

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0840.01 Richard Sweetman x4333

SENATE BILL 13-197

SENATE SPONSORSHIP

Hudak, Newell

HOUSE SPONSORSHIP

McCann and Fields,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

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

Bill Summary

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

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

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

SENATE
3rd Reading Unamended
March 11, 2013

SENATE
Amended 2nd Reading
March 8, 2013

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

To satisfy the requirement, the person may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 [REDACTED]

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

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

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

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

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

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

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

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

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

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

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

26 (I) SHALL ORDER THE PERSON TO:

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

1 AMMUNITION FOR THE DURATION OF THE ORDER; AND

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

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

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

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

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

19 (II) A COURT MAY ALLOW A RESPONDENT UP TO SEVENTY-TWO
20 HOURS TO 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 SHALL REQUIRE THE RESPONDENT TO
20 SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER
21 HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN
22 CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS
23 PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE
24 RESPONDENT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE
25 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
26 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF
27 THE RESPONDENT'S INCARCERATION. IN SUCH A CASE, A RESPONDENT'S

1 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL
2 CONSTITUTE CONTEMPT OF COURT.

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

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

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

13 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
14 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
15 (22). 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 RESPONDENT RELINQUISHES POSSESSION OF A FIREARM
23 OR AMMUNITION.

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

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

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

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

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

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

27 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING

1 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE
2 RESPONDENT AND THE TRANSFEREE; AND

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

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

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

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

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

27 (j) NOTHING IN THIS SUBSECTION (22) SHALL BE CONSTRUED TO

1 LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF
2 A PROTECTION ORDER.

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

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

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

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

19 **18-1-1001. Protection order against defendant.** (9) (a) WHEN
20 THE COURT SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER
21 THAT QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g) (8),
22 THE COURT, AS PART OF SUCH ORDER:

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, FOR THE DURATION OF THE ORDER, ANY FIREARM
27 OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR

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

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

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

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

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

27 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION

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

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

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

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

1 CHECK OF THE DEFENDANT BE PERFORMED; AND

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

3 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

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 (I) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND

20 CHECK OF THE DEFENDANT BE PERFORMED; AND

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

22 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

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

24 FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS

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

26 AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE

27 STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY

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

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

13 (h) IF A DEFENDANT 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 SUBPARAGRAPH (III) OF
16 PARAGRAPH (b) OF THIS SUBSECTION (9), THE DEFENDANT SHALL ACQUIRE:

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

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

24 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE
25 RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT
26 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (9)
27 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A

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

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

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

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

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

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

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

1 THIS SUBSECTION (9) 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 DEFENDANT IN GOOD FAITH AS
5 PERMITTED BY PARAGRAPH (f) OF THIS SUBSECTION (9) SHALL NOT BE
6 HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

7 **SECTION 5.** 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 DEFENDANT FOR VIOLATION
11 OF ANY CRIMINAL LAW UNDER THIS TITLE, IF A DEFENDANT IS CONVICTED
12 OF ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY
13 THE COURT ON THE RECORD TO BE A MISDEMEANOR CRIME OF DOMESTIC
14 VIOLENCE, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (33), OR THAT IS
15 PUNISHABLE BY A TERM OF IMPRISONMENT EXCEEDING ONE YEAR AND
16 INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION
17 18-6-800.3 (1), THE COURT:

18 (I) SHALL ORDER THE DEFENDANT TO:

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

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

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

1 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

2 (b) UPON ISSUANCE OF AN ORDER TO RELINQUISH ONE OR MORE
3 FIREARMS OR AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS
4 SUBSECTION (8), THE DEFENDANT SHALL RELINQUISH ANY FIREARM OR
5 AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED
6 WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A DEFENDANT UP TO
7 SEVENTY-TWO HOURS TO COMPLY WITH THIS PARAGRAPH (b) IF THE
8 DEFENDANT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT
9 HE OR SHE IS UNABLE TO COMPLY WITHIN TWENTY-FOUR HOURS. TO
10 SATISFY THIS REQUIREMENT, THE DEFENDANT 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 A DEFENDANT WHO SELLS OR TRANSFERS A
24 FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF
25 THE PROVISIONS OF SECTION 18-12-112, CONCERNING PRIVATE FIREARMS
26 TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A
27 CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

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 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
17 SUBSECTION (8) SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME
18 OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL
19 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS
20 THE DEALER:

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

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

25 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
26 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
27 (8). 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 DEFENDANT AT
7 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR
8 AMMUNITION.

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

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

15 (II) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
16 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK.

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

27 (II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING

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

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

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

15 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
16 BUREAU A BACKGROUND CHECK OF THE TRANSFEREE, AS DESCRIBED IN
17 SECTION 18-12-112, 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 THIS
7 PARAGRAPH (i), THE COURT SHALL TAKE JUDICIAL NOTICE OF THE
8 DEFENDANT'S FAILURE TO FILE A RECEIPT OR WRITTEN STATEMENT, WHICH
9 WILL CONSTITUTE PRIMA FACIE EVIDENCE THAT THE DEFENDANT HAS
10 VIOLATED THIS PARAGRAPH (i), AND TESTIMONY OF THE CLERK OF THE
11 COURT OR HIS OR HER DEPUTY IS NOT REQUIRED.

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

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

21 **SECTION 6. Appropriation.** (1) In addition to any other
22 appropriation, there is hereby appropriated, out of any moneys in the
23 general fund not otherwise appropriated, to the judicial department, for
24 the fiscal year beginning July 1, 2013, the sum of \$45,742 and 0.8 FTE,
25 or so much thereof as may be necessary, to be allocated to trial court
26 programs for the implementation of this act as follows:

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

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

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

9 ■

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