

C.R.S. 13-14.5-104

Copy Citation

Statutes current through Chapter 220 of the 2021 Regular Session and effective as of June 10, 2021. The inclusion of the 2021 legislation is not final. It will be final later in 2021 after reconciliation with the official statutes, produced by the Colorado Office of Legislative Legal Services.

- [Colorado Revised Statutes Annotated](#)
- [Title 13. Courts and Court Procedure \(§§ 13-1-101 — 13-94-111\)](#)
- [Civil Protection Orders \(Arts. 14 — 14.5\)](#)
- [Article 14.5. Extreme Risk Protection Orders \(§§ 13-14.5-101 — 13-14.5-114\)](#)

13-14.5-104. Petition for extreme risk protection order

(1) A petition for an extreme risk protection order may be filed by a family or household member of the respondent or a law enforcement officer or agency. If the petition is filed by a law enforcement officer or agency, the officer or agency shall be represented in any judicial proceeding by a county or city attorney upon request. If the petition is filed by a family or household member, the petitioner, to the best of his or her ability, shall notify the law enforcement agency in the jurisdiction where the respondent resides of the petition and the hearing date with enough advance notice to allow for participation or attendance. Upon the filing of a petition, the court shall appoint an attorney to represent the respondent, and the court shall include the appointment in the notice of hearing provided to the respondent pursuant to section 13-14.5-105 (1)(a). The respondent may replace the attorney with an attorney of the respondent's own selection at any time at the respondent's own expense. Attorney fees for the attorney appointed for the respondent shall be paid by the court.

(2) A petition for an extreme risk protection order must be filed in the county where the respondent resides.

(3) A petition must:

(a) Allege that the respondent poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm and must be accompanied by an affidavit, signed under oath and penalty of perjury, stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent;

(b) Identify the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, or control;

(c) Identify whether the respondent is required to possess, carry, or use a firearm as a condition of the respondent's current employment;

(d) Identify whether there is a known existing domestic abuse protection order or emergency protection order governing the petitioner or respondent;

(e) Identify whether there is a pending lawsuit, complaint, petition, or other action between the parties to the petition; and

(f) If the petitioner is not a law enforcement agency, identify whether the petitioner informed a local law enforcement agency regarding the respondent.

(4) The court shall verify the terms of any existing order identified pursuant to subsection (3)(d) of this section governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties. A petition for an extreme risk protection order may be granted whether or not there is a pending action between the parties.

(5) If the petition states that disclosure of the petitioner's address would risk harm to the petitioner or any member of the petitioner's family or household, the petitioner's address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address pursuant to this section, the petitioner must designate an alternative address at which the respondent may serve notice of any motions. If the petitioner is a law enforcement officer or agency, the address of record must be that of the law enforcement agency.

(6) A court or public agency shall not charge a fee for filing or service of process to a petitioner seeking relief pursuant to this article 14.5. A petitioner or respondent must be provided the necessary number of certified copies, forms, and instructional brochures free of charge.

(7) A person is not required to post a bond to obtain relief in any proceeding pursuant to this section.

(8) The district and county courts of the state of Colorado have jurisdiction over proceedings pursuant to this article 14.5.

History

Source: L. 2019: Entire article added, (HB 19-1177), ch. 108, p. 386, § 1, effective April 12.

Colorado Revised Statutes Annotated
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