

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 13-0840.01 Richard Sweetman x4333

**SENATE BILL 13-197**

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**SENATE SPONSORSHIP**

**Hudak, Newell**

**HOUSE SPONSORSHIP**

**McCann and Fields,**

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**Senate Committees**

Judiciary  
Appropriations

**House Committees**

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**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.**

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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://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.*

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.

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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 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 **SECTION 2.** In Colorado Revised Statutes, 13-14-102, **add** (22)  
18 as follows:

19 **13-14-102. Civil protection orders - legislative declaration.**

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

24 (I) SHALL ORDER THE PERSON 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 RESPONDENT'S IMMEDIATE POSSESSION OR  
2 CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR  
3 CONTROL; AND

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

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

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

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

17 (II) A COURT MAY ALLOW A RESPONDENT UP TO SEVENTY-TWO  
18 HOURS TO COMPLY WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF  
19 THE RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT  
20 THAT HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET  
21 FORTH IN SAID SUBPARAGRAPH (I).

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

24 (A) SELL OR TRANSFER POSSESSION OF THE FIREARM OR  
25 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN  
26 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL  
27 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS

1 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR  
2 AMMUNITION;

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

7 (C) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION  
8 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR  
9 AMMUNITION; EXCEPT THAT THE PERSON SHALL NOT TRANSFER A FIREARM  
10 OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE PARTY HAS  
11 BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM PURSUANT TO A  
12 BACKGROUND CHECK OF THE NATIONAL INSTANT CRIMINAL BACKGROUND  
13 CHECK SYSTEM, WHICH BACKGROUND CHECK SHALL BE PERFORMED BY  
14 THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION  
15 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS SECTION AS THE  
16 "BUREAU", PURSUANT TO SECTION 24-33.5-424, C.R.S., UPON THE  
17 REQUEST OF A LICENSED GUN DEALER, AS DEFINED IN SECTION 12-26.1-106  
18 (6), C.R.S.

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

1 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
2 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF  
3 THE RESPONDENT'S INCARCERATION. IN SUCH A CASE, A RESPONDENT'S  
4 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL  
5 CONSTITUTE CONTEMPT OF COURT.

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

12 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND  
13 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE  
14 CONDUCTED OF THE RESPONDENT; AND

15 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
16 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

17 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
18 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT  
19 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE RESPONDENT WITHIN  
20 THE PRECEDING THIRTY DAYS AND THAT THE RESPONDENT WAS THEREBY  
21 APPROVED TO POSSESS A FIREARM.

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

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

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

3           (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH RESPONDENT  
4 AT THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM  
5 OR AMMUNITION.

6           (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE  
7 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION  
8 (22), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE FIREARM  
9 OR AMMUNITION TO THE RESPONDENT UNLESS THE AGENCY EITHER:

10           (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND  
11 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE  
12 CONDUCTED OF THE RESPONDENT; AND

13           (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
14 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

15           (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
16 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN  
17 CONDUCTED OF THE RESPONDENT WITHIN THE PRECEDING THIRTY DAYS  
18 AND THAT THE RESPONDENT WAS THEREBY APPROVED TO RECEIVE  
19 TRANSFER OF A FIREARM.

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

1 FIREARM, TO ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS  
2 A FIREARM.

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

10 (h) IF A RESPONDENT 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 SUB-SUBPARAGRAPH (C) OF  
13 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22), THE  
14 RESPONDENT SHALL ACQUIRE:

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

18 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE  
19 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE  
20 TRANSFEREE, AS DESCRIBED IN SUB-SUBPARAGRAPH (C) OF  
21 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22), A  
22 WRITTEN STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK.

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

1 IN SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (22), WITH  
2 THE COURT AS PROOF OF THE RELINQUISHMENT. IF A RESPONDENT FAILS TO  
3 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS  
4 PARAGRAPH (i):

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

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

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

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

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

24 (l) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH  
25 TO NOT STORE A FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO  
26 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
27 THIS SUBSECTION (22) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE

1 FOR SUCH ELECTION NOT TO ACT.

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

6 **SECTION 3.** In Colorado Revised Statutes, 18-1-1001, **add** (9)  
7 as follows:

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

12 (I) SHALL ORDER THE DEFENDANT TO:

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

15 (B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM  
16 OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR  
17 CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR  
18 CONTROL; AND

19 (II) MAY REQUIRE THAT BEFORE THE DEFENDANT IS RELEASED  
20 FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE  
21 DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE  
22 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
23 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

24 (b) UPON ISSUANCE OF AN ORDER PURSUANT TO PARAGRAPH (a) OF  
25 THIS SUBSECTION (9), THE DEFENDANT SHALL RELINQUISH ANY FIREARM  
26 OR AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING  
27 SERVED WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A

1 DEFENDANT UP TO SEVENTY-TWO HOURS TO COMPLY WITH THIS  
2 PARAGRAPH (b) IF THE DEFENDANT DEMONSTRATES TO THE SATISFACTION  
3 OF THE COURT THAT HE OR SHE IS UNABLE TO COMPLY WITHIN  
4 TWENTY-FOUR HOURS. TO SATISFY THIS REQUIREMENT, THE DEFENDANT  
5 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 THE DEFENDANT SHALL NOT TRANSFER A  
19 FIREARM OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE  
20 PARTY HAS BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM  
21 PURSUANT TO A BACKGROUND CHECK OF THE NATIONAL INSTANT  
22 CRIMINAL BACKGROUND CHECK SYSTEM, WHICH BACKGROUND CHECK  
23 SHALL BE PERFORMED BY THE COLORADO BUREAU OF INVESTIGATION  
24 CREATED IN SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS  
25 SECTION AS THE "BUREAU", PURSUANT TO SECTION 24-33.5-424, C.R.S.,  
26 UPON THE REQUEST OF A LICENSED GUN DEALER, AS DEFINED IN SECTION  
27 12-26.1-106 (6), C.R.S.

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

15 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES  
16 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION  
17 SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME OF  
18 RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL  
19 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS  
20 THE DEALER EITHER:

21 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND  
22 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE  
23 CONDUCTED OF THE DEFENDANT; AND

24 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
25 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

26 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
27 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT

1 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE DEFENDANT WITHIN  
2 THE PRECEDING THIRTY DAYS AND THAT THE DEFENDANT WAS THEREBY  
3 APPROVED TO POSSESS A FIREARM.

4 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE  
5 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION  
6 (9). IF AN AGENCY SO ELECTS:

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

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

12 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT  
13 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR  
14 AMMUNITION.

15 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE  
16 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS  
17 SUBSECTION (9), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE  
18 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY  
19 EITHER:

20 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND  
21 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE  
22 CONDUCTED OF THE DEFENDANT; AND

23 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
24 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

25 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
26 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN  
27 CONDUCTED OF THE DEFENDANT WITHIN THE PRECEDING THIRTY DAYS

1 AND THAT THE DEFENDANT WAS THEREBY APPROVED TO RECEIVE  
2 TRANSFER OF A FIREARM.

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

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

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

24 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING  
25 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE  
26 DEFENDANT AND THE TRANSFEREE; AND

27 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE

1 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE  
2 TRANSFEREE, AS DESCRIBED IN SAID SUBPARAGRAPH (III) OF PARAGRAPH  
3 (b) OF THIS SUBSECTION (9), A WRITTEN STATEMENT OF THE RESULTS OF  
4 THE BACKGROUND CHECK.

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

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

16 (B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S  
17 ARREST.

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

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

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

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

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

15           **SECTION 4.** In Colorado Revised Statutes, 18-6-801, **add** (8) as  
16 follows:

17           **18-6-801. Domestic violence - sentencing.** (8) (a) IN ADDITION  
18 TO ANY SENTENCE THAT IS IMPOSED UPON A DEFENDANT FOR VIOLATION  
19 OF ANY CRIMINAL LAW UNDER THIS TITLE, IF A DEFENDANT IS CONVICTED  
20 OF ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY  
21 THE COURT ON THE RECORD TO BE A MISDEMEANOR CRIME OF DOMESTIC  
22 VIOLENCE, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (33), OR THAT IS  
23 PUNISHABLE BY A TERM OF IMPRISONMENT EXCEEDING ONE YEAR AND  
24 INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION  
25 18-6-800.3 (1), THE COURT:

26           (I) SHALL ORDER THE DEFENDANT TO:  
27           (A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR

1 AMMUNITION FOR THE DURATION OF THE ORDER; AND

2 (B) RELINQUISH ANY FIREARM OR AMMUNITION IN THE  
3 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
4 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL; AND

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

10 (b) UPON ISSUANCE OF AN ORDER TO RELINQUISH ONE OR MORE  
11 FIREARMS OR AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS  
12 SUBSECTION (8), THE DEFENDANT SHALL RELINQUISH ANY FIREARM OR  
13 AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED  
14 WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A DEFENDANT UP TO  
15 SEVENTY-TWO HOURS TO COMPLY WITH THIS PARAGRAPH (b) IF THE  
16 DEFENDANT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT  
17 HE OR SHE IS UNABLE TO COMPLY WITHIN TWENTY-FOUR HOURS. TO  
18 SATISFY THIS REQUIREMENT, THE DEFENDANT 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 THE DEFENDANT SHALL NOT TRANSFER A  
5 FIREARM OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE  
6 PARTY HAS BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM  
7 PURSUANT TO A BACKGROUND CHECK OF THE NATIONAL INSTANT  
8 CRIMINAL BACKGROUND CHECK SYSTEM, WHICH BACKGROUND CHECK  
9 SHALL BE PERFORMED BY THE COLORADO BUREAU OF INVESTIGATION  
10 CREATED IN SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS  
11 SECTION AS THE "BUREAU", PURSUANT TO SECTION 24-33.5-424, C.R.S.,  
12 UPON THE REQUEST OF A LICENSED GUN DEALER, AS DEFINED IN SECTION  
13 12-26.1-106 (6), C.R.S.

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

1 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES  
2 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS  
3 SUBSECTION (8) SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME  
4 OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL  
5 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS  
6 THE DEALER EITHER:

7 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND  
8 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE  
9 CONDUCTED OF THE DEFENDANT; AND

10 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
11 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

12 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
13 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT  
14 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE DEFENDANT WITHIN  
15 THE PRECEDING THIRTY DAYS AND THAT THE DEFENDANT WAS THEREBY  
16 APPROVED TO POSSESS A FIREARM.

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

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

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

25 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT  
26 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR  
27 AMMUNITION.

1           (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE  
2 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS  
3 SUBSECTION (8), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE  
4 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY  
5 EITHER:

6           (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND  
7 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT  
8 TO 18 U.S.C. SEC. 922, BE CONDUCTED OF THE DEFENDANT; AND

9           (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
10 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

11           (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
12 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN  
13 CONDUCTED OF THE DEFENDANT WITHIN THE PRECEDING THIRTY DAYS  
14 AND THAT THE DEFENDANT WAS THEREBY APPROVED TO RECEIVE  
15 TRANSFER OF A FIREARM.

16           (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A  
17 FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS  
18 SUBSECTION (8) MAY ELECT TO CEASE STORING THE FIREARM OR  
19 AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE  
20 STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY  
21 THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT  
22 IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE  
23 POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF  
24 THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO  
25 ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

26           (II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING  
27 A FIREARM OR AMMUNITION FOR A DEFENDANT AND NOTIFIES THE

1 DEFENDANT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g),  
2 THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR  
3 AMMUNITION IF THE DEFENDANT FAILS TO MAKE ARRANGEMENTS FOR THE  
4 TRANSFER OF THE FIREARM OR AMMUNITION AND COMPLETE SAID  
5 TRANSFER WITHIN NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

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

11 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING  
12 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE  
13 DEFENDANT AND THE TRANSFEREE; AND

14 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE  
15 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE  
16 TRANSFEREE, AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
17 THIS SUBSECTION (8), A WRITTEN STATEMENT OF THE RESULTS OF THE  
18 BACKGROUND CHECK.

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

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

4           (B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S  
5 ARREST.

6           (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A  
7 PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (g), THE COURT SHALL  
8 TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT  
9 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE  
10 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION  
11 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT  
12 OR HIS OR HER DEPUTY IS NOT REQUIRED.

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

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

22           **SECTION 5.** In Colorado Revised Statutes, 18-6-803.5, **amend**  
23 (1) as follows:

24           **18-6-803.5. Crime of violation of a protection order - penalty**  
25 **- peace officers' duties.** (1) A person commits the crime of violation of  
26 a protection order if, after the person has been personally served with a  
27 protection order that identifies the person as a restrained person or

1 otherwise has acquired from the court or law enforcement personnel  
2 actual knowledge of the contents of a protection order that identifies the  
3 person as a restrained person, the person:

4 (a) Contacts, harasses, injures, intimidates, molests, threatens, or  
5 touches the protected person or protected property, including an animal,  
6 identified in the protection order or enters or remains on premises or  
7 comes within a specified distance of the protected person, protected  
8 property, including an animal, or premises or violates any other provision  
9 of the protection order to protect the protected person from imminent  
10 danger to life or health, and such conduct is prohibited by the protection  
11 order; or

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

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

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

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

23 **SECTION 6.** In Colorado Revised Statutes, 13-14-102, **add** (22)  
24 as follows:

25 **13-14-102. Civil protection orders - legislative declaration.**

26 (22) (a) WHEN THE COURT SUBJECTS A PERSON TO A CIVIL PROTECTION  
27 ORDER TO PREVENT DOMESTIC ABUSE, WHICH PROTECTION ORDER

1 QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (d) (8) AND (g)  
2 (8), THE COURT, AS PART OF SUCH ORDER:

3 (I) SHALL ORDER THE PERSON TO:

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

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

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

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

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

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

23 (II) A COURT MAY ALLOW A RESPONDENT UP TO SEVENTY-TWO  
24 HOURS TO COMPLY WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF  
25 THE RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT  
26 THAT HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET  
27 FORTH IN SAID SUBPARAGRAPH (I).

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

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

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

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

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

1 RESPONDENT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE  
2 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
3 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF  
4 THE RESPONDENT'S INCARCERATION. IN SUCH A CASE, A RESPONDENT'S  
5 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL  
6 CONSTITUTE CONTEMPT OF COURT.

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

13 (I) (A) CONTACTS THE COLORADO BUREAU OF INVESTIGATION  
14 CREATED IN SECTION 24-33.5-401, C.R.S. REFERRED TO WITHIN THIS  
15 SECTION AS THE "BUREAU", TO REQUEST THAT A BACKGROUND CHECK, IN  
16 ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE CONDUCTED OF THE  
17 RESPONDENT; AND

18 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
19 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

20 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
21 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT  
22 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE RESPONDENT WITHIN  
23 THE PRECEDING THIRTY DAYS AND THAT THE RESPONDENT WAS THEREBY  
24 APPROVED TO POSSESS A FIREARM.

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

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

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

6 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH RESPONDENT  
7 AT THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM  
8 OR AMMUNITION.

9 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE  
10 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION  
11 (22), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE FIREARM  
12 OR AMMUNITION TO THE RESPONDENT UNLESS THE AGENCY EITHER:

13 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND  
14 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE  
15 CONDUCTED OF THE RESPONDENT; AND

16 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
17 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

18 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
19 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN  
20 CONDUCTED OF THE RESPONDENT WITHIN THE PRECEDING THIRTY DAYS  
21 AND THAT THE RESPONDENT WAS THEREBY APPROVED TO RECEIVE  
22 TRANSFER OF A FIREARM.

23 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A  
24 FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO THIS SUBSECTION  
25 (22) MAY ELECT TO CEASE STORING THE FIREARM OR AMMUNITION. A LAW  
26 ENFORCEMENT AGENCY THAT ELECTS TO CEASE STORING A FIREARM OR  
27 AMMUNITION FOR A PERSON SHALL NOTIFY THE PERSON OF SUCH DECISION

1 AND REQUEST THAT THE PERSON IMMEDIATELY MAKE ARRANGEMENTS FOR  
2 THE TRANSFER OF THE POSSESSION OF THE FIREARM OR AMMUNITION TO  
3 THE PERSON OR, IF THE PERSON IS PROHIBITED FROM POSSESSING A  
4 FIREARM, TO ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS  
5 A FIREARM.

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

13 (h) IF A RESPONDENT SELLS OR OTHERWISE TRANSFERS A FIREARM  
14 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE  
15 FIREARM OR AMMUNITION, AS DESCRIBED IN SUB-SUBPARAGRAPH (C) OF  
16 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22), THE  
17 RESPONDENT SHALL ACQUIRE:

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

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

25 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE  
26 RELINQUISHMENT, THE RESPONDENT SHALL FILE A COPY OF THE RECEIPT  
27 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION

1 (22), AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF  
2 A BACKGROUND CHECK PERFORMED ON THE RESPONDENT, AS DESCRIBED  
3 IN SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (22), WITH  
4 THE COURT AS PROOF OF THE RELINQUISHMENT. IF A RESPONDENT FAILS TO  
5 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS  
6 PARAGRAPH (i):

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

9 (B) THE COURT SHALL ISSUE A WARRANT FOR THE RESPONDENT'S  
10 ARREST.

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

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

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

25 (l) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH  
26 TO NOT STORE A FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO  
27 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF

1 THIS SUBSECTION (22) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE  
2 FOR SUCH ELECTION NOT TO ACT.

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

7 **SECTION 7.** In Colorado Revised Statutes, 18-1-1001, **add** (9)  
8 as follows:

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

13 (I) SHALL ORDER THE DEFENDANT TO:

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

16 (B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM  
17 OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR  
18 CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR  
19 CONTROL; AND

20 (II) MAY REQUIRE THAT BEFORE THE DEFENDANT IS RELEASED  
21 FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE  
22 DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE  
23 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
24 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

25 (b) UPON ISSUANCE OF AN ORDER PURSUANT TO PARAGRAPH (a) OF  
26 THIS SUBSECTION (9), THE DEFENDANT SHALL RELINQUISH ANY FIREARM  
27 OR AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING

1 SERVED WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A  
2 DEFENDANT UP TO SEVENTY-TWO HOURS TO COMPLY WITH THIS  
3 PARAGRAPH (b) IF THE DEFENDANT DEMONSTRATES TO THE SATISFACTION  
4 OF THE COURT THAT HE OR SHE IS UNABLE TO COMPLY WITHIN  
5 TWENTY-FOUR HOURS. TO SATISFY THIS REQUIREMENT, THE DEFENDANT  
6 MAY:

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

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

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

24 (c) IF A DEFENDANT IS UNABLE TO SATISFY THE PROVISIONS OF  
25 PARAGRAPH (b) OF THIS SUBSECTION (9) BECAUSE HE OR SHE IS  
26 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW  
27 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE DEFENDANT TO

1 SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER  
2 HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN  
3 CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS  
4 PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE  
5 DEFENDANT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE  
6 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE  
7 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF  
8 THE DEFENDANT'S INCARCERATION. IN SUCH A CASE, A DEFENDANT'S  
9 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL  
10 CONSTITUTE CONTEMPT OF COURT.

11 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES  
12 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION  
13 SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME OF  
14 RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL  
15 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS  
16 THE DEALER EITHER:

17 (I) (A) CONTACTS THE COLORADO BUREAU OF INVESTIGATION  
18 CREATED IN SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS  
19 SECTION AS THE "BUREAU", TO REQUEST THAT A BACKGROUND CHECK, IN  
20 ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE CONDUCTED OF THE  
21 DEFENDANT; AND

22 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
23 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

24 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
25 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT  
26 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE DEFENDANT WITHIN  
27 THE PRECEDING THIRTY DAYS AND THAT THE DEFENDANT WAS THEREBY

1 APPROVED TO POSSESS A FIREARM.

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

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

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

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

13 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE  
14 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS  
15 SUBSECTION (9), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE  
16 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY  
17 EITHER:

18 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND  
19 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE  
20 CONDUCTED OF THE DEFENDANT; AND

21 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
22 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

23 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
24 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN  
25 CONDUCTED OF THE DEFENDANT WITHIN THE PRECEDING THIRTY DAYS  
26 AND THAT THE DEFENDANT WAS THEREBY APPROVED TO RECEIVE  
27 TRANSFER OF A FIREARM.

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

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

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

22           (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING  
23 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE  
24 DEFENDANT AND THE TRANSFEREE; AND

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

1 BACKGROUND CHECK.

2 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE  
3 RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT  
4 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (9)  
5 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A  
6 BACKGROUND CHECK PERFORMED ON THE DEFENDANT AS DESCRIBED IN  
7 SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (9), WITH THE  
8 COURT AS PROOF OF THE RELINQUISHMENT. IF A DEFENDANT FAILS TO  
9 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS  
10 PARAGRAPH (i):

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

13 (B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S  
14 ARREST.

15 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A  
16 PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (g), THE COURT SHALL  
17 TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT  
18 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE  
19 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION  
20 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT  
21 OR HIS OR HER DEPUTY IS NOT REQUIRED.

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

25 (k) A PERSON SUBJECT TO A MANDATORY PROTECTION ORDER  
26 ISSUED PURSUANT TO THIS SUBSECTION (9) WHO POSSESSES OR ATTEMPTS  
27 TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE

1 PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO  
2 SECTION 18-6-803.5 (1) (c).

3 (I) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH  
4 TO NOT STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT  
5 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF  
6 THIS SUBSECTION (9) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE  
7 FOR SUCH ELECTION NOT TO ACT.

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

12 **SECTION 8.** In Colorado Revised Statutes, 18-6-801, **add** (8) as  
13 follows:

14 **18-6-801. Domestic violence - sentencing.** (8) (a) IN ADDITION  
15 TO ANY SENTENCE THAT IS IMPOSED UPON A DEFENDANT FOR VIOLATION  
16 OF ANY CRIMINAL LAW UNDER THIS TITLE, IF A DEFENDANT IS CONVICTED  
17 OF ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY  
18 THE COURT ON THE RECORD TO BE A MISDEMEANOR CRIME OF DOMESTIC  
19 VIOLENCE, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (33), OR THAT IS  
20 PUNISHABLE BY A TERM OF IMPRISONMENT EXCEEDING ONE YEAR AND  
21 INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION  
22 18-6-800.3 (1), THE COURT:

23 (I) SHALL ORDER THE DEFENDANT TO:

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

26 (B) RELINQUISH ANY FIREARM OR AMMUNITION IN THE  
27 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE

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

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

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

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

26 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION  
27 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR

1 AMMUNITION; EXCEPT THAT A DEFENDANT WHO SELLS OR TRANSFERS A  
2 FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF  
3 THE PROVISIONS OF SECTION 18-12-112, CONCERNING PRIVATE FIREARMS  
4 TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A  
5 CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

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

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

26 (I) (A) CONTACTS THE COLORADO BUREAU OF INVESTIGATION  
27 CREATED IN SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS

1 SECTION AS THE "BUREAU", TO REQUEST THAT A BACKGROUND CHECK, IN  
2 ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE CONDUCTED OF THE  
3 DEFENDANT; AND

4 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
5 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

6 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
7 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT  
8 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE DEFENDANT WITHIN  
9 THE PRECEDING THIRTY DAYS AND THAT THE DEFENDANT WAS THEREBY  
10 APPROVED TO POSSESS A FIREARM.

11 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE  
12 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION

13 (8). IF AN AGENCY SO ELECTS:

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

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

19 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT  
20 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR  
21 AMMUNITION.

22 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE  
23 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS  
24 SUBSECTION (8), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE  
25 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY  
26 EITHER:

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

1 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE  
2 CONDUCTED OF THE DEFENDANT; AND

3 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU  
4 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

5 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND  
6 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN  
7 CONDUCTED OF THE DEFENDANT WITHIN THE PRECEDING THIRTY DAYS  
8 AND THAT THE DEFENDANT WAS THEREBY APPROVED TO RECEIVE  
9 TRANSFER OF A FIREARM.

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

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

27 (h) IF A DEFENDANT 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 (b) OF THIS SUBSECTION (8), THE DEFENDANT SHALL  
4 ACQUIRE:

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

8 (II) 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, A WRITTEN STATEMENT OF THE RESULTS OF THE  
11 BACKGROUND CHECK.

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

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

24 (B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S  
25 ARREST.

26 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF THIS  
27 PARAGRAPH (g), THE COURT SHALL TAKE JUDICIAL NOTICE OF THE

1 DEFENDANT'S FAILURE TO FILE A RECEIPT OR WRITTEN STATEMENT, WHICH  
2 WILL CONSTITUTE PRIMA FACIE EVIDENCE THAT THE DEFENDANT HAS  
3 VIOLATED THIS PARAGRAPH (g), AND TESTIMONY OF THE CLERK OF THE  
4 COURT OR HIS OR HER DEPUTY IS NOT REQUIRED.

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

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

14 **SECTION 9. Appropriation.** (1) In addition to any other  
15 appropriation, there is hereby appropriated, out of any moneys in the  
16 general fund not otherwise appropriated, to the judicial department, for  
17 the fiscal year beginning July 1, 2013, the sum of \$45,742 and 0.8 FTE,  
18 or so much thereof as may be necessary, to be allocated to trial court  
19 programs for the implementation of this act as follows:

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

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

22 (2) In addition to any other appropriation, there is hereby  
23 appropriated, out of any moneys in the general fund not otherwise  
24 appropriated, to the department of public safety, for the fiscal year  
25 beginning July 1, 2013, the sum of \$3,746 and 0.1 FTE, or so much  
26 thereof as may be necessary, for allocation to the state point of  
27 contact-national instant criminal background check program related to the

1 implementation of this act.

2           **SECTION 10. Effective date.** (1) Except as otherwise provided  
3 in this section, this act takes effect upon passage.

4           (2) (a) Sections 2, 3, and 4 of this act take effect only if House  
5 Bill 13-1229 does not become law.

6           (b) Sections 6, 7, and 8 of this act take effect only if House Bill  
7 13-1229 becomes law.

8           **SECTION 11. 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.