

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0141.01 Shelby Ross x4510

HOUSE BILL 20-1278

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HOUSE SPONSORSHIP

Duran and Singer,

SENATE SPONSORSHIP

Fields,

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

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

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Bill Summary

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

Upon the issuance of a protection order, the court shall:

- ! Require the person to state in court or complete an affidavit in court stating the number of firearms in the person's immediate possession or control and the location of all firearms in the person's immediate possession or control;
- ! Require the person to complete a firearm information form

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.

that states the number of firearms in the person's immediate possession or control or subject to the person's immediate possession or control, the type of each firearm, and the location of each firearm; and

- ! Transmit a copy of the protection order and the firearm information form to the sheriff of the county of the person's residence.

The bill prohibits any full and truthful statements made to the court regarding the number of firearms in the person's immediate possession or control or subject to the person's immediate possession or control and the location of the firearms from being used against the person in any other civil or criminal proceedings.

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.

Current law requires a person to either sell or transfer possession of the firearm, arrange for the storage of the firearm by a law enforcement agency, or sell or transfer the firearm to a private party who may legally possess the firearm. The bill requires a private party to complete a firearms acknowledgment form that informs the private party of the relevant state and federal laws, lists the consequences of noncompliance, and asks if the private party is able to legally possess a firearm. 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 requires the court to conduct a hearing to ensure the person has complied with the relinquishment requirements. Failure to appear at the hearing constitutes a violation of the protection order, and the court may issue a warrant for the person's arrest or a search warrant of the person's residence.

The bill requires a person who does not possess a firearm at the time the order is issued to complete a declaration of nonpossession form in court. If the person possessed a firearm at the time of the qualifying incident giving rise to the duty to relinquish the firearm but sold or transferred the firearm to a private party prior to the issuance of the protection order, the person shall disclose the sale or transfer in court.

The bill requires a federally licensed firearms dealer, law enforcement agency, or private party to issue a signed affidavit 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 to assume the duties of the sheriff. If a law enforcement agency elects to store a firearm, the bill allows the law enforcement agency to seek a matching incentive fee from the department of public safety on an annual basis in an amount equal to the total amount charged by the agency for providing storage of

a firearm. The matching fee must be used to maintain or increase firearm storage capacity. The bill requires a sheriff who elects to store a firearm to obtain a search warrant prior to testing or examining the firearm to facilitate any criminal investigation or prosecution.

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 bureau authorizing the return of the firearm to the person.

Current law requires a copy of the written receipt and the written statement of the background check to be filed with the court as proof of relinquishment. The bill requires the signed affidavit to be filed with the court instead of the receipt. Both the signed affidavit 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, 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.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 13-14-105.5  
3 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~~ ARTICLE 14 and the protection order qualifies  
8 as an order described in 18 U.S.C. sec. 922 (d)(8) or (g)(8), the court, as  
9 part of such order:

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

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

13 (II) Relinquish, for the duration of the order, any firearm or  
14 ammunition in the respondent's immediate possession or control or

1 subject to the respondent's immediate possession or control; and

2 (b) May require that before the ~~person~~ RESPONDENT is released  
3 from custody on bond, the ~~person shall relinquish~~ RESPONDENT  
4 RELINQUISHES, for the duration of the order, any firearm or ammunition  
5 in the ~~person's~~ RESPONDENT'S immediate possession or control or subject  
6 to the ~~person's~~ RESPONDENT'S immediate possession or control.

7 (2) **Required forms.** (a) UPON THE ISSUANCE OF AN ORDER  
8 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE COURT SHALL:

9 (I) REQUIRE THE RESPONDENT TO STATE IN COURT OR COMPLETE  
10 AN AFFIDAVIT IN COURT STATING THE NUMBER OF FIREARMS IN THE  
11 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
12 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL AND THE LOCATION  
13 OF ALL FIREARMS IN THE RESPONDENT'S IMMEDIATE POSSESSION OR  
14 CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR  
15 CONTROL. ANY FULL AND TRUTHFUL STATEMENTS MADE TO THE COURT  
16 REGARDING THE NUMBER OF FIREARMS IN THE RESPONDENT'S IMMEDIATE  
17 POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE  
18 POSSESSION OR CONTROL AND THE LOCATION OF THE FIREARMS SHALL NOT  
19 BE USED AGAINST THE RESPONDENT IN ANY OTHER CIVIL OR CRIMINAL  
20 PROCEEDINGS. ANY UNTRUTHFUL STATEMENTS MADE TO THE COURT  
21 PURSUANT TO THIS SUBSECTION (2) SUBJECTS THE RESPONDENT TO  
22 PENALTY OF PERJURY PURSUANT TO THE PROVISIONS OF PART 5 OF ARTICLE  
23 8 OF TITLE 18 AND PENALTY OF AN ATTEMPT TO INFLUENCE A PUBLIC  
24 SERVANT PURSUANT TO SECTION 18-8-306.

25 (II) REQUIRE THE RESPONDENT TO COMPLETE A FIREARM  
26 INFORMATION FORM THAT STATES THE NUMBER OF FIREARMS IN THE  
27 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE

1 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL, THE TYPE OF EACH  
2 FIREARM, AND THE LOCATION OF EACH FIREARM; AND

3 (III) TRANSMIT A COPY OF THE ORDER DESCRIBED IN SUBSECTION  
4 (1) OF THIS SECTION AND A COPY OF THE FIREARM INFORMATION FORM  
5 DESCRIBED IN SUBSECTION (2)(a)(II) OF THIS SECTION TO THE SHERIFF OF  
6 THE COUNTY OF THE RESPONDENT'S RESIDENCE.

7 (b) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE  
8 AFFIDAVIT AND FIREARM INFORMATION FORM DESCRIBED IN THIS  
9 SUBSECTION (2), THE FIREARMS ACKNOWLEDGMENT FORM DESCRIBED IN  
10 SUBSECTION (4)(a)(III)(B) OF THIS SECTION, AND ANY OTHER FORMS  
11 NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION NO LATER  
12 THAN JANUARY 1, 2021. STATE COURTS MAY USE THE FORMS DEVELOPED  
13 BY THE STATE COURT ADMINISTRATOR PURSUANT TO THIS SUBSECTION  
14 (2)(b) OR ANOTHER FORM OF THE COURT'S CHOOSING, SO LONG AS THE  
15 FORMS COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (2).

16 ~~(2)~~ (3) **Time period to relinquish.** (a) Except as described in  
17 ~~paragraph (b) of this subsection (2)~~ SUBSECTION (3)(b) OF THIS SECTION,  
18 upon issuance of an order pursuant to subsection (1) of this section, the  
19 respondent shall relinquish, IN ACCORDANCE WITH SUBSECTION (4) OF  
20 THIS SECTION, any firearm or ammunition:

21 (I) Not more than twenty-four hours, EXCLUSIVE OF LEGAL  
22 HOLIDAYS AND WEEKENDS, after being served with the order in open  
23 court; or

24 (II) Not more than forty-eight hours, EXCLUSIVE OF LEGAL  
25 HOLIDAYS AND WEEKENDS, after being served with the order outside of  
26 the court.

27 (b) ~~A~~ NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(a)

1 OF THIS SECTION, A court may allow a respondent up to ~~seventy-two~~ AN  
2 ADDITIONAL TWENTY-FOUR hours to relinquish a firearm ~~or up to five~~  
3 ~~days to relinquish ammunition pursuant to paragraph (a) of this~~  
4 ~~subsection (2)~~ if the respondent demonstrates to the satisfaction of the  
5 court that ~~he or she~~ THE RESPONDENT is unable to comply within the time  
6 frame set forth in ~~said subsection (2)~~ SUBSECTION (3)(a) OF THIS SECTION.

7 ~~(c)~~ (4) **Relinquishment options.** (a) ~~To satisfy the requirement~~  
8 ~~in paragraph (a) of this subsection (2), the respondent may~~ FOR EACH  
9 FIREARM RELINQUISHED PURSUANT TO THIS SECTION, THE SHERIFF SHALL  
10 OFFER ALL OF THE FOLLOWING OPTIONS TO THE RESPONDENT, WHICH THE  
11 SHERIFF SHALL OVERSEE:

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

17 (II) Arrange for the storage of the firearm or ammunition by a law  
18 enforcement agency ~~OR BY A STORAGE FACILITY WITH WHICH THE SHERIFF~~  
19 ~~HAS CONTRACTED FOR THE STORAGE OF TRANSFERRED FIREARMS;~~ except  
20 that this provision ~~shall~~ MUST not be interpreted to require any law  
21 enforcement agency to provide storage of firearms or ammunition for any  
22 person; or

23 (III) (A) Sell or otherwise transfer the firearm or ammunition to  
24 a private party who may legally possess the firearm or ammunition;  
25 except that a ~~person~~ RESPONDENT who sells or transfers a firearm  
26 pursuant to this ~~subparagraph (H)~~ SUBSECTION (4)(a)(III)(A) shall satisfy  
27 all of the provisions of section 18-12-112 ~~C.R.S.~~, concerning private

1 firearms transfers, including but not limited to the performance of a  
2 ~~criminal~~ background check of the transferee.

3 (B) THE PRIVATE PARTY SHALL COMPLETE A FIREARMS  
4 ACKNOWLEDGMENT FORM THAT, AT A MINIMUM, INFORMS THE PRIVATE  
5 PARTY OF THE RELEVANT STATE AND FEDERAL LAWS, LISTS THE  
6 CONSEQUENCES OF NONCOMPLIANCE, AND ASKS IF THE PRIVATE PARTY IS  
7 ABLE TO LEGALLY POSSESS A FIREARM. THE SHERIFF SHALL KEEP THE  
8 COMPLETED FIREARMS ACKNOWLEDGMENT FORM AND PROVIDE A COPY TO  
9 THE PRIVATE PARTY.

10 (C) A FIREARM MUST NOT BE TRANSFERRED TO A PRIVATE PARTY  
11 LIVING IN THE SAME RESIDENCE AS THE RESPONDENT AT THE TIME OF  
12 TRANSFER. IF A FIREARM IS TRANSFERRED TO A PRIVATE PARTY PURSUANT  
13 TO THIS SUBSECTION (4)(a)(III), THE SHERIFF SHALL ADVISE THE PRIVATE  
14 PARTY THAT RETURNING THE FIREARM TO THE RESPONDENT BEFORE THE  
15 RESPONDENT IS ABLE TO LAWFULLY POSSESS THE FIREARM PURSUANT TO  
16 STATE AND FEDERAL LAW MAY RESULT IN THE PRIVATE PARTY BEING  
17 CHARGED WITH A CRIME.

18 (D) THE SHERIFF SHALL PRESCRIBE THE MANNER IN WHICH  
19 FIREARMS ARE TRANSFERRED TO A PRIVATE PARTY PURSUANT TO THIS  
20 SUBSECTION (4)(a)(III) AND MAY CHARGE A REASONABLE FEE FOR  
21 OVERSEEING THE TRANSFER.

22 (b) **Hearing.** THE COURT SHALL CONDUCT A HEARING TO ENSURE  
23 THE RESPONDENT HAS COMPLIED WITH THE PROVISIONS OF THIS  
24 SUBSECTION (4). FAILURE TO APPEAR AT A HEARING DESCRIBED IN THIS  
25 SUBSECTION (4)(b) CONSTITUTES A VIOLATION OF THE PROTECTION ORDER  
26 ISSUED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND THE COURT  
27 MAY ISSUE A WARRANT FOR THE RESPONDENT'S ARREST OR SEARCH

1 WARRANT OF THE RESPONDENT'S RESIDENCE.

2 (5) **Declaration of nonpossession.** (a) IF THE RESPONDENT DOES  
3 NOT POSSESS FIREARMS AT THE TIME THE ORDER IS ISSUED PURSUANT TO  
4 SUBSECTION (1) OF THIS SECTION, THE RESPONDENT SHALL COMPLETE A  
5 DECLARATION OF NONPOSSESSION FORM IN COURT, WHICH MUST BE FILED  
6 IN THE COURT RECORD, AND THE COURT SHALL PROVIDE A COPY OF THE  
7 FORM TO THE SHERIFF.

8 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (5)(a) OF  
9 THIS SECTION OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE  
10 RESPONDENT POSSESSED A FIREARM AT THE TIME OF THE QUALIFYING  
11 INCIDENT GIVING RISE TO THE DUTY TO RELINQUISH THE FIREARM  
12 PURSUANT TO THIS SECTION BUT TRANSFERRED OR SOLD THE FIREARM TO  
13 A PRIVATE PARTY PRIOR TO THE COURT'S ISSUANCE OF THE ORDER, THE  
14 RESPONDENT SHALL DISCLOSE THE SALE OR TRANSFER OF THE FIREARM TO  
15 THE PRIVATE PARTY IN COURT. THE RESPONDENT, WITHIN TEN DAYS AFTER  
16 ISSUANCE OF THE ORDER, SHALL ACQUIRE A WRITTEN RECEIPT AND SIGNED  
17 AFFIDAVIT THAT COMPLIES WITH THE PROVISIONS OF SUBSECTION (9)(a)(I)  
18 OF THIS SECTION.

19 ~~(3)~~ (6) **Additional time to comply if respondent in custody.** If  
20 a 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 provisions not more than twenty-four hours,  
24 EXCLUSIVE OF LEGAL HOLIDAYS AND WEEKENDS, after ~~his or her~~ THE  
25 RESPONDENT'S release from incarceration or custody, or be held in  
26 contempt of court. Notwithstanding any provision of this ~~subsection (3)~~  
27 SUBSECTION (6), 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)~~ (7) **Relinquishment to a federally licensed firearms dealer.**

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

13 (a) Contacts the bureau to request that a background check of the  
14 respondent be performed; and

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

17 ~~(5)~~ (8) **Storage by a law enforcement agency.** (a) A local law  
18 enforcement agency may elect to store firearms or ammunition for  
19 ~~persons~~ A RESPONDENT pursuant to this section. THE SHERIFF MAY ENTER  
20 INTO AN AGREEMENT WITH ANY OTHER LAW ENFORCEMENT AGENCY,  
21 WHICH MAY INCLUDE ANY LOCAL OR MUNICIPAL POLICE FORCE, OR STATE  
22 POLICE, TO HAVE THAT LAW ENFORCEMENT AGENCY ASSUME THE DUTIES  
23 OF THE SHERIFF UNDER THIS SECTION. If an agency so elects:

24 ~~(a)~~ (I) The agency may charge a fee for such storage, the amount  
25 of which shall not exceed the direct and indirect costs incurred by the  
26 agency in providing such storage. THE AGENCY MAY SEEK A MATCHING  
27 INCENTIVE FEE FROM THE DEPARTMENT OF PUBLIC SAFETY ON AN ANNUAL

1 BASIS IN AN AMOUNT EQUAL TO THE TOTAL AMOUNT CHARGED BY THE  
2 AGENCY OR STORAGE FACILITY WITH WHICH THE SHERIFF HAS  
3 CONTRACTED FOR PROVIDING STORAGE OF A FIREARM PURSUANT TO THIS  
4 SUBSECTION (8). ANY MONEY THE AGENCY RECEIVES FROM THE  
5 DEPARTMENT OF PUBLIC SAFETY PURSUANT TO THIS SUBSECTION (8)(a)(I)  
6 MUST BE USED TO MAINTAIN OR INCREASE FIREARM STORAGE CAPACITY.

7 (II) IF THE RESPONDENT REFUSES TO PAY OUTSTANDING STORAGE  
8 FEES TO THE SHERIFF WITHIN ONE YEAR AFTER THE EXPIRATION OF THE  
9 PROHIBITION ON POSSESSING FIREARMS UNDER STATE AND FEDERAL LAW,  
10 THE SHERIFF MAY SEND, BY UNITED STATES MAIL, TO THE RESPONDENT'S  
11 LAST KNOWN ADDRESS, A NOTICE INFORMING THE RESPONDENT THAT IF  
12 THE RESPONDENT DOES NOT PAY THE OUTSTANDING STORAGE FEES TO THE  
13 SHERIFF WITHIN NINETY DAYS, THE FIREARMS MUST BE FORFEITED TO THE  
14 SHERIFF. IF, AFTER NINETY DAYS FROM THE MAILING OF THE NOTICE, THE  
15 RESPONDENT DOES NOT PAY THE OUTSTANDING FEES TO THE SHERIFF, THE  
16 SHERIFF MAY FILE A MOTION SEEKING A COURT ORDER DECLARING THAT  
17 THE FIREARMS ARE FORFEITED TO THE SHERIFF, WHO MAY THEN DISPOSE  
18 OF THE FIREARMS AT THE SHERIFF'S DISCRETION. THE SHERIFF MAY WAIVE  
19 THE STORAGE FEES FOR AN INDIGENT PERSON.

20 ~~(b)~~ (III) The agency may establish policies for disposal of  
21 abandoned or stolen firearms or ammunition; and

22 ~~(c)~~ (IV) The agency shall issue a receipt AND SIGNED AFFIDAVIT  
23 to ~~each~~ THE respondent at the time ~~the respondent relinquishes possession~~  
24 ~~of a firearm or ammunition~~ OF RELINQUISHMENT. THE AFFIDAVIT MUST  
25 MEMORIALIZE THE SALE OR TRANSFER 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 (8), the law enforcement agency shall not return the firearm  
2 or ammunition to the respondent unless the agency:

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

5 (b) (II) Obtains approval of the transfer from the bureau after the  
6 performance of the 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 (8)(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) PRIOR TO ANY TESTING OR EXAMINATION TO FACILITATE ANY  
26 CRIMINAL INVESTIGATION OR PROSECUTION, A SHERIFF WHO ELECTS TO  
27 STORE A FIREARM PURSUANT TO THIS SUBSECTION (8) SHALL OBTAIN A

1 SEARCH WARRANT AUTHORIZING THE TESTING OR EXAMINATION OF ANY  
2 SUCH FIREARM. THE TESTING OR EXAMINATION OF THE FIREARM  
3 PURSUANT TO THE SEARCH WARRANT MAY BE CONDUCTED AT ANY TIME  
4 BEFORE OR DURING THE PENDENCY OF ANY CRIMINAL PROCEEDING IN  
5 WHICH THE FIREARM, OR THE TESTING OR EXAMINATION OF THE FIREARM,  
6 MAY BE USED AS EVIDENCE.

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

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

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

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

1            ~~(9)(a)~~ (10) **Requirement to file signed affidavit.** (a) Not more  
2 than three business days, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS,  
3 after the relinquishment, the respondent shall file a copy of the ~~receipt~~  
4 SIGNED AFFIDAVIT issued pursuant to ~~subsection (4), (5), or (8)~~  
5 SUBSECTION (7), (8)(a)(III), OR (9)(a)(I) of this section, and, if applicable,  
6 the written statement of the results of a background check performed on  
7 the respondent, as described in ~~paragraph (b) of subsection (8)~~  
8 SUBSECTION (9)(a)(II) of this section, with the court as proof of the  
9 relinquishment. THE SIGNED AFFIDAVIT AND WRITTEN STATEMENT FILED  
10 PURSUANT TO THIS SUBSECTION (10) ARE ONLY AVAILABLE FOR  
11 INSPECTION BY THE COURT AND THE PARTIES TO THE PROCEEDING. If a  
12 respondent fails to timely TRANSFER OR SELL A FIREARM OR file a ~~receipt~~  
13 THE SIGNED AFFIDAVIT or written statement as described in this ~~subsection~~  
14 ~~(9)~~ SUBSECTION (10):

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

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

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

26            ~~(10)~~ (11) Nothing in this section shall be construed to limit LIMITS  
27 a respondent's right to petition the court for dismissal of a protection

1 order.

2 ~~(11)~~(12) A ~~person~~ RESPONDENT subject to a civil protection order  
3 issued pursuant to section 13-14-104.5 (1)(a) who possesses or attempts  
4 to purchase or receive a firearm or ammunition while the protection order  
5 is in effect violates the order pursuant to section 18-6-803.5 (1)(c). ~~C.R.S.~~

6 ~~(12)~~(a) (13) (a) A law enforcement agency that elects in good  
7 faith to not store a firearm or ammunition for a ~~person~~ RESPONDENT  
8 pursuant to ~~subparagraph (II) of paragraph (c) of subsection (2)~~  
9 SUBSECTION (4)(a)(II) of this section ~~shall~~ IS not ~~be~~ held criminally or  
10 civilly liable for such ~~election not to act~~ INACTION.

11 (b) A law enforcement agency that returns possession of a firearm  
12 or ammunition to a ~~person~~ RESPONDENT in good faith as permitted by  
13 ~~subsection (6)~~ SUBSECTION (8)(c) of this section ~~shall~~ IS not ~~be~~ held  
14 criminally or civilly liable for such action.

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

21 **SECTION 2.** In Colorado Revised Statutes, 18-1-1001, **amend**  
22 (9) as follows:

23 **18-1-1001. Protection order against defendant - definitions.**

24 (9) (a) **Order requirements.** When the court subjects a defendant to a  
25 mandatory protection order that qualifies as an order described in 18  
26 U.S.C. sec. 922 (g)(8), the court, as part of such order:

27 (I) Shall order the defendant to:

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

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

6 (II) May require that before the defendant is released from custody  
7 on bond, the defendant shall relinquish, for the duration of the order, any  
8 firearm or ammunition in the defendant's immediate possession or control  
9 or subject to the defendant's immediate possession or control.

10 (b) **Required forms.** (I) UPON THE ISSUANCE OF AN ORDER  
11 PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION, THE COURT SHALL:

12 (A) REQUIRE THE DEFENDANT TO STATE IN COURT OR COMPLETE  
13 AN AFFIDAVIT IN COURT STATING THE NUMBER OF FIREARMS IN THE  
14 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
15 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL AND THE LOCATION OF  
16 ALL FIREARMS IN THE RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL  
17 OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.  
18 ANY FULL AND TRUTHFUL STATEMENTS MADE TO THE COURT REGARDING  
19 THE NUMBER OF FIREARMS IN THE DEFENDANT'S IMMEDIATE POSSESSION  
20 OR CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR  
21 CONTROL AND THE LOCATION OF THE FIREARMS SHALL NOT BE USED  
22 AGAINST THE DEFENDANT IN ANY OTHER CIVIL OR CRIMINAL PROCEEDINGS.  
23 ANY UNTRUTHFUL STATEMENTS MADE TO THE COURT PURSUANT TO THIS  
24 SUBSECTION (9)(b)(I)(A) SUBJECTS THE DEFENDANT TO PENALTY OF  
25 PERJURY PURSUANT TO THE PROVISIONS OF PART 5 OF ARTICLE 8 OF TITLE  
26 18 AND PENALTY OF AN ATTEMPT TO INFLUENCE A PUBLIC SERVANT  
27 PURSUANT TO SECTION 18-8-306.

1           (B) REQUIRE THE DEFENDANT TO COMPLETE A FIREARM  
2 INFORMATION FORM THAT STATES THE NUMBER OF FIREARMS IN THE  
3 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
4 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL, THE TYPE OF EACH  
5 FIREARM, AND THE LOCATION OF EACH FIREARM; AND

6           (C) TRANSMIT A COPY OF THE ORDER DESCRIBED IN SUBSECTION  
7 (9)(a) OF THIS SECTION AND A COPY OF THE FIREARM INFORMATION FORM  
8 DESCRIBED IN SUBSECTION (9)(b)(I)(B) OF THIS SECTION TO THE SHERIFF  
9 OF THE COUNTY OF THE DEFENDANT'S RESIDENCE.

10          (II) THE STATE COURT ADMINISTRATOR SHALL DEVELOP THE  
11 AFFIDAVIT AND FIREARM INFORMATION FORM DESCRIBED IN SUBSECTION  
12 (9)(b)(I) OF THIS SECTION, THE FIREARMS ACKNOWLEDGMENT FORM  
13 DESCRIBED IN SUBSECTION (9)(d)(I)(C) OF THIS SECTION, AND ANY OTHER  
14 FORMS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION NO  
15 LATER THAN JANUARY 1, 2021. STATE COURTS MAY USE THE FORMS  
16 DEVELOPED BY THE STATE COURT ADMINISTRATOR PURSUANT TO THIS  
17 SUBSECTION (9)(b)(II) OR ANOTHER FORM OF THE COURT'S CHOOSING, SO  
18 LONG AS THE FORMS COMPLY WITH THE REQUIREMENTS OF THIS  
19 SUBSECTION (9)(b) .

20          ~~(b)~~ (c) **Time period to relinquish.** Upon issuance of an order  
21 pursuant to ~~paragraph (a) of this subsection (9)~~ SUBSECTION (9)(a) OF THIS  
22 SECTION, the defendant shall relinquish, IN ACCORDANCE WITH  
23 SUBSECTION (9)(d) OF THIS SECTION, any firearm or ammunition not more  
24 than twenty-four hours, EXCLUSIVE OF LEGAL HOLIDAYS AND WEEKENDS,  
25 after being served with the order; except that a court may allow a  
26 defendant up to ~~seventy-two~~ AN ADDITIONAL TWENTY-FOUR hours to  
27 relinquish a firearm or ~~up to five days to relinquish ammunition pursuant~~



1 to this paragraph (b) if the defendant demonstrates to the satisfaction of  
2 the court that ~~he or she~~ THE DEFENDANT is unable to comply within  
3 ~~twenty-four hours~~ THE TIME FRAME SET FORTH IN THIS SUBSECTION (9)(c).  
4 To satisfy this requirement, the defendant may

5 (d) **Relinquishment options.** (I) FOR EACH FIREARM  
6 RELINQUISHED PURSUANT TO THIS SUBSECTION (9), THE SHERIFF SHALL  
7 OFFER ALL OF THE FOLLOWING OPTIONS TO THE DEFENDANT, WHICH THE  
8 SHERIFF SHALL OVERSEE:

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;

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 except that this provision ~~shall~~ MUST not be interpreted to require any law  
18 enforcement agency to provide storage of firearms or ammunition for any  
19 person; or

20 ~~(H)~~ (C) Sell or otherwise transfer the firearm or ammunition to  
21 a private party who may legally possess the firearm or ammunition;  
22 except that a defendant who sells or transfers a firearm pursuant to this  
23 ~~subparagraph (H)~~ SUBSECTION (9)(d)(I)(C) shall satisfy all of the  
24 provisions of section 18-12-112, concerning private firearms transfers,  
25 including but not limited to the performance of a ~~criminal~~ background  
26 check of the transferee. THE PRIVATE PARTY SHALL COMPLETE A  
27 FIREARMS ACKNOWLEDGMENT FORM THAT, AT A MINIMUM, INFORMS THE

1 PRIVATE PARTY OF THE RELEVANT STATE AND FEDERAL LAWS, LISTS THE  
2 CONSEQUENCES OF NONCOMPLIANCE, AND ASKS IF THE PRIVATE PARTY IS  
3 ABLE TO LEGALLY POSSESS A FIREARM. THE SHERIFF SHALL KEEP THE  
4 COMPLETED FIREARMS ACKNOWLEDGMENT FORM AND PROVIDE A COPY TO  
5 THE PRIVATE PARTY. A FIREARM MUST NOT BE TRANSFERRED TO A  
6 PRIVATE PARTY LIVING IN THE SAME RESIDENCE AS THE DEFENDANT AT  
7 THE TIME OF TRANSFER. IF A FIREARM IS TRANSFERRED TO A PRIVATE  
8 PARTY PURSUANT TO THIS SUBSECTION (9)(d)(I)(C), THE SHERIFF SHALL  
9 ADVISE THE PRIVATE PARTY THAT RETURNING THE FIREARM TO THE  
10 DEFENDANT BEFORE THE DEFENDANT IS ABLE TO LAWFULLY POSSESS THE  
11 FIREARM PURSUANT TO STATE AND FEDERAL LAW MAY RESULT IN THE  
12 PRIVATE PARTY BEING CHARGED WITH A CRIME.

13 (II) THE SHERIFF SHALL PRESCRIBE THE MANNER IN WHICH  
14 FIREARMS ARE TRANSFERRED TO A PRIVATE PARTY PURSUANT TO  
15 SUBSECTION (9)(d)(I)(C) OF THIS SECTION.

16 (e) **Hearing and conditions of release on bond.** THE COURT  
17 SHALL CONDUCT A HEARING TO ENSURE THE DEFENDANT HAS COMPLIED  
18 WITH THE PROVISIONS OF THIS SUBSECTION (9). THE HEARING IS  
19 CONSIDERED A COURT ACTION INVOLVING A BOND REDUCTION OR  
20 MODIFICATION AS DESCRIBED IN SECTION 24-4.1-302 (2)(c). A DEFENDANT  
21 MUST COMPLY WITH SECTION 16-4-105 (4.1) AS IT RELATES TO THE  
22 CONDITIONS OF RELEASE ON BOND.

23 (f) (I) **Declaration of nonpossession.** IF THE DEFENDANT DOES  
24 NOT POSSESS FIREARMS AT THE TIME THE ORDER IS ISSUED PURSUANT TO  
25 THIS SUBSECTION (9), THE DEFENDANT SHALL COMPLETE A DECLARATION  
26 OF NONPOSSESSION FORM IN COURT, WHICH MUST BE FILED IN THE COURT  
27 RECORD, AND THE COURT SHALL PROVIDE A COPY OF THE FORM TO THE

1 SHERIFF.

2 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (9)(f)(I)  
3 OF THIS SECTION OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF  
4 THE DEFENDANT POSSESSED A FIREARM AT THE TIME OF THE QUALIFYING  
5 INCIDENT GIVING RISE TO THE DUTY TO TRANSFER THE FIREARM PURSUANT  
6 TO THIS SUBSECTION (9) BUT TRANSFERRED OR SOLD THE FIREARM TO A  
7 PRIVATE PARTY PRIOR TO THE COURT'S ISSUANCE OF THE ORDER, THE  
8 DEFENDANT SHALL DISCLOSE THE SALE OR TRANSFER OF THE FIREARM TO  
9 THE PRIVATE PARTY IN COURT. THE DEFENDANT, WITHIN TEN DAYS AFTER  
10 ISSUANCE OF THE ORDER, SHALL ACQUIRE A WRITTEN RECEIPT AND SIGNED  
11 AFFIDAVIT THAT COMPLIES WITH THE PROVISIONS OF SUBSECTION  
12 (9)(j)(I)(A) OF THIS SECTION.

13 ~~(e)~~ (g) **Additional time to comply if defendant is incarcerated.**

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

1            ~~(d)~~ (h) **Relinquishment to a federally licensed firearms dealer.**

2            A federally licensed firearms dealer who takes possession of a firearm or  
3            ammunition pursuant to this section shall issue a receipt AND SIGNED  
4            AFFIDAVIT to the defendant at the time of relinquishment. THE AFFIDAVIT  
5            MUST MEMORIALIZE THE SALE OR TRANSFER OF THE FIREARM. The  
6            federally licensed firearms dealer shall not return the firearm or  
7            ammunition to the defendant unless the dealer:

8            (I) Contacts the bureau to request that a background check of the  
9            defendant be performed; and

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

12            ~~(e)~~ (i) **Storage by a law enforcement agency.** (I) A local law  
13            enforcement agency may elect to store firearms or ammunition for  
14            ~~persons~~ A DEFENDANT pursuant to this subsection (9). THE SHERIFF MAY  
15            ENTER INTO AN AGREEMENT WITH ANY OTHER LAW ENFORCEMENT  
16            AGENCY, WHICH MAY INCLUDE ANY LOCAL OR MUNICIPAL POLICE FORCE,  
17            OR STATE POLICE, TO HAVE THAT LAW ENFORCEMENT AGENCY ASSUME  
18            THE DUTIES OF THE SHERIFF UNDER THIS SUBSECTION (9). If an agency so  
19            elects:

20            ~~(f)~~ (A) The agency may charge a fee for such storage, the amount  
21            of which ~~shall~~ MUST not exceed the direct and indirect costs incurred by  
22            the agency in providing such storage. THE AGENCY MAY SEEK A  
23            MATCHING INCENTIVE FEE FROM THE DEPARTMENT OF PUBLIC SAFETY ON  
24            AN ANNUAL BASIS IN AN AMOUNT EQUAL TO THE TOTAL AMOUNT CHARGED  
25            BY THE AGENCY OR STORAGE FACILITY WITH WHICH THE SHERIFF HAS  
26            CONTRACTED FOR PROVIDING STORAGE OF A FIREARM PURSUANT TO THIS  
27            SUBSECTION (9)(i). ANY MONEY THE AGENCY RECEIVES FROM THE

1 DEPARTMENT OF PUBLIC SAFETY PURSUANT TO THIS SUBSECTION (9)(i)  
2 MUST BE USED TO MAINTAIN OR INCREASE FIREARM STORAGE CAPACITY.

3 (B) IF THE DEFENDANT REFUSES TO PAY OUTSTANDING STORAGE  
4 FEES TO THE SHERIFF WITHIN ONE YEAR AFTER THE EXPIRATION OF THE  
5 PROHIBITION ON POSSESSING FIREARMS UNDER STATE AND FEDERAL LAW,  
6 THE SHERIFF MAY SEND, BY UNITED STATES MAIL, TO THE DEFENDANT'S  
7 LAST KNOWN ADDRESS, A NOTICE INFORMING THE DEFENDANT THAT IF THE  
8 DEFENDANT DOES NOT PAY THE OUTSTANDING STORAGE FEES TO THE  
9 SHERIFF WITHIN NINETY DAYS, THE FIREARMS MUST BE FORFEITED TO THE  
10 SHERIFF. IF, AFTER NINETY DAYS FROM THE MAILING OF THE NOTICE, THE  
11 DEFENDANT DOES NOT PAY THE OUTSTANDING FEES TO THE SHERIFF, THE  
12 SHERIFF MAY FILE A MOTION SEEKING A COURT ORDER DECLARING THAT  
13 THE FIREARMS ARE FORFEITED TO THE SHERIFF, WHO MAY THEN DISPOSE  
14 OF THE FIREARMS AT THE SHERIFF'S DISCRETION. THE SHERIFF MAY WAIVE  
15 THE STORAGE FEES FOR AN INDIGENT PERSON.

16 ~~(H)~~ (C) The agency may establish policies for disposal of  
17 abandoned or stolen firearms or ammunition; and

18 ~~(H)~~ (D) The agency shall issue a receipt AND SIGNED AFFIDAVIT  
19 to each THE defendant at the time ~~the defendant relinquishes possession~~  
20 ~~of a firearm or ammunition~~ OF RELINQUISHMENT. THE AFFIDAVIT MUST  
21 MEMORIALIZE THE SALE OR TRANSFER OF THE FIREARM.

22 ~~(F)~~ (II) If a local law enforcement agency elects to store firearms  
23 or ammunition for a defendant pursuant to this subsection (9), the law  
24 enforcement agency shall not return the firearm or ammunition to the  
25 defendant unless the agency:

26 ~~(F)~~ (A) Contacts the bureau to request that a background check of  
27 the defendant be performed; and

1           ~~(H)~~ (B) Obtains approval of the transfer from the bureau after the  
2 performance of the background check.

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

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

19           (IV) PRIOR TO ANY TESTING OR EXAMINATION TO FACILITATE ANY  
20 CRIMINAL INVESTIGATION OR PROSECUTION, A SHERIFF WHO ELECTS TO  
21 STORE A FIREARM PURSUANT TO THIS SUBSECTION (9)(i) SHALL OBTAIN A  
22 SEARCH WARRANT AUTHORIZING THE TESTING OR EXAMINATION OF ANY  
23 SUCH FIREARM. THE TESTING OR EXAMINATION OF THE FIREARM  
24 PURSUANT TO THE SEARCH WARRANT MAY BE CONDUCTED AT ANY TIME  
25 BEFORE OR DURING THE PENDENCY OF ANY CRIMINAL PROCEEDING IN  
26 WHICH THE FIREARM, OR THE TESTING OR EXAMINATION OF THE FIREARM,  
27 MAY BE USED AS EVIDENCE.

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

6           ~~(H)~~ (A) From the ~~transferee~~ FEDERALLY LICENSED FIREARMS  
7 DEALER, a written receipt AND SIGNED AFFIDAVIT acknowledging the  
8 transfer, which receipt shall be dated and signed by the defendant, ~~and~~ the  
9 transferee, AND THE FEDERALLY LICENSED FIREARMS DEALER; and

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

14           (II) NOTWITHSTANDING SECTION 18-12-112, IF A PRIVATE PARTY  
15 ELECTS TO STORE A FIREARM FOR A DEFENDANT PURSUANT TO THIS  
16 SUBSECTION (9), THE PRIVATE PARTY SHALL NOT RETURN THE FIREARM TO  
17 THE DEFENDANT UNLESS THE PRIVATE PARTY ACQUIRES FROM THE  
18 FEDERALLY LICENSED FIREARMS DEALER WHO REQUESTS FROM THE  
19 BUREAU A BACKGROUND CHECK OF THE DEFENDANT, A WRITTEN  
20 STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK AUTHORIZING  
21 THE RETURN OF THE FIREARM TO THE DEFENDANT.

22           ~~(i)~~ (k) **Requirement to file signed affidavit.** (I) Not more than  
23 three business days, EXCLUDING LEGAL HOLIDAYS AND WEEKENDS, after  
24 the relinquishment, the defendant shall file a copy of the ~~receipt~~ SIGNED  
25 AFFIDAVIT issued pursuant to ~~paragraph (d), (e), or (h) of this subsection~~  
26 ~~(9)~~ SUBSECTION (9)(h), (9)(i)(I)(D), OR (9)(j)(I)(A) OF THIS SECTION, and,  
27 if applicable, the written statement of the results of a background check

1 performed on the defendant as described in ~~subparagraph (H) of~~  
2 ~~paragraph (h) of this subsection (9)~~ SUBSECTION (9)(j)(I)(B) OF THIS  
3 SECTION, with the court as proof of the relinquishment. THE SIGNED  
4 AFFIDAVIT AND WRITTEN STATEMENT FILED PURSUANT TO THIS  
5 SUBSECTION (9)(k) SHALL ONLY BE AVAILABLE FOR INSPECTION BY THE  
6 COURT AND THE PARTIES TO THE PROCEEDING. If a defendant fails to  
7 timely TRANSFER OR SELL A FIREARM OR file ~~a receipt~~ THE SIGNED  
8 AFFIDAVIT or written statement as described in this ~~paragraph (i)~~  
9 SUBSECTION (9)(k)(I):

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

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

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

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

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



1           ~~(H)~~ (n) (I) A law enforcement agency that elects in good faith to  
2 not store a firearm or ammunition for a defendant pursuant to ~~subsection~~  
3 ~~(9)(b)(H)~~ SUBSECTION (9)(i) of this section ~~shall~~ IS not ~~be~~ held criminally  
4 or civilly liable for such ~~election not to act~~ INACTION.

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

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

15           **SECTION 3.** In Colorado Revised Statutes, 16-4-105, **add** (4.1)  
16 as follows:

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

25           **SECTION 4.** In Colorado Revised Statutes, 13-14.5-113, **add** (3)  
26 as follows:

27           **13-14.5-113. Liability.** (3) A FEDERALLY LICENSED FIREARMS

1 DEALER OR LAW ENFORCEMENT AGENCY THAT STORES A FIREARM AS  
2 PERMITTED BY THIS ARTICLE 14.5 IS NOT CIVILLY LIABLE FOR ANY  
3 RESULTING DAMAGES TO THE FIREARM, AS LONG AS SUCH DAMAGE DID  
4 NOT RESULT FROM THE WILLFUL AND WRONGFUL ACT OR GROSS  
5 NEGLIGENCE OF THE PERSON OR AGENCY STORING THE FIREARM.

6 **SECTION 5.** In Colorado Revised Statutes, 18-6-803.5, **amend**  
7 (1)(c) introductory portion and (1)(c)(II) as follows:

8 **18-6-803.5. Crime of violation of a protection order - penalty**  
9 **- peace officers' duties - definitions.** (1) A person commits the crime of  
10 violation of a protection order if, after the person has been personally  
11 served with a protection order that identifies the person as a restrained  
12 person or otherwise has acquired from the court or law enforcement  
13 personnel actual knowledge of the contents of a protection order that  
14 identifies the person as a restrained person, the person:

15 (c) Violates a civil protection order issued pursuant to section  
16 13-14-105.5 ~~C.R.S.~~, or A MANDATORY PROTECTION ORDER ISSUED  
17 pursuant to section 18-1-1001 (9) by:

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

22 **SECTION 6.** In Colorado Revised Statutes, 13-14.5-108, **amend**  
23 (2)(b) as follows:

24 **13-14.5-108. Surrender of a firearm.** (2) (b) If the petitioner for  
25 an extreme risk protection order is a law enforcement agency or officer,  
26 the law enforcement officer serving the extreme risk protection order  
27 shall take custody of the respondent's firearms pursuant to the search

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

10           **SECTION 7. Safety clause.** The general assembly hereby finds,  
11 determines, and declares that this act is necessary for the immediate  
12 preservation of the public peace, health, or safety.