPTS TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c), C.R.S.

(I) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH TO NOT STORE A FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ELECTION NOT TO ACT.

(II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF A FIREARM OR AMMUNITION TO A PERSON IN GOOD FAITH AS PERMITTED BY PARAGRAPH (f) OF THIS SUBSECTION (22) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

SECTION 4. In Colorado Revised Statutes, 18-1-1001, **add** (9) as follows:

18-1-1001. Protection order against defendant. (9) (a) WHEN THE COURT SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER THAT QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g) (8), THE COURT, AS PART OF SUCH ORDER:

(I) SHALL ORDER THE DEFENDANT TO:

(A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE ORDER; AND

(B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL; AND

(II) MAY REQUIRE THAT BEFORE THE DEFENDANT IS RELEASED FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

(b) UPON ISSUANCE OF AN ORDER PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9), THE DEFENDANT SHALL RELINQUISH ANY FIREARM OR AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A DEFENDANT UP TO SEVENTY-TWO HOURS TO RELINQUISH A FIREARM OR UP TO FIVE DAYS TO RELINQUISH AMMUNITION PURSUANT TO THIS PARAGRAPH (b) IF THE DEFENDANT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT HE OR SHE IS UNABLE TO COMPLY WITHIN TWENTY-FOUR HOURS. TO SATISFY THIS REQUIREMENT, THE DEFENDANT MAY:

(I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR AMMUNITION;

(II) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

(III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR AMMUNITION; EXCEPT THAT A DEFENDANT WHO SELLS OR TRANSFERS A FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF THE PROVISIONS OF SECTION 18-12-112, CONCERNING PRIVATE FIREARMS TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

(c) IF A DEFENDANT IS UNABLE TO SATISFY THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (9) BECAUSE HE OR SHE IS INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE DEFENDANT TO SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE DEFENDANT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF THE DEFENDANT'S INCARCERATION. IN SUCH A CASE, A DEFENDANT'S FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL CONSTITUTE CONTEMPT OF COURT.

(d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE DEALER:

(I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND CHECK OF THE DEFENDANT BE PERFORMED; AND

(II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

(e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION (9). IF AN AGENCY SO ELECTS:

(I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

(II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

(III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR AMMUNITION.

(f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS SUBSECTION (9), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY:

(I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND CHECK OF THE DEFENDANT BE PERFORMED; AND

(II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

(g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS SUBSECTION (9) MAY ELECT TO CEASE STORING THE FIREARM OR AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

(II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING A FIREARM OR AMMUNITION FOR A PERSON AND NOTIFIES THE DEFENDANT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR AMMUNITION IF THE DEFENDANT FAILS TO MAKE ARRANGEMENTS FOR THE TRANSFER OF THE FIREARM OR AMMUNITION AND COMPLETE SAID TRANSFER WITHIN NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

(h) IF A DEFENDANT SELLS OR OTHERWISE TRANSFERS A FIREARM OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (9), THE DEFENDANT SHALL ACQUIRE:

(I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE DEFENDANT AND THE TRANSFEREE; AND

(II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE BUREAU A BACKGROUND CHECK OF THE TRANSFEREE, AS DESCRIBED IN SECTION 18-12-112, A WRITTEN STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK.

(i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (9) AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A BACKGROUND CHECK PERFORMED ON THE

DEFENDANT AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (9), WITH THE COURT AS PROOF OF THE RELINQUISHMENT. If a DEFENDANT FAILS TO TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS PARAGRAPH (i):

(A) THE FAILURE CONSTITUTES A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c); AND

(B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S ARREST.

(II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (i), THE COURT SHALL TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION 18-6-803.5 (1)(c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT OR HIS OR HER DEPUTY IS NOT REQUIRED.

(j) NOTHING IN THIS SUBSECTION (9) SHALL BE CONSTRUED TO LIMIT A DEFENDANT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF A PROTECTION ORDER.

(k) A PERSON SUBJECT TO A MANDATORY PROTECTION ORDER ISSUED PURSUANT TO THIS SUBSECTION (9) WHO POSSESSES OR ATTEMPTS TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c).

(I) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH TO NOT STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (9) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ELECTION NOT TO ACT.

(II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF A FIREARM OR AMMUNITION TO A DEFENDANT IN GOOD FAITH AS PERMITTED BY PARAGRAPH (f) OF THIS SUBSECTION (9) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

SECTION 5. In Colorado Revised Statutes, 18-6-801, **add** (8) as follows:

18-6-801. Domestic violence - sentencing. (8) (a) IN ADDITION TO ANY SENTENCE THAT IS IMPOSED UPON A DEFENDANT FOR VIOLATION OF ANY CRIMINAL LAW UNDER THIS TITLE, IF A DEFENDANT IS CONVICTED OF ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY THE COURT ON THE RECORD TO BE A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (33), OR THAT IS PUNISHABLE BY A TERM OF IMPRISONMENT EXCEEDING ONE YEAR AND INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), THE COURT:

(I) SHALL ORDER THE DEFENDANT TO:

(A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE ORDER; AND

(B) RELINQUISH ANY FIREARM OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL; AND

(II) MAY REQUIRE THAT BEFORE THE DEFENDANT IS RELEASED FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

(b) UPON ISSUANCE OF AN ORDER TO RELINQUISH ONE OR MORE FIREARMS OR AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (8), THE DEFENDANT SHALL RELINQUISH ANY FIREARM OR AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A DEFENDANT UP TO SEVENTY-TWO HOURS TO RELINQUISH A FIREARM OR UP TO FIVE DAYS TO RELINQUISH AMMUNITION PURSUANT TO THIS PARAGRAPH (b) IF THE DEFENDANT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT HE OR SHE IS UNABLE TO COMPLY WITHIN TWENTY-FOUR HOURS. TO SATISFY THIS REQUIREMENT, THE DEFENDANT MAY:

(I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR AMMUNITION;

(II) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

(III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR AMMUNITION; EXCEPT THAT A DEFENDANT WHO SELLS OR TRANSFERS A FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF THE PROVISIONS OF SECTION 18-12-112, CONCERNING PRIVATE FIREARMS TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

(c) IF A DEFENDANT IS UNABLE TO SATISFY THE PROVISIONS OF PARAGRAPH (b) OF THIS SUBSECTION (8) BECAUSE HE OR SHE IS INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE DEFENDANT TO SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE DEFENDANT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF THE DEFENDANT'S INCARCERATION. IN SUCH A CASE, A DEFENDANT'S FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL CONSTITUTE CONTEMPT OF COURT.

(d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES POSSESSION OF A

FIREARM OR AMMUNITION PURSUANT TO THIS SUBSECTION (8) SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE DEALER:

(I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND CHECK OF THE DEFENDANT BE PERFORMED; AND

(II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

(e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION (8). IF AN AGENCY SO ELECTS:

(I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

(II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

(III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR AMMUNITION.

(f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS SUBSECTION (8), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY:

(I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND CHECK OF THE DEFENDANT BE PERFORMED; AND

(II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

(g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS SUBSECTION (8) MAY ELECT TO CEASE STORING THE FIREARM OR AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

(II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING A FIREARM OR AMMUNITION FOR A DEFENDANT AND NOTIFIES THE DEFENDANT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR AMMUNITION IF THE DEFENDANT FAILS TO MAKE ARRANGEMENTS FOR THE TRANSFER OF THE FIREARM OR AMMUNITION AND

COMPLETE SAID TRANSFER WITHIN NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

(h) If a defendant sells or otherwise transfers a firearm or ammunition to a private party who may legally possess the firearm or ammunition, as described in subparagraph (III) of paragraph (b) of this subsection (8), the defendant shall acquire:

(I) From the transferee, a written receipt acknowledging the transfer, which receipt shall be dated and signed by the defendant and the transferee; and

(II) From the licensed gun dealer who requests from the bureau a background check of the transferee, as described in section 18-12-112, a written statement of the results of the background check.

(i) (I) Not more than three business days after the relinquishment, the defendant shall file a copy of the receipt issued pursuant to paragraph (d), (e), or (h) of this subsection (8), and, if applicable, the written statement of the results of a background check performed on the transferee, as described in subparagraph (II) of paragraph (h) of this subsection (8), with the court as proof of the relinquishment. If a defendant fails to timely file a receipt or written statement as described in this paragraph (i):

(A) The failure constitutes a class 2 misdemeanor, and the defendant shall be punished as provided in section 18-1.3-401; and

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

(II) In any subsequent prosecution for a violation of this paragraph (i), the court shall take judicial notice of the defendant's failure to file a receipt or written statement, which will constitute prima facie evidence that the defendant has violated this paragraph (i), and testimony of the clerk of the court or his or her deputy is not required.

(j) (I) A law enforcement agency that elects in good faith to not store a firearm or ammunition for a defendant pursuant to sub-subparagraph (B) of subparagraph (III) of paragraph (b) of this subsection (8) shall not be held criminally or civilly liable for such election not to act.

(II) A law enforcement agency that returns possession of a firearm or ammunition to a defendant in good faith as permitted by paragraph (f) of this subsection (8) shall not be held criminally or civilly liable for such action.

SECTION 6. In Colorado Revised Statutes, **add** 13-14-105.5 as follows:

13-14-105.5. Civil protection orders - prohibition on possessing or purchasing a firearm. (1) If the court subjects a person to a civil protection order pursuant to a provision of this article and the protection order qualifies as an order described in 18 U.S.C. sec. 922 (d)

(8) OR (g) (8), THE COURT, AS PART OF SUCH ORDER:

(a) SHALL ORDER THE PERSON TO:

(I) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE ORDER; AND

(II) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL; AND

(b) MAY REQUIRE THAT BEFORE THE PERSON IS RELEASED FROM CUSTODY ON BOND, THE PERSON SHALL RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE PERSON'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE PERSON'S IMMEDIATE POSSESSION OR CONTROL.

(2) (a) EXCEPT AS DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (2), UPON ISSUANCE OF AN ORDER PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE RESPONDENT SHALL RELINQUISH ANY FIREARM OR AMMUNITION:

(I) NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED WITH THE ORDER IN OPEN COURT; OR

(II) NOT MORE THAN FORTY-EIGHT HOURS AFTER BEING SERVED WITH THE ORDER OUTSIDE OF THE COURT.

(b) A COURT MAY ALLOW A RESPONDENT UP TO SEVENTY-TWO HOURS TO RELINQUISH A FIREARM OR UP TO FIVE DAYS TO RELINQUISH AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) IF THE RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET FORTH IN SAID SUBSECTION (2).

(c) TO SATISFY THE REQUIREMENT IN PARAGRAPH (a) OF THIS SUBSECTION (2), THE RESPONDENT MAY:

(I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR AMMUNITION;

(II) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

(III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR AMMUNITION; EXCEPT THAT A PERSON WHO SELLS OR TRANSFERS A FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF THE PROVISIONS OF SECTION 18-12-112, C.R.S., CONCERNING PRIVATE FIREARMS TRANSFERS, INCLUDING BUT NOT LIMITED TO THE

PERFORMANCE OF A CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

(3) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION BECAUSE HE OR SHE IS INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE RESPONDENT TO SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE RESPONDENT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF THE RESPONDENT'S INCARCERATION. IN SUCH A CASE, A RESPONDENT'S FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL CONSTITUTE CONTEMPT OF COURT.

(4) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL NOT RETURN THE FIREARM OR AMMUNITION TO THE RESPONDENT UNLESS THE DEALER:

(a) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND CHECK OF THE RESPONDENT BE PERFORMED; AND

(b) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

(5) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SECTION. IF AN AGENCY SO ELECTS:

(a) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

(b) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

(c) THE AGENCY SHALL ISSUE A RECEIPT TO EACH RESPONDENT AT THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM OR AMMUNITION.

(6) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE FIREARMS OR AMMUNITION FOR A PERSON PURSUANT TO THIS SECTION, THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE FIREARM OR AMMUNITION TO THE RESPONDENT UNLESS THE AGENCY:

(a) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND CHECK OF THE RESPONDENT BE PERFORMED; AND

(b) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

(7) (a) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO THIS SECTION MAY ELECT TO CEASE STORING THE FIREARM OR AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE STORING A FIREARM OR AMMUNITION FOR A PERSON SHALL NOTIFY THE PERSON OF SUCH DECISION AND REQUEST THAT THE PERSON IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE POSSESSION OF THE FIREARM OR AMMUNITION TO THE PERSON OR, IF THE PERSON IS PROHIBITED FROM POSSESSING A FIREARM, TO ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

(b) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING A FIREARM OR AMMUNITION FOR A PERSON AND NOTIFIES THE PERSON AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (7), THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR AMMUNITION IF THE PERSON FAILS TO MAKE ARRANGEMENTS FOR THE TRANSFER OF THE FIREARM OR AMMUNITION AND COMPLETE SAID TRANSFER WITHIN NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

(8) IF A RESPONDENT SELLS OR OTHERWISE TRANSFERS A FIREARM OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION, THE RESPONDENT SHALL ACQUIRE:

(a) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE RESPONDENT AND THE TRANSFEREE; AND

(b) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE BUREAU A BACKGROUND CHECK OF THE TRANSFEREE, AS DESCRIBED IN SECTION 18-12-112, C.R.S., A WRITTEN STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK.

(9)(a) NOT MORE THAN THREE BUSINESS DAYS AFTER THE RELINQUISHMENT, THE RESPONDENT SHALL FILE A COPY OF THE RECEIPT ISSUED PURSUANT TO SUBSECTION (4), (5), OR (8) OF THIS SECTION, AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A BACKGROUND CHECK PERFORMED ON THE RESPONDENT, AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (8) OF THIS SECTION, WITH THE COURT AS PROOF OF THE RELINQUISHMENT. IF A RESPONDENT FAILS TO TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS SUBSECTION (9):

(I) THE FAILURE CONSTITUTES A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c), C.R.S.; AND

(II) THE COURT SHALL ISSUE A WARRANT FOR THE RESPONDENT'S ARREST.

(b) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A PROTECTION ORDER DESCRIBED IN THIS SUBSECTION (9), THE COURT SHALL TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT OR HIS OR HER DEPUTY IS NOT REQUIRED.

(10) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF A PROTECTION ORDER.

(11) A PERSON SUBJECT TO A CIVIL PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14-104.5 (1) (a) WHO POSSESSES OR ATTEMPTS TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c), C.R.S.

(12) (a) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH TO NOT STORE A FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (c) OF SUBSECTION (2) OF THIS SECTION SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ELECTION NOT TO ACT.

(b) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF A FIREARM OR AMMUNITION TO A PERSON IN GOOD FAITH AS PERMITTED BY SUBSECTION (6) OF THIS SECTION SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

SECTION 7. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for the fiscal year beginning July 1, 2013, the sum of \$45,742 and 0.8 FTE, or so much thereof as may be necessary, to be allocated to trial court programs for the implementation of this act as follows:

(a) \$39,804 and 0.8 FTE for personal services; and

(b) \$5,938 for operating expenses.

SECTION 8. Effective date. This act takes effect upon passage; except that Section 6 of this act takes effect only if House Bill 13-1259 becomes law and takes effect either upon the effective date of this act or House Bill 13-1259, whichever is later.

SECTION 9. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2013