

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0637.01 Michael Dohr x4347

HOUSE BILL 21-1098

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HOUSE SPONSORSHIP

Woog,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING CIVIL LIABILITY FOR PREVENTING A PERSON FROM  
102 DEFENDING HIMSELF OR HERSELF USING A FIREARM AS A RESULT  
103 OF AN ORDER ISSUED PURSUANT TO ARTICLE 14.5 OF TITLE 13,  
104 COLORADO REVISED STATUTES.

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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>.)*

The bill creates a civil cause of action for a person who suffers injury or damages as a result of not being able to use a firearm to defend himself, herself, or his or her family as a result of a temporary extreme

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.

risk protection order or an ongoing extreme risk protection order. The civil action may be brought against any person who drafted, proposed, promoted, or provided support, financial or otherwise, to pass, implement, or enforce House Bill 19-1177, extreme risk protection orders. A successful plaintiff is entitled to attorney fees and compensatory damages or liquidated damages.

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

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

4           (a) Article 14.5 of title 13, Colorado Revised Statutes, extreme  
5 risk protection orders, creates a victimless crime and a presumptive law  
6 that punishes a law-abiding citizen before and without damage done to  
7 any person or property, before a jury trial or conviction, and without  
8 regard to the rules of the common law guaranteed by the seventh and  
9 ninth amendments of the United States constitution; and

10           (b) Article 14.5 of title 13, Colorado Revised Statutes, extreme  
11 risk protection orders, violates the second, fifth, sixth, seventh, and ninth  
12 amendments to the United States constitution, article VI of the United  
13 States constitution, the Supremacy Clause, and the spirit and original  
14 intent of the Declaration of Independence.

15           (2) Therefore, it is necessary to provide a remedy to those who  
16 suffer damages as a result of the application of article 14.5 of title 13,  
17 Colorado Revised Statutes, extreme risk protection orders.

18           **SECTION 2.** In Colorado Revised Statutes, **add** 13-21-133 as  
19 follows:

20           **13-21-133. Civil liability for enacting extreme risk protection**  
21 **orders.** (1) A PERSON OR A PERSONAL REPRESENTATIVE OF A PERSON  
22 WHO SUFFERS INJURY OR DAMAGES AS A RESULT OF NOT BEING ABLE TO

1 USE A FIREARM TO DEFEND HIMSELF, HERSELF, OR HIS OR HER FAMILY AS  
2 A RESULT OF A TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED  
3 PURSUANT TO SECTION 13-14.5-103 OR AN ONGOING EXTREME RISK  
4 PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-104 MAY  
5 BRING A CIVIL ACTION TO RECOVER DAMAGES AGAINST ANY PERSON WHO  
6 DRAFTED, PROPOSED, PROMOTED, OR PROVIDED SUPPORT, FINANCIAL OR  
7 OTHERWISE, TO PASS, IMPLEMENT, OR ENFORCE HOUSE BILL 19-1177.

8 (2) A PLAINTIFF WHO PREVAILS IN AN ACTION PURSUANT TO THIS  
9 SECTION IS ENTITLED TO REASONABLE ATTORNEY FEES AND EITHER:

10 (a) ALL DAMAGES REASONABLY NECESSARY TO COMPENSATE THE  
11 PLAINTIFF FOR ANY PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL INJURIES,  
12 INCLUDING POST-TRAUMATIC STRESS DISORDER, SUFFERED AS A RESULT  
13 OF NOT BEING ABLE TO USE A FIREARM TO DEFEND HIMSELF OR HERSELF;  
14 OR

15 (b) LIQUIDATED DAMAGES OF AT LEAST ONE HUNDRED THOUSAND  
16 DOLLARS OR UP TO ONE HUNDRED MILLION DOLLARS IF DEATH OR  
17 DISABILITY OCCURS.

18 (3) NOTHING IN THIS SECTION PROHIBITS A PERSON FROM  
19 PURSUING ANY OTHER REMEDY PROVIDED BY STATE LAW, UNITED STATES  
20 CONSTITUTIONAL LAW, OR COMMON LAW.

21 **SECTION 3. Act subject to petition - effective date.** This act  
22 takes effect at 12:01 a.m. on the day following the expiration of the  
23 ninety-day period after final adjournment of the general assembly; except  
24 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
25 of the state constitution against this act or an item, section, or part of this  
26 act within such period, then the act, item, section, or part will not take  
27 effect unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the  
2 official declaration of the vote thereon by the governor.