

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**REREVISED**

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

LLS NO. 13-0840.01 Richard Sweetman x4333

**SENATE BILL 13-197**

---

**SENATE SPONSORSHIP**

**Hudak, Newell**

**HOUSE SPONSORSHIP**

**McCann and Fields,**

---

**Senate Committees**

Judiciary  
Appropriations

**House Committees**

Judiciary  
Appropriations

---

**A BILL FOR AN ACT**

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

---

**Bill Summary**

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

When a court subjects a person to a protection order to prevent domestic violence or a protection order that prohibits the person from possessing or controlling firearms or other weapons, or the court convicts a person of a misdemeanor or felony domestic violence offense, the court

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

HOUSE  
Amended 3rd Reading  
April 22, 2013

HOUSE  
Amended 2nd Reading  
April 19, 2013

SENATE  
3rd Reading Unamended  
March 11, 2013

SENATE  
Amended 2nd Reading  
March 8, 2013

shall require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control. In the case of a person who is served in court with a protection order to prevent domestic violence, and in the case of a person who is served with a mandatory protection order prohibiting the person from possessing or controlling firearms or other weapons, the person must relinquish any firearm or ammunition within 24 hours. In the case of a person who is served outside of the court with a protection order to prevent domestic violence, the person must relinquish any firearm or ammunition within 48 hours. However, a court may allow a person up to 72 hours to comply if the person demonstrates to the satisfaction of the court that he or she is unable to comply within 24 or 48 hours, as applicable.

To satisfy the requirement, the person may:

- ! Sell or transfer possession of the firearm or ammunition to a federally licensed firearms dealer;
- ! Arrange for the storage of the firearm or ammunition by a law enforcement agency; or
- ! Sell or transfer the firearm or ammunition to a private party; except that the person shall not transfer a firearm or ammunition to a private party unless the private party has been approved to possess or purchase a firearm pursuant to a background check of the national instant criminal background check system.

If a person is unable to satisfy the requirement because he or she is incarcerated or otherwise held in the custody of a law enforcement agency, the court, as a condition of the person's sentence, shall require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control before the person may be released from such incarceration or custody.

If a person sells or otherwise transfers a firearm or ammunition to a private party, the person shall acquire:

- ! From the transferee, a written receipt acknowledging the transfer, which receipt shall be dated and signed by the person and the transferee; and
- ! From the licensed gun dealer who requests from the Colorado bureau of investigation a background check of the transferee, a written statement of the results of the background check.

If a local law enforcement agency elects to store firearms or ammunition for a person:

- ! The agency may charge a fee for such storage, the amount of which shall not exceed the direct and indirect costs incurred by the agency in providing such storage; and

! The agency may establish policies for disposal of abandoned or stolen firearms or ammunition.

A federally licensed firearms dealer who takes possession of a firearm or ammunition, and a law enforcement agency that stores a firearm or ammunition, shall issue a receipt to the person who transfers possession of the firearm or ammunition. Not more than 3 calendar days after relinquishing the firearm or ammunition, the person shall file a copy of the receipt with the court as proof of the relinquishment. A person who fails to timely file a receipt commits a class 2 misdemeanor.

A person subject to a protection order who possesses or attempts to purchase or receive a firearm or ammunition while the protection order is in effect violates the protection order.

---

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

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

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

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

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

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

17 (e) The federal "Gun Ban for Individuals Convicted of a  
18 Misdemeanor Crime of Domestic Violence", Pub.L. 104–208, specifically  
19 addresses the most dangerous domestic violence offenders; that is, those

1 who have the highest risk of committing a domestic violence homicide  
2 involving a firearm; and

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

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

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

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

17 [REDACTED]

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

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

27 (a) Contacts, harasses, injures, intimidates, molests, threatens, or

1 touches the protected person or protected property, including an animal,  
2 identified in the protection order or enters or remains on premises or  
3 comes within a specified distance of the protected person, protected  
4 property, including an animal, or premises or violates any other provision  
5 of the protection order to protect the protected person from imminent  
6 danger to life or health, and such conduct is prohibited by the protection  
7 order; or

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

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

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

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

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

21 **13-14-102. Civil protection orders - legislative declaration.**

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

26 (I) SHALL ORDER THE PERSON TO:

27 (A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR

1 AMMUNITION FOR THE DURATION OF THE ORDER; AND

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

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

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

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

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

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

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

27 (A) SELL OR TRANSFER POSSESSION OF THE FIREARM OR

1 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN  
2 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL  
3 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS  
4 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR  
5 AMMUNITION;

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

10 (C) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION  
11 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR  
12 AMMUNITION; EXCEPT THAT A PERSON WHO SELLS OR TRANSFERS A  
13 FIREARM PURSUANT TO THIS SUB-SUBPARAGRAPH (C) SHALL SATISFY ALL  
14 OF THE PROVISIONS OF SECTION 18-12-112, C.R.S., CONCERNING PRIVATE  
15 FIREARMS TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE  
16 OF A CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

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

1 THE RESPONDENT'S INCARCERATION. IN SUCH A CASE, A RESPONDENT'S  
2 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL  
3 CONSTITUTE CONTEMPT OF COURT.

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

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

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

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

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

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

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

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



1 OR AMMUNITION TO THE RESPONDENT UNLESS THE AGENCY:

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

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

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

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

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

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

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

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

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

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

21 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A  
22 PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (i), THE COURT SHALL  
23 TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT  
24 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE  
25 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION  
26 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT  
27 OR HIS OR HER DEPUTY IS NOT REQUIRED.

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

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

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

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

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

20          **18-1-1001. Protection order against defendant.** (9) (a) WHEN  
21          THE COURT SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER  
22          THAT QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g) (8),  
23          THE COURT, AS PART OF SUCH ORDER:

24                  (I) SHALL ORDER THE DEFENDANT TO:

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

27                  (B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM

1 OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR  
2 CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR  
3 CONTROL; AND

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

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

19 (I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR  
20 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN  
21 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL  
22 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS  
23 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR  
24 AMMUNITION;

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

1 PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR  
2 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION  
3 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR  
4 AMMUNITION; EXCEPT THAT A DEFENDANT WHO SELLS OR TRANSFERS A  
5 FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF  
6 THE PROVISIONS OF SECTION 18-12-112, CONCERNING PRIVATE FIREARMS  
7 TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A  
8 CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

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

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

1 THE DEALER:

2 (I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND

3 CHECK OF THE DEFENDANT BE PERFORMED; AND

4 (II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU

5 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

6 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE

7 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION

8 (9). IF AN AGENCY SO ELECTS:

9 (I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE

10 AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS

11 INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

12 (II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF

13 ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

14 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT

15 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR

16 AMMUNITION.

17 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE

18 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS

19 SUBSECTION (9), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE

20 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY:

21 (I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND

22 CHECK OF THE DEFENDANT BE PERFORMED; AND

23 (II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU

24 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

25 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A

26 FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS

27 SUBSECTION (9) MAY ELECT TO CEASE STORING THE FIREARM OR

1 AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE  
2 STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY  
3 THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT  
4 IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE  
5 POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF  
6 THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO  
7 ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

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

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

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

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

26 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE  
27 RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT

1 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (9)  
2 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A  
3 BACKGROUND CHECK PERFORMED ON THE DEFENDANT AS DESCRIBED IN  
4 SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (9), WITH THE  
5 COURT AS PROOF OF THE RELINQUISHMENT. IF A DEFENDANT FAILS TO  
6 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS  
7 PARAGRAPH (i):

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

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

12 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A  
13 PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (i), THE COURT SHALL  
14 TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT  
15 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE  
16 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION  
17 18-6-803.5 (1) (C), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT  
18 OR HIS OR HER DEPUTY IS NOT REQUIRED.

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

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

27 (l) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH



1 TO NOT STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT  
2 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
3 THIS SUBSECTION (9) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE  
4 FOR SUCH ELECTION NOT TO ACT.

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

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

11 **18-6-801. Domestic violence - sentencing.** (8) (a) IN ADDITION  
12 TO ANY SENTENCE THAT IS IMPOSED UPON A DEFENDANT FOR VIOLATION  
13 OF ANY CRIMINAL LAW UNDER THIS TITLE, IF A DEFENDANT IS CONVICTED  
14 OF ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY  
15 THE COURT ON THE RECORD TO BE A MISDEMEANOR CRIME OF DOMESTIC  
16 VIOLENCE, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (33), OR THAT IS  
17 PUNISHABLE BY A TERM OF IMPRISONMENT EXCEEDING ONE YEAR AND  
18 INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION  
19 18-6-800.3 (1), THE COURT:

20 (I) SHALL ORDER THE DEFENDANT TO:

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

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

26 (II) MAY REQUIRE THAT BEFORE THE DEFENDANT IS RELEASED  
27 FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE

1 DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE  
2 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
3 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

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

14 (I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR  
15 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN  
16 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL  
17 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS  
18 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR  
19 AMMUNITION;

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

24 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION  
25 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR  
26 AMMUNITION; EXCEPT THAT A DEFENDANT WHO SELLS OR TRANSFERS A  
27 FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF

1 THE PROVISIONS OF SECTION 18-12-112, CONCERNING PRIVATE FIREARMS  
2 TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A  
3 CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

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

18 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES  
19 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS  
20 SUBSECTION (8) SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME  
21 OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL  
22 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS  
23 THE DEALER:

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

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

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

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

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

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

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

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

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

20 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A  
21 FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS  
22 SUBSECTION (8) MAY ELECT TO CEASE STORING THE FIREARM OR  
23 AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE  
24 STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY  
25 THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT  
26 IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE  
27 POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF

1 THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO  
2 ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

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

10 (h) IF A DEFENDANT SELLS OR OTHERWISE TRANSFERS A FIREARM  
11 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE  
12 FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF  
13 PARAGRAPH (b) OF THIS SUBSECTION (8), THE DEFENDANT SHALL  
14 ACQUIRE:

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

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

22 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE  
23 RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT  
24 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (8),  
25 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A  
26 BACKGROUND CHECK PERFORMED ON THE TRANSFEREE, AS DESCRIBED IN  
27 SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (8), WITH THE

1 COURT AS PROOF OF THE RELINQUISHMENT. IF A DEFENDANT FAILS TO  
2 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS  
3 PARAGRAPH (i):

4 (A) THE FAILURE CONSTITUTES A CLASS 2 MISDEMEANOR, AND THE  
5 DEFENDANT SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401;  
6 AND

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

9 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF THIS  
10 PARAGRAPH (i), THE COURT SHALL TAKE JUDICIAL NOTICE OF THE  
11 DEFENDANT'S FAILURE TO FILE A RECEIPT OR WRITTEN STATEMENT, WHICH  
12 WILL CONSTITUTE PRIMA FACIE EVIDENCE THAT THE DEFENDANT HAS  
13 VIOLATED THIS PARAGRAPH (i), AND TESTIMONY OF THE CLERK OF THE  
14 COURT OR HIS OR HER DEPUTY IS NOT REQUIRED.

15 (j) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH  
16 TO NOT STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT  
17 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
18 THIS SUBSECTION (8) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE  
19 FOR SUCH ELECTION NOT TO ACT.

20 (II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF  
21 A FIREARM OR AMMUNITION TO A DEFENDANT IN GOOD FAITH AS  
22 PERMITTED BY PARAGRAPH (f) OF THIS SUBSECTION (8) SHALL NOT BE  
23 HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

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

26 **13-14-105.5. Civil protection orders - prohibition on**  
27 **possessing or purchasing a firearm. (1) IF THE COURT SUBJECTS A**

1 PERSON TO A CIVIL PROTECTION ORDER PURSUANT TO A PROVISION OF THIS  
2 ARTICLE AND THE PROTECTION ORDER QUALIFIES AS AN ORDER DESCRIBED  
3 IN 18 U.S.C. SEC. 922 (d) (8) OR (g) (8), THE COURT, AS PART OF SUCH  
4 ORDER:

5 (a) SHALL ORDER THE PERSON TO:

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

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

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

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

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

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

25 (b) A COURT MAY ALLOW A RESPONDENT UP TO SEVENTY-TWO  
26 HOURS TO RELINQUISH A FIREARM OR UP TO FIVE DAYS TO RELINQUISH  
27 AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) IF THE

1 RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT  
2 HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET FORTH IN  
3 SAID SUBSECTION (2).

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

6 (I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR  
7 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN  
8 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL  
9 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS  
10 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR  
11 AMMUNITION;

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

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

23 (3) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF  
24 SUBSECTION (2) OF THIS SECTION BECAUSE HE OR SHE IS INCARCERATED OR  
25 OTHERWISE HELD IN THE CUSTODY OF A LAW ENFORCEMENT AGENCY, THE  
26 COURT SHALL REQUIRE THE RESPONDENT TO SATISFY SUCH PROVISIONS  
27 NOT MORE THAN TWENTY-FOUR HOURS AFTER HIS OR HER RELEASE FROM



1 INCARCERATION OR CUSTODY OR BE HELD IN CONTEMPT OF COURT.  
2 NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (3), THE COURT  
3 MAY, IN ITS DISCRETION, REQUIRE THE RESPONDENT TO RELINQUISH ANY  
4 FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION  
5 OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION  
6 OR CONTROL BEFORE THE END OF THE RESPONDENT'S INCARCERATION. IN  
7 SUCH A CASE, A RESPONDENT'S FAILURE TO RELINQUISH A FIREARM OR  
8 AMMUNITION AS REQUIRED SHALL CONSTITUTE CONTEMPT OF COURT.

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

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

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

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

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

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

27 (c) THE AGENCY SHALL ISSUE A RECEIPT TO EACH RESPONDENT AT

1 THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM OR  
2 AMMUNITION.

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

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

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

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

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

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

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

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

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

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

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

25 (b) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A  
26 PROTECTION ORDER DESCRIBED IN THIS SUBSECTION (9), THE COURT SHALL  
27 TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT

1 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE  
2 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION  
3 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT  
4 OR HIS OR HER DEPUTY IS NOT REQUIRED.

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

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

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

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

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

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

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

3           ■ ■

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

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