

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

REVISED

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

LLS NO. 21-0021.01 Shelby Ross x4510

HOUSE BILL 21-1255

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A BILL FOR AN ACT

101 **CONCERNING PROCEDURES FOR A DOMESTIC ABUSER UPON THE**
102 **ISSUANCE OF A PROTECTION ORDER, AND, IN CONNECTION**
103 **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 modifies the required procedures relating to a respondent's firearms or ammunition following the issuance of a protection order.

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

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

SENATE
2nd Reading Unamended
May 28, 2021

HOUSE
3rd Reading Unamended
May 14, 2021

HOUSE
Amended 2nd Reading
May 12, 2021

firearm, and the location of all firearms in the person's immediate possession or control. If the person does not possess a firearm at the time the order is issued, the person shall indicate such nonpossession in the affidavit.

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

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

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

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

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

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

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

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

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

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

14 (a) Shall order the **person** RESPONDENT to:

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

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

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

25 (c) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO
26 SUBSECTION (5)(a) OF THIS SECTION AND NOTIFY THE RESPONDENT OF THE
27 HEARING DATE AND THAT THE RESPONDENT SHALL APPEAR AT THE

1 HEARING IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO
2 SUBSECTION (5)(a) OF THIS SECTION.

3 (2) **Time period to relinquish.** (a) Except as described in
4 ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION,
5 upon issuance of an order pursuant to subsection (1) of this section, the
6 respondent shall relinquish, IN ACCORDANCE WITH SUBSECTION (4) OF THIS
7 SECTION, any firearm or ammunition:

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

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

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

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

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

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

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

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

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

1 **(5) Compliance hearing and affidavit.** (a) THE COURT SHALL
2 CONDUCT A COMPLIANCE HEARING NOT LESS THAN EIGHT BUT NOT MORE
3 THAN TWELVE BUSINESS DAYS AFTER THE ORDER IS ISSUED TO ENSURE THE
4 RESPONDENT HAS COMPLIED WITH █ SUBSECTION (5)(b) OF THIS SECTION.
5 THE COURT MAY VACATE THE HEARING IF THE COURT DETERMINES THE
6 RESPONDENT HAS COMPLETED THE AFFIDAVIT DESCRIBED IN SUBSECTION
7 (5)(b) OF THIS SECTION. FAILURE TO APPEAR AT A HEARING DESCRIBED IN
8 THIS SUBSECTION (5)(a) CONSTITUTES CONTEMPT OF COURT.

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

20 (c) IF THE RESPONDENT POSSESSED A FIREARM AT THE TIME OF THE
21 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE
22 FIREARM PURSUANT TO THIS SECTION BUT TRANSFERRED OR SOLD THE
23 FIREARM TO A PRIVATE PARTY PRIOR TO THE COURT'S ISSUANCE OF THE
24 ORDER, THE RESPONDENT SHALL DISCLOSE THE SALE OR TRANSFER OF THE
25 FIREARM TO THE PRIVATE PARTY █ IN THE AFFIDAVIT DESCRIBED IN
26 SUBSECTION (5)(b) OF THIS SECTION. THE RESPONDENT, WITHIN SEVEN
27 BUSINESS DAYS AFTER THE ORDER IS ISSUED, SHALL ACQUIRE A WRITTEN

1 RECEIPT AND SIGNED DECLARATION THAT COMPLIES WITH SUBSECTION
2 (8)(a)(I) OF THIS SECTION, AND THE RESPONDENT SHALL FILE THE SIGNED
3 DECLARATION AT THE SAME TIME THE RESPONDENT FILES THE AFFIDAVIT
4 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION.

5 (d) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE
6 AFFIDAVIT DESCRIBED IN SUBSECTION (5)(b) OF THIS SECTION AND ALL
7 OTHER FORMS NECESSARY TO IMPLEMENT THIS SECTION NO LATER THAN
8 JANUARY 1, 2022. STATE COURTS MAY USE THE FORMS DEVELOPED BY THE
9 STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION (5)(d) OR
10 ANOTHER FORM OF THE COURT'S CHOOSING, SO LONG AS THE FORMS
11 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (5).

12 (e) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
13 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THERE IS
14 PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY
15 WITH THE PROVISIONS OF THIS SECTION, THE COURT SHALL DETERMINE
16 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT
17 HAS FAILED TO RELINQUISH ALL FIREARMS OR A CONCEALED CARRY
18 PERMIT IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION. IF
19 PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT
20 THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE
21 ITEMS TO BE TAKEN INTO CUSTODY.

22 ~~(4)~~ (6) **Relinquishment to a federally licensed firearms dealer.**
23 A federally licensed firearms dealer who takes possession of a firearm or
24 ammunition pursuant to this section shall issue a WRITTEN receipt AND
25 SIGNED DECLARATION to the respondent at the time of relinquishment.
26 THE DECLARATION MUST MEMORIALIZE THE SALE OR TRANSFER OF THE
27 FIREARM. The federally licensed firearms dealer shall not return the

1 firearm or ammunition to the respondent unless the dealer:

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

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

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

8 **facility.** (a) A local law enforcement agency may elect to store firearms

9 or ammunition for ~~persons~~ A RESPONDENT pursuant to this section. THE

10 LAW ENFORCEMENT AGENCY MAY ENTER INTO AN AGREEMENT WITH ANY

11 OTHER LAW ENFORCEMENT AGENCY OR STORAGE FACILITY FOR THE

12 STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION. If ~~an~~ A LAW

13 ENFORCEMENT agency ~~so~~ elects TO STORE FIREARMS OR AMMUNITION FOR

14 A RESPONDENT:

15 ~~(a)~~ (I) The LAW ENFORCEMENT agency may charge a fee for ~~such~~

16 THE storage, the amount of which ~~shall~~ MUST not exceed the direct and

17 indirect costs incurred by the LAW ENFORCEMENT agency in providing

18 ~~such~~ THE storage;

19 ~~(b)~~ (II) The LAW ENFORCEMENT agency ~~may~~ SHALL establish

20 policies for disposal of abandoned or stolen firearms or ammunition; and

21 ~~(c)~~ (III) The LAW ENFORCEMENT agency shall issue a WRITTEN

22 receipt AND SIGNED DECLARATION to ~~each~~ THE respondent at the time ~~the~~

23 ~~respondent relinquishes possession of a firearm or ammunition~~ OF

24 RELINQUISHMENT. THE DECLARATION MUST MEMORIALIZE THE TRANSFER

25 OF THE FIREARM.

26 ~~(6)~~ (b) If a local law enforcement agency elects to store firearms

27 or ammunition for a ~~person~~ RESPONDENT pursuant to this ~~section~~

1 SUBSECTION (7), the law enforcement agency shall not return the firearm
2 or ammunition to the respondent unless the LAW ENFORCEMENT agency:

3 (a) (I) Contacts the bureau to request that a CRIMINAL background
4 check of the respondent be performed; and

5 (b) (II) Obtains approval of the transfer from the bureau after the
6 performance of the CRIMINAL background check.

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

17 (b) (II) If a law enforcement agency elects to cease storing a
18 firearm or ammunition for a ~~person~~ RESPONDENT and notifies the ~~person~~
19 RESPONDENT as described in ~~paragraph (a) of this subsection (7)~~
20 SUBSECTION (7)(c)(I) OF THIS SECTION, the law enforcement agency may
21 dispose of the firearm or ammunition if the ~~person~~ RESPONDENT fails to
22 make arrangements for the transfer of the firearm or ammunition and
23 complete ~~said~~ THE transfer within ninety days ~~of~~ AFTER receiving ~~such~~
24 THE notification.

25 (d) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
26 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO
27 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A

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

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

12 (a) (I) From the ~~transferee~~ FEDERALLY LICENSED FIREARMS
13 DEALER, a written receipt ~~acknowledging~~ AND SIGNED DECLARATION
14 MEMORIALIZING the transfer, which receipt ~~shall~~ MUST be dated and
15 signed by the respondent, ~~and~~ the transferee, AND THE FEDERALLY
16 LICENSED FIREARMS DEALER; and

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

21 (b) THE RESPONDENT SHALL NOT TRANSFER THE FIREARM TO A
22 PRIVATE PARTY LIVING IN THE SAME RESIDENCE AS THE DEFENDANT AT
23 THE TIME OF THE TRANSFER.

24 (c) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY
25 ELECTS TO STORE A FIREARM FOR A RESPONDENT PURSUANT TO THIS
26 SECTION, THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO THE
27 RESPONDENT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE FEDERALLY

1 LICENSED FIREARMS DEALER WHO REQUESTS FROM THE BUREAU A
2 BACKGROUND CHECK OF THE RESPONDENT, A WRITTEN STATEMENT OF THE
3 RESULTS OF THE BACKGROUND CHECK AUTHORIZING THE RETURN OF THE
4 FIREARM TO THE RESPONDENT.

5 (9) **Requirement to file signed declaration.** (a) ~~Not more than~~
6 ~~three business days after the relinquishment,~~ The respondent shall file a
7 copy of the ~~receipt~~ SIGNED DECLARATION issued pursuant to ~~subsection~~
8 ~~(4), (5), or (8)~~ SUBSECTION (6), (7)(a)(III), OR (8)(a)(I) of this section,
9 and, if applicable, the written statement of the results of a CRIMINAL
10 background check performed on the respondent, as described in
11 ~~paragraph (b) of subsection (8)~~ SUBSECTION (8)(a)(II) of this section, with
12 the court as proof of the ~~relinquishment~~ AT THE SAME TIME THE
13 ~~RESPONDENT FILES THE SIGNED AFFIDAVIT PURSUANT TO SUBSECTION~~
14 ~~(5)(b) OF THIS SECTION.~~ THE SIGNED DECLARATION AND WRITTEN
15 STATEMENT FILED PURSUANT TO THIS SUBSECTION (9) ARE ONLY
16 AVAILABLE FOR INSPECTION BY THE COURT AND THE PARTIES TO THE
17 PROCEEDING. If a respondent fails to timely TRANSFER OR SELL A FIREARM
18 OR file ~~a receipt~~ THE SIGNED DECLARATION or written statement as
19 described in this subsection (9):

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

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

23 (b) In any subsequent prosecution for a violation of a protection
24 order described in this subsection (9), the court shall take judicial notice
25 of the ~~defendant's~~ RESPONDENT'S failure to TRANSFER OR SELL A FIREARM,
26 OR file ~~a receipt~~ THE SIGNED DECLARATION or written statement, which
27 ~~will constitute~~ CONSTITUTES prima facie evidence of a violation of the

1 protection order pursuant to section 18-6-803.5 (1)(c), ~~C.R.S.~~, and
2 testimony of the clerk of the court or ~~his or her~~ THE CLERK OF THE
3 COURT'S deputy is not required.

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

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

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

15 (b) A law enforcement agency that returns possession of a firearm
16 or ammunition to a ~~person~~ RESPONDENT in good faith as permitted by
17 ~~subsection (6)~~ SUBSECTION (7) of this section ~~shall~~ IS not ~~be held~~
18 criminally or civilly liable for such action.

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

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

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

2 (9) (a) **Order requirements.** When the court subjects a defendant to a
3 mandatory protection order that THE COURT, USING THE PROBABLE CAUSE
4 STANDARD OF REVIEW, DETERMINES ON THE RECORD AFTER REVIEWING
5 THE PROBABLE CAUSE STATEMENT OR ARREST WARRANT THAT THE ORDER
6 ~~qualifies as an order described in 18 U.S.C. sec. 922 (g)(8)~~ INCLUDES A
7 CRIME THAT INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN
8 SECTION 18-6-800.3 (1), ~~AND THE ACT OF DOMESTIC VIOLENCE INVOLVED~~
9 ~~THE THREAT OF USE, USE OF, OR ATTEMPTED USE OF PHYSICAL FORCE,~~ the
10 court, as part of such order:

11 (I) Shall order the defendant to:

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

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

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

21 (III) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO
22 SUBSECTION (9)(e) OF THIS SECTION AND NOTIFY THE DEFENDANT OF THE
23 HEARING DATE AND THAT THE DEFENDANT SHALL APPEAR AT THE HEARING
24 IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO SUBSECTION
25 (9)(e)(I) OF THIS SECTION.

26 (b) **Time period to relinquish.** Upon issuance of an order
27 pursuant to ~~paragraph (a) of this subsection (9)~~ SUBSECTION (9)(a) OF THIS

1 SECTION, the defendant shall relinquish, IN ACCORDANCE WITH
2 SUBSECTION (9)(d) OF THIS SECTION, any firearm or ammunition not more
3 than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS,
4 after being served with the order; except that a court may allow a
5 ~~defendant up to seventy-two hours~~ ADDITIONAL TIME BASED ON A
6 ~~SHOWING OF GOOD CAUSE~~ to relinquish a firearm ~~or up to five days to~~
7 ~~relinquish ammunition pursuant to this paragraph (b)~~ if the defendant
8 demonstrates to the satisfaction of the court that ~~he or she~~ THE
9 DEFENDANT is unable to comply within ~~twenty-four hours~~. To satisfy this
10 ~~requirement, the defendant may~~: THE TIME FRAME SET FORTH IN THIS
11 SUBSECTION (9)(b).

12 (c) **Additional time to comply if defendant is in custody.** If a
13 defendant is unable to satisfy the provisions of ~~paragraph (b)~~ of this
14 subsection (9) because ~~he or she~~ THE DEFENDANT is incarcerated or
15 otherwise held in the custody of a law enforcement agency, the court shall
16 require the defendant to satisfy ~~such~~ THE PROVISIONS OF THIS SUBSECTION
17 (9) not more than twenty-four hours, EXCLUDING LEGAL HOLIDAYS AND
18 WEEKENDS, after ~~his or her~~ THE DEFENDANT'S release from incarceration
19 or custody or be held in contempt of court. Notwithstanding any provision
20 of this ~~paragraph (c)~~ SUBSECTION (9)(c), the court may, in its discretion,
21 require the defendant to relinquish any firearm or ammunition in the
22 defendant's immediate possession or control or subject to the defendant's
23 immediate possession or control before the end of the defendant's
24 incarceration OR RELEASE FROM CUSTODY. In such a case, a defendant's
25 failure to relinquish a firearm or ammunition as required ~~shall constitute~~
26 CONSTITUTES contempt of court.

27 (d) **Relinquishment options.** TO SATISFY THE REQUIREMENT IN

1 SUBSECTION (9)(b) OF THIS SECTION, THE DEFENDANT SHALL EITHER:

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

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

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

21 (e) **Compliance hearing, conditions of release on bond, and**
22 **affidavit.** (I) THE COURT SHALL CONDUCT A COMPLIANCE HEARING TO
23 ENSURE THE DEFENDANT HAS COMPLIED WITH THIS SUBSECTION (9) BY
24 REQUIRING THE DEFENDANT TO COMPLY WITH SUBSECTION (9)(e)(II) OF
25 THIS SECTION. THE COURT MAY CONSIDER THE ISSUE IN OTHER
26 PROCEEDINGS BEFORE THE COURT IN THE CRIMINAL CASE. THE HEARING
27 IS CONSIDERED A COURT ACTION INVOLVING A BOND REDUCTION OR

1 MODIFICATION AS DESCRIBED IN SECTION 24-4.1-302 (2)(c). A DEFENDANT
2 SHALL COMPLY WITH SECTION 16-4-105 (4.1) AS IT RELATES TO THE
3 CONDITIONS OF RELEASE ON BOND. THE COURT MAY VACATE THE HEARING
4 IF THE COURT DETERMINES THAT THE DEFENDANT HAS COMPLETED THE
5 AFFIDAVIT DESCRIBED IN SUBSECTION (9)(e)(II) OF THIS SECTION. FAILURE
6 TO APPEAR AT A HEARING DESCRIBED IN THIS SUBSECTION (9)(e)(I)
7 CONSTITUTES CONTEMPT OF COURT.

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

18 (III) IF THE DEFENDANT POSSESSED A FIREARM AT THE TIME OF THE
19 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE
20 FIREARM PURSUANT TO THIS SUBSECTION (9) BUT TRANSFERRED OR SOLD
21 THE FIREARM TO A PRIVATE PARTY PRIOR TO THE COURT'S ISSUANCE OF
22 THE ORDER, THE DEFENDANT SHALL DISCLOSE THE SALE OR TRANSFER OF
23 THE FIREARM TO THE PRIVATE PARTY IN THE AFFIDAVIT DESCRIBED IN
24 SUBSECTION (9)(e)(II) OF THIS SECTION. THE DEFENDANT, WITHIN SEVEN
25 BUSINESS DAYS AFTER THE RELINQUISHMENT PERIOD ESTABLISHED BY THE
26 COURT PURSUANT TO THIS SUBSECTION (9), SHALL ACQUIRE A WRITTEN
27 RECEIPT AND SIGNED DECLARATION THAT COMPLIES WITH SUBSECTION

1 (9)(h)(I)(A) OF THIS SECTION, AND THE DEFENDANT SHALL FILE THE
2 SIGNED DECLARATION AT THE SAME TIME THE DEFENDANT FILES THE
3 AFFIDAVIT PURSUANT TO SUBSECTION (9)(e)(II) OF THIS SECTION.

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

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

16 (VI) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
17 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THERE IS
18 PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY
19 WITH THE PROVISIONS OF THIS SECTION, THE COURT SHALL DETERMINE
20 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT
21 HAS FAILED TO RELINQUISH ALL FIREARMS OR A CONCEALED CARRY
22 PERMIT IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION. IF
23 PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT
24 THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE
25 ITEMS TO BE TAKEN INTO CUSTODY.

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

1 ammunition pursuant to this ~~section~~ SUBSECTION (9) shall issue a
2 WRITTEN receipt AND SIGNED DECLARATION to the defendant at the time
3 of relinquishment. THE DECLARATION MUST MEMORIALIZE THE SALE OR
4 TRANSFER OF THE FIREARM. The federally licensed firearms dealer shall
5 not return the firearm or ammunition to the defendant unless the dealer:

6 (I) Contacts the ~~bureau~~ COLORADO BUREAU OF INVESTIGATION,
7 REFERRED TO IN THIS SUBSECTION (9) AS "THE BUREAU", to request that a
8 CRIMINAL background check of the defendant be performed; and

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

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

12 (I) A local law enforcement agency may elect to store firearms or
13 ammunition for ~~persons~~ A DEFENDANT pursuant to this subsection (9).
14 THE LAW ENFORCEMENT AGENCY MAY ENTER INTO AN AGREEMENT WITH
15 ANY OTHER LAW ENFORCEMENT AGENCY OR STORAGE FACILITY FOR THE
16 STORAGE OF TRANSFERRED FIREARMS OR AMMUNITION. If ~~an~~ A LAW
17 ENFORCEMENT agency ~~so~~ elects TO STORE FIREARMS OR AMMUNITION FOR
18 A DEFENDANT:

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

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

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

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

3 ~~(F)~~ (II) If a local law enforcement agency elects to store firearms
4 or ammunition for a defendant pursuant to this ~~subsection (9)~~ SUBSECTION
5 (9)(g), the law enforcement agency shall not return the firearm or
6 ammunition to the defendant unless the LAW ENFORCEMENT agency:

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

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

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

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

1 (IV) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
2 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO
3 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A
4 CRIMINAL INVESTIGATION IF A LAW ENFORCEMENT AGENCY HAS PROBABLE
5 CAUSE TO BELIEVE THE FIREARM OR AMMUNITION HAS BEEN USED IN THE
6 COMMISSION OF A CRIME, IS STOLEN, OR IS CONTRABAND. THIS
7 SUBSECTION (9)(g)(IV) DOES NOT PRECLUDE A LAW ENFORCEMENT
8 AGENCY FROM CONDUCTING A ROUTINE INSPECTION OF THE FIREARM OR
9 AMMUNITION PRIOR TO ACCEPTING THE FIREARM FOR STORAGE.

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

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

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

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

27 (III) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY

1 ELECTS TO STORE A FIREARM FOR A DEFENDANT PURSUANT TO THIS
2 SUBSECTION (9), THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO
3 THE DEFENDANT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE
4 FEDERALLY LICENSED FIREARMS DEALER WHO REQUESTS FROM THE
5 BUREAU A CRIMINAL BACKGROUND CHECK OF THE DEFENDANT, A WRITTEN
6 STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK AUTHORIZING
7 THE RETURN OF THE FIREARM TO THE DEFENDANT.

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

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

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

27 (II) In any subsequent prosecution for a violation of a protection

1 order described in this ~~paragraph (i)~~ SUBSECTION (9)(i), the court shall
2 take judicial notice of the defendant's failure to TRANSFER OR SELL A
3 FIREARM, OR file a ~~receipt~~ THE SIGNED DECLARATION or written statement,
4 which ~~will constitute~~ CONSTITUTES prima facie evidence of a violation of
5 the protection order pursuant to section 18-6-803.5 (1)(c), ~~C.R.S.~~, and
6 testimony of the clerk of the court or ~~his or her~~ THE CLERK OF THE
7 COURT'S deputy is not required.

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

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

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

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

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

1 DEALER, LAW ENFORCEMENT AGENCY, STORAGE FACILITY, OR PRIVATE
2 PARTY.

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

5 **18-6-801. Domestic violence - sentencing.** (8) (a) **Sentencing**
6 **requirements.** In addition to any sentence that is imposed upon a
7 defendant for violation of any criminal law under this ~~title~~ TITLE 18, if a
8 defendant is convicted of any crime, the underlying factual basis of which
9 is found by the court on the record to be a misdemeanor crime of
10 domestic violence, as defined in 18 U.S.C. sec. 921 (a)(33), or that is
11 punishable by a term of imprisonment exceeding one year and includes
12 an act of domestic violence, as defined in section 18-6-800.3 (1), the
13 court:

14 (I) Shall order the defendant to:

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

18 (B) Relinquish any firearm or ammunition in the defendant's
19 immediate possession or control or subject to the defendant's immediate
20 possession or control; and

21 (II) May require that before the defendant is released from custody
22 on bond, the defendant ~~shall relinquish, for the duration of the order,~~
23 RELINQUISH any firearm or ammunition in the defendant's immediate
24 possession or control or subject to the defendant's immediate possession
25 or control; AND

26 (III) SHALL SCHEDULE A COMPLIANCE HEARING PURSUANT TO
27 SUBSECTION (8)(e) OF THIS SECTION AND NOTIFY THE DEFENDANT OF THE

1 HEARING DATE AND THAT THE DEFENDANT SHALL APPEAR AT THE HEARING
2 IN PERSON UNLESS THE HEARING IS VACATED PURSUANT TO SUBSECTION
3 (8)(e)(I) OF THIS SECTION.

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

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

1 to the defendant's immediate possession or control before the end of the
2 defendant's incarceration. In such a case, a defendant's failure to
3 relinquish a firearm or ammunition as required ~~shall constitute~~
4 CONSTITUTES contempt of court.

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

7 (I) [**Formerly 18-6-801 (8)(b)(I)**] Sell or transfer possession of the
8 firearm or ammunition to a federally licensed firearms dealer described
9 in 18 U.S.C. sec. 923, as amended; except that this provision ~~shall~~ MUST
10 not be interpreted to require any federally licensed firearms dealer to
11 purchase or accept possession of any firearm or ammunition; OR

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

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

26 (e) **Compliance hearing and affidavit.** (I) THE COURT SHALL
27 CONDUCT A COMPLIANCE HEARING NOT LESS THAN EIGHT BUT NOT MORE

1 THAN TWELVE BUSINESS DAYS AFTER SENTENCING TO ENSURE THE
2 DEFENDANT HAS COMPLIED WITH SUBSECTION (8)(e)(II) OF THIS
3 SECTION. THE COURT MAY VACATE THE HEARING IF THE COURT
4 DETERMINES THE DEFENDANT HAS COMPLETED THE AFFIDAVIT DESCRIBED
5 IN SUBSECTION (8)(e)(II) OF THIS SECTION. FAILURE TO APPEAR AT A
6 HEARING DESCRIBED IN THIS SUBSECTION (8)(e)(I) CONSTITUTES
7 CONTEMPT OF COURT.

8 (II) THE DEFENDANT SHALL COMPLETE AN AFFIDAVIT, WHICH MUST
9 BE FILED IN THE COURT RECORD WITHIN SEVEN BUSINESS DAYS AFTER
10 SENTENCING, STATING THE NUMBER OF FIREARMS IN THE DEFENDANT'S
11 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S
12 IMMEDIATE POSSESSION OR CONTROL, THE MAKE AND MODEL OF EACH
13 FIREARM, ANY REASON THE DEFENDANT IS STILL IN IMMEDIATE
14 POSSESSION OR CONTROL OF SUCH FIREARM, AND THE LOCATION OF EACH
15 FIREARM. IF THE DEFENDANT DOES NOT POSSESS A FIREARM AT THE TIME
16 OF SENTENCING, THE DEFENDANT SHALL INDICATE SUCH NONPOSSESSION
17 IN THE AFFIDAVIT.

18 (III) IF THE DEFENDANT POSSESSED A FIREARM AT THE TIME OF THE
19 QUALIFYING INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE
20 FIREARM PURSUANT TO THIS SECTION BUT TRANSFERRED OR SOLD THE
21 FIREARM TO A PRIVATE PARTY PRIOR TO SENTENCING, THE DEFENDANT
22 SHALL DISCLOSE THE SALE OR TRANSFER OF THE FIREARM TO THE PRIVATE
23 PARTY IN THE AFFIDAVIT DESCRIBED IN SUBSECTION (8)(e)(II) OF THIS
24 SECTION. THE DEFENDANT, WITHIN SEVEN BUSINESS DAYS AFTER
25 SENTENCING, SHALL ACQUIRE A WRITTEN RECEIPT AND SIGNED
26 DECLARATION THAT COMPLIES WITH SUBSECTION (8)(h)(I)(A) OF THIS
27 SECTION, AND THE DEFENDANT SHALL FILE THE SIGNED DECLARATION AT

1 THE SAME TIME THE DEFENDANT FILES THE AFFIDAVIT PURSUANT TO
2 SUBSECTION (8)(e)(II) OF THIS SECTION.

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

10 (V) UPON THE SWORN STATEMENT OR TESTIMONY OF THE
11 PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THERE IS
12 PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY
13 WITH THE PROVISIONS OF THIS SECTION, THE COURT SHALL DETERMINE
14 WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT
15 HAS FAILED TO RELINQUISH ALL FIREARMS OR A CONCEALED CARRY
16 PERMIT IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION. IF
17 PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT
18 THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE
19 ITEMS TO BE TAKEN INTO CUSTODY.

20 ~~(d)~~ (f) **Relinquishment to a federally licensed firearms dealer.**

21 A federally licensed firearms dealer who takes possession of a firearm or
22 ammunition pursuant to this subsection (8) shall issue a WRITTEN receipt
23 AND SIGNED DECLARATION to the defendant at the time of relinquishment.
24 THE DECLARATION MUST MEMORIALIZE THE SALE OR TRANSFER OF THE
25 FIREARM. The federally licensed firearms dealer shall not return the
26 firearm or ammunition to the defendant unless the dealer:

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

1 REFERRED TO IN THIS SUBSECTION (8) AS THE "BUREAU", to request that a
2 CRIMINAL background check of the defendant be performed; and

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

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

6 (I) A local law enforcement agency may elect to store firearms or
7 ammunition for ~~persons~~ A DEFENDANT pursuant to this subsection (8).

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

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

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

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

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

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

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

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

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

21 (IV) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
22 FIREARM OR AMMUNITION SHALL OBTAIN A SEARCH WARRANT TO
23 EXAMINE OR TEST THE FIREARM OR AMMUNITION OR FACILITATE A
24 CRIMINAL INVESTIGATION IF A LAW ENFORCEMENT AGENCY HAS PROBABLE
25 CAUSE TO BELIEVE THE FIREARM OR AMMUNITION HAS BEEN USED IN THE
26 COMMISSION OF A CRIME, IS STOLEN, OR IS CONTRABAND. THIS
27 SUBSECTION (8)(g)(IV) DOES NOT PRECLUDE A LAW ENFORCEMENT

1 AGENCY FROM CONDUCTING A ROUTINE INSPECTION OF THE FIREARM OR
2 AMMUNITION PRIOR TO ACCEPTING THE FIREARM FOR STORAGE.

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

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

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

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

20 (III) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY
21 ELECTS TO STORE A FIREARM FOR A DEFENDANT PURSUANT TO THIS
22 SUBSECTION (8), THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO
23 THE DEFENDANT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE
24 FEDERALLY LICENSED FIREARMS DEALER, WHO REQUESTS FROM THE
25 BUREAU A CRIMINAL BACKGROUND CHECK OF THE DEFENDANT, A WRITTEN
26 STATEMENT OF THE RESULTS OF THE CRIMINAL BACKGROUND CHECK
27 AUTHORIZING THE RETURN OF THE FIREARM TO THE DEFENDANT.

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

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

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

20 (II) In any subsequent prosecution for a violation of this ~~paragraph~~
21 ~~(i)~~ SUBSECTION (8)(i), the court shall take judicial notice of the
22 defendant's failure to TRANSFER OR SELL A FIREARM, OR file a ~~receipt~~ THE
23 SIGNED DECLARATION or written statement, which ~~will constitute~~
24 CONSTITUTES prima facie evidence that the defendant has violated this
25 ~~paragraph (i)~~ SUBSECTION (8), and testimony of the clerk of the court or
26 ~~his or her~~ THE CLERK OF THE COURT'S deputy is not required.

27 (j) (I) A law enforcement agency that elects in good faith to not

1 store a firearm or ammunition for a defendant pursuant to ~~subsection~~
2 ~~(8)(b)(II)~~ SUBSECTION (8)(g) of this section ~~shall~~ IS not ~~be held~~ criminally
3 or civilly liable for such ~~election not to act~~ INACTION.

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

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

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

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

25 (c) Violates a civil protection order issued pursuant to section
26 13-14-105.5 ~~C.R.S.~~, or A MANDATORY PROTECTION ORDER ISSUED
27 pursuant to section 18-1-1001 (9) by:

1 (II) Failing to timely file a ~~receipt~~ SIGNED AFFIDAVIT or written
2 statement with the court as described in ~~section 13-14-105.5 (9), C.R.S.,~~
3 ~~or in section 18-1-1001 (9)(i) or 18-6-801 (8)(i)~~ SECTION 13-14-105.5
4 (10), 18-1-1001 (9)(i), OR 18-6-801 (8)(i).

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

7 **16-4-105. Conditions of release on bond - definition.**

8 (4.1) NOTWITHSTANDING ANY OTHER TYPE OF BOND AND CONDITIONS OF
9 RELEASE SET BY THE COURT, IN CASES INVOLVING DOMESTIC VIOLENCE, AS
10 DEFINED IN SECTION 18-6-800.3 (1), OR IN CASES WHERE THE COURT
11 SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER THAT
12 QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g)(8), THE
13 COURT SHALL ORDER THE DEFENDANT TO COMPLY WITH THE PROVISIONS
14 OF SECTION 18-1-1001 AS IT RELATES TO FIREARM RELINQUISHMENT.

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

17 **13-14.5-113. Liability.** (3) A FEDERALLY LICENSED FIREARMS
18 DEALER OR LAW ENFORCEMENT AGENCY THAT STORES A FIREARM AS
19 PERMITTED BY THIS ARTICLE 14.5 IS NOT CIVILLY LIABLE FOR ANY
20 RESULTING DAMAGES TO THE FIREARM, AS LONG AS SUCH DAMAGE DID
21 NOT RESULT FROM THE WILLFUL AND WRONGFUL ACT OR GROSS
22 NEGLIGENCE OF THE PERSON OR LAW ENFORCEMENT AGENCY STORING THE
23 FIREARM.

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

26 **13-14.5-108. Surrender of a firearm.** (2) (b) If the petitioner for
27 an extreme risk protection order is a law enforcement agency or officer,

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

12 **SECTION 8. Appropriation.** (1) For the 2021-22 state fiscal
13 year, \$101,050 is appropriated to the judicial department. This
14 appropriation is from the general fund. To implement this act, the
15 department may use this appropriation as follows:

16 (a) \$25,749 for trial court programs, which amount is based on an
17 assumption that the department will require an additional 0.5 FTE;

18 (b) \$69,101 for court costs, jury costs, and court-appointed
19 counsel, and

20 (c) \$6,200 for capital outlay.

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