

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading 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 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 COMPLY WITH PARAGRAPH (a) OF THIS SUBSECTION (2) IF THE
27 RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT

1 HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET FORTH IN
2 SAID SUBSECTION (2).

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

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

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

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

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

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

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

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

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

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

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

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

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

1 AMMUNITION.

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

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

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

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

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

27 (8) IF A RESPONDENT SELLS OR OTHERWISE TRANSFERS A FIREARM

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

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

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

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

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

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

24 (b) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A
25 PROTECTION ORDER DESCRIBED IN THIS SUBSECTION (9), THE COURT SHALL
26 TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT
27 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE

1 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION
2 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT
3 OR HIS OR HER DEPUTY IS NOT REQUIRED.

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

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

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

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

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

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

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

2 ■ ■

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

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