

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0840.01 Richard Sweetman x4333

SENATE BILL 13-197

SENATE SPONSORSHIP

Hudak, Newell

HOUSE SPONSORSHIP

McCann and Fields,

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING PREVENTING PERSONS WHO HAVE COMMITTED
102 DOMESTIC VIOLENCE FROM POSSESSING FIREARMS.

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 shall require the person to relinquish any firearm or ammunition in the

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.

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 **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, SHALL REQUIRE THE PERSON TO:

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

26 (II) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM
27 OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR

1 CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR
2 CONTROL.

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

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

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

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

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

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

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

1 (C) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
2 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
3 AMMUNITION; EXCEPT THAT THE PERSON SHALL NOT TRANSFER A FIREARM
4 OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE PARTY HAS
5 BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM PURSUANT TO A
6 BACKGROUND CHECK OF THE NATIONAL INSTANT CRIMINAL BACKGROUND
7 CHECK SYSTEM, WHICH BACKGROUND CHECK SHALL BE PERFORMED BY
8 THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO SECTION
9 24-33.5-424, C.R.S., UPON THE REQUEST OF A LICENSED GUN DEALER, AS
10 DEFINED IN SECTION 12-26.1-106 (6), C.R.S.

11 (c) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF
12 PARAGRAPH (b) OF THIS SUBSECTION (22) BECAUSE HE OR SHE IS
13 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
14 ENFORCEMENT AGENCY, THE COURT, AS A CONDITION OF THE
15 RESPONDENT'S SENTENCE, SHALL REQUIRE THE PERSON TO RELINQUISH
16 ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE
17 POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE
18 POSSESSION OR CONTROL BEFORE THE RESPONDENT IS RELEASED FROM
19 SUCH INCARCERATION OR CUSTODY.

20 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
21 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION
22 SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME OF
23 RELINQUISHMENT.

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

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

1 AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS
2 INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

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

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

8 (f) IF A RESPONDENT SELLS OR OTHERWISE TRANSFERS A FIREARM
9 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
10 FIREARM OR AMMUNITION, AS DESCRIBED IN SUB-SUBPARAGRAPH (C) OF
11 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22), THE
12 RESPONDENT SHALL ACQUIRE:

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

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

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

1 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS
2 PARAGRAPH (g):

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

5 (II) THE COURT SHALL ISSUE A WARRANT FOR THE RESPONDENT'S
6 ARREST.

7 (h) NOTHING IN THIS SUBSECTION (22) SHALL BE CONSTRUED TO
8 LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF
9 A PROTECTION ORDER.

10 (i) A PERSON SUBJECT TO A CIVIL PROTECTION ORDER ISSUED
11 PURSUANT TO SUBSECTION (1.5) OF THIS SECTION WHO POSSESSES OR
12 ATTEMPTS TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE
13 THE PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO
14 SECTION 18-6-803.5 (1) (c), C.R.S.

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

17 **18-1-1001. Protection order against defendant.** (9) (a) WHEN
18 THE COURT SUBJECTS A PERSON TO A MANDATORY PROTECTION ORDER
19 THAT PROHIBITS THE PERSON FROM POSSESSING OR CONTROLLING
20 FIREARMS OR AMMUNITION, AND THE PROTECTION ORDER QUALIFIES AS AN
21 ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g) (8), THE COURT, AS PART OF
22 SUCH ORDER, SHALL REQUIRE THE RESPONDENT TO:

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

25 (II) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM
26 OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR
27 CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR

1 CONTROL.

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

11 (I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR
12 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN
13 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL
14 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS
15 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR
16 AMMUNITION;

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

21 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
22 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
23 AMMUNITION; EXCEPT THAT THE PERSON SHALL NOT TRANSFER A FIREARM
24 OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE PARTY HAS
25 BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM PURSUANT TO A
26 BACKGROUND CHECK OF THE NATIONAL INSTANT CRIMINAL BACKGROUND
27 CHECK SYSTEM, WHICH BACKGROUND CHECK SHALL BE PERFORMED BY

1 THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO SECTION
2 24-33.5-424, C.R.S., UPON THE REQUEST OF A LICENSED GUN DEALER, AS
3 DEFINED IN SECTION 12-26.1-106 (6), C.R.S.

4 (c) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF
5 PARAGRAPH (b) OF THIS SUBSECTION (9) BECAUSE HE OR SHE IS
6 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
7 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE PERSON TO
8 RELINQUISH ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S
9 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S
10 IMMEDIATE POSSESSION OR CONTROL BEFORE THE RESPONDENT IS
11 RELEASED FROM SUCH INCARCERATION OR CUSTODY.

12 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
13 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION
14 SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME OF
15 RELINQUISHMENT.

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

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

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

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

27 (f) 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 (b) OF THIS SUBSECTION (9), THE RESPONDENT 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 RESPONDENT AND THE TRANSFEREE; AND

8 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
9 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE
10 TRANSFEREE, AS DESCRIBED IN SAID SUBPARAGRAPH (III) OF PARAGRAPH
11 (b) OF THIS SUBSECTION (9), A WRITTEN STATEMENT OF THE RESULTS OF
12 THE BACKGROUND CHECK.

13 (g) NOT MORE THAN THREE BUSINESS DAYS AFTER THE
14 RELINQUISHMENT, THE RESPONDENT SHALL FILE A COPY OF THE RECEIPT
15 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (f) OF THIS SUBSECTION (9)
16 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A
17 BACKGROUND CHECK PERFORMED ON THE TRANSFEREE, AS DESCRIBED IN
18 SUBPARAGRAPH (II) OF PARAGRAPH (f) OF THIS SUBSECTION (9), WITH THE
19 COURT AS PROOF OF THE RELINQUISHMENT. IF A RESPONDENT FAILS TO
20 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS
21 PARAGRAPH (g):

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

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

26 (h) NOTHING IN THIS SUBSECTION (9) SHALL BE CONSTRUED TO
27 LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF

1 A PROTECTION ORDER.

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

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

9 **18-6-801. Domestic violence - sentencing.** (8) (a) IN ADDITION
10 TO ANY SENTENCE THAT IS IMPOSED UPON A PERSON FOR VIOLATION OF
11 ANY CRIMINAL LAW UNDER THIS TITLE, IF A PERSON IS CONVICTED OF ANY
12 CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY THE
13 COURT TO BE A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE, AS DEFINED
14 IN 18 U.S.C. SEC. 921 (a) (33), OR TO INCLUDE AN ACT OF DOMESTIC
15 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), OR ANY CRIME AGAINST
16 PROPERTY, WHETHER OR NOT SUCH CRIME IS A FELONY, WHEN SUCH CRIME
17 IS USED AS A METHOD OF COERCION, CONTROL, PUNISHMENT,
18 INTIMIDATION, OR REVENGE DIRECTED AGAINST A PERSON WITH WHOM
19 THE ACTOR IS OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP, THE
20 COURT SHALL ORDER THE PERSON TO:

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

23 (II) RELINQUISH ANY FIREARM OR AMMUNITION IN THE PERSON'S
24 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE PERSON'S
25 IMMEDIATE POSSESSION OR CONTROL.

26 (b) UPON ISSUANCE OF AN ORDER TO RELINQUISH ONE OR MORE
27 FIREARMS OR AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS

1 SUBSECTION (8), THE DEFENDANT SHALL RELINQUISH ANY FIREARM OR
2 AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED
3 WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A RESPONDENT UP
4 TO SEVENTY-TWO HOURS TO COMPLY WITH THIS PARAGRAPH (b) IF THE
5 RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT
6 HE OR SHE IS UNABLE TO COMPLY WITHIN TWENTY-FOUR HOURS. TO
7 SATISFY THIS REQUIREMENT, THE RESPONDENT MAY:

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

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

18 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
19 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
20 AMMUNITION; EXCEPT THAT THE PERSON SHALL NOT TRANSFER A FIREARM
21 OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE PARTY HAS
22 BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM PURSUANT TO A
23 BACKGROUND CHECK OF THE NATIONAL INSTANT CRIMINAL BACKGROUND
24 CHECK SYSTEM, WHICH BACKGROUND CHECK SHALL BE PERFORMED BY
25 THE COLORADO BUREAU OF INVESTIGATION PURSUANT TO SECTION
26 24-33.5-424, C.R.S., UPON THE REQUEST OF A LICENSED GUN DEALER, AS
27 DEFINED IN SECTION 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 (8) 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 RELINQUISH ANY FIREARM OR AMMUNITION IN THE DEFENDANT'S
6 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S
7 IMMEDIATE POSSESSION OR CONTROL BEFORE THE DEFENDANT IS
8 RELEASED FROM SUCH INCARCERATION OR CUSTODY.

9 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
10 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS
11 SUBSECTION (8) SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME
12 OF RELINQUISHMENT.

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

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

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

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

24 (f) IF A DEFENDANT SELLS OR OTHERWISE TRANSFERS A FIREARM
25 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
26 FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF
27 PARAGRAPH (b) OF THIS SUBSECTION (8), THE DEFENDANT SHALL

1 ACQUIRE:

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

5 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
6 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE
7 TRANSFEREE, AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF
8 THIS SUBSECTION (8), A WRITTEN STATEMENT OF THE RESULTS OF THE
9 BACKGROUND CHECK.

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

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

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

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

26 **18-6-803.5. Crime of violation of a protection order - penalty**
27 **- peace officers' duties.** (1) A person commits the crime of violation of

1 a protection order if, after the person has been personally served with a
2 protection order that identifies the person as a restrained person or
3 otherwise has acquired from the court or law enforcement personnel
4 actual knowledge of the contents of a protection order that identifies the
5 person as a restrained person, the person:

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

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

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

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

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

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

27 **13-14-102. Civil protection orders - legislative declaration.**

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

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

7 (II) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM
8 OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR
9 CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR
10 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 COMPLY WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF
21 THE RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT
22 THAT HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET
23 FORTH IN SAID SUBPARAGRAPH (I).

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

26 (A) SELL OR TRANSFER POSSESSION OF THE FIREARM OR
27 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN

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

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

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

16 (c) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF
17 PARAGRAPH (b) OF THIS SUBSECTION (22) BECAUSE HE OR SHE IS
18 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
19 ENFORCEMENT AGENCY, THE COURT, AS A CONDITION OF THE
20 RESPONDENT'S SENTENCE, SHALL REQUIRE THE PERSON TO RELINQUISH
21 ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE
22 POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE
23 POSSESSION OR CONTROL BEFORE THE RESPONDENT IS RELEASED FROM
24 SUCH INCARCERATION OR CUSTODY.

25 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
26 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION
27 SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME OF

1 RELINQUISHMENT.

2 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
3 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
4 (22). 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 RESPONDENT
11 AT THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM
12 OR AMMUNITION.

13 (f) 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 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE
23 TRANSFEREE, AS DESCRIBED IN SECTION 18-12-112, C.R.S., A WRITTEN
24 STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK.

25 (g) 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 (f) OF THIS SUBSECTION (22),

1 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A
2 BACKGROUND CHECK PERFORMED ON THE RESPONDENT, AS DESCRIBED IN
3 SUBPARAGRAPH (II) OF PARAGRAPH (f) 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 (g):

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

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

11 (h) NOTHING IN THIS SUBSECTION (22) SHALL BE CONSTRUED TO
12 LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF
13 A PROTECTION ORDER.

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

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

21 **18-1-1001. Protection order against defendant.** (9) (a) WHEN
22 THE COURT SUBJECTS A PERSON TO A MANDATORY PROTECTION ORDER
23 THAT PROHIBITS THE PERSON FROM POSSESSING OR CONTROLLING
24 FIREARMS OR AMMUNITION, AND THE PROTECTION ORDER QUALIFIES AS
25 AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g) (8), THE COURT, AS PART
26 OF SUCH ORDER, SHALL REQUIRE THE RESPONDENT TO:

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

1 AMMUNITION FOR THE DURATION OF THE ORDER; AND

2 (II) 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.

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

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

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

25 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
26 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
27 AMMUNITION; EXCEPT THAT A PERSON WHO SELLS OR TRANSFERS A

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

5 (c) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF
6 PARAGRAPH (b) OF THIS SUBSECTION (9) BECAUSE HE OR SHE IS
7 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
8 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE PERSON TO
9 RELINQUISH ANY FIREARM OR AMMUNITION IN THE RESPONDENT'S
10 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE RESPONDENT'S
11 IMMEDIATE POSSESSION OR CONTROL BEFORE THE RESPONDENT IS
12 RELEASED FROM SUCH INCARCERATION OR CUSTODY.

13 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
14 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION
15 SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME OF
16 RELINQUISHMENT.

17 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
18 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
19 (9). 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 RESPONDENT
26 AT THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM
27 OR AMMUNITION.

1 (f) IF A RESPONDENT SELLS OR OTHERWISE TRANSFERS A FIREARM
2 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
3 FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF
4 PARAGRAPH (b) OF THIS SUBSECTION (9), THE RESPONDENT SHALL
5 ACQUIRE:

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

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

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

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

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

26 (h) NOTHING IN THIS SUBSECTION (9) SHALL BE CONSTRUED TO
27 LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF

1 A PROTECTION ORDER.

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

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

9 **18-6-801. Domestic violence - sentencing.** (8) (a) IN ADDITION
10 TO ANY SENTENCE THAT IS IMPOSED UPON A PERSON FOR VIOLATION OF
11 ANY CRIMINAL LAW UNDER THIS TITLE, IF A PERSON IS CONVICTED OF ANY
12 CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY THE
13 COURT TO BE A MISDEMEANOR CRIME OF DOMESTIC VIOLENCE, AS DEFINED
14 IN 18 U.S.C. SEC. 921 (a) (33), OR TO INCLUDE AN ACT OF DOMESTIC
15 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), OR ANY CRIME AGAINST
16 PROPERTY, WHETHER OR NOT SUCH CRIME IS A FELONY, WHEN SUCH CRIME
17 IS USED AS A METHOD OF COERCION, CONTROL, PUNISHMENT,
18 INTIMIDATION, OR REVENGE DIRECTED AGAINST A PERSON WITH WHOM
19 THE ACTOR IS OR HAS BEEN INVOLVED IN AN INTIMATE RELATIONSHIP, THE
20 COURT SHALL ORDER THE PERSON TO:

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

23 (II) RELINQUISH ANY FIREARM OR AMMUNITION IN THE PERSON'S
24 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE PERSON'S
25 IMMEDIATE POSSESSION OR CONTROL.

26 (b) UPON ISSUANCE OF AN ORDER TO RELINQUISH ONE OR MORE
27 FIREARMS OR AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS

1 SUBSECTION (8), THE DEFENDANT SHALL RELINQUISH ANY FIREARM OR
2 AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED
3 WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A RESPONDENT UP
4 TO SEVENTY-TWO HOURS TO COMPLY WITH THIS PARAGRAPH (b) IF THE
5 RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT
6 HE OR SHE IS UNABLE TO COMPLY WITHIN TWENTY-FOUR HOURS. TO
7 SATISFY THIS REQUIREMENT, THE RESPONDENT MAY:

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

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

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

25 (c) IF A DEFENDANT IS UNABLE TO SATISFY THE PROVISIONS OF
26 PARAGRAPH (b) OF THIS SUBSECTION (8) BECAUSE HE OR SHE IS
27 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW

1 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE DEFENDANT TO
2 RELINQUISH ANY FIREARM OR AMMUNITION IN THE DEFENDANT'S
3 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE DEFENDANT'S
4 IMMEDIATE POSSESSION OR CONTROL BEFORE THE DEFENDANT IS
5 RELEASED FROM SUCH INCARCERATION OR CUSTODY.

6 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
7 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS
8 SUBSECTION (8) SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME
9 OF RELINQUISHMENT.

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

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

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

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

21 (f) IF A DEFENDANT SELLS OR OTHERWISE TRANSFERS A FIREARM
22 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
23 FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF
24 PARAGRAPH (b) OF THIS SUBSECTION (8), THE DEFENDANT SHALL
25 ACQUIRE:

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

1 DEFENDANT AND THE TRANSFEREE; AND

2 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
3 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE
4 TRANSFEREE, AS DESCRIBED IN SECTION 18-12-112, A WRITTEN
5 STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK.

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

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

18 (II) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S
19 ARREST.

20 **SECTION 9. Effective date.** (1) Except as otherwise provided
21 in this section, this act takes effect upon passage.

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

24 (b) Sections 6, 7, and 8 of this act take effect only if House Bill
25 13-1229 becomes law.

26 **SECTION 10. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.