

C.R.S. 13-14.5-103

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Statutes current and final through all legislation from the 2023 Regular and First Extraordinary Sessions.

- [Colorado Revised Statutes Annotated](#)
- [Title 13. Courts and Court Procedure \(§§ 13-1-101 — 13-100-102\)](#)
- [Civil Protection Orders \(Arts. 14 — 14.5\)](#)
- [Article 14.5. Extreme Risk Protection Orders \(§§ 13-14.5-101 — 13-14.5-116\)](#)

13-14.5-103. Temporary extreme risk protection orders.

(1)

(a) A family or household member of the respondent, a community member, or a law enforcement officer or agency may request a temporary extreme risk protection order without notice to the respondent by including in the petition for the extreme risk protection order an affidavit, signed under oath and penalty of perjury, supporting the issuance of a temporary extreme risk protection order that sets forth the facts tending to establish the grounds of the petition or the reason for believing they exist and, if the petitioner is a family or household member or community member, attesting that the petitioner is a family or household member or community member. The petition must comply with the requirements of section 13-14.5-104 (3). If the petitioner is a law enforcement officer or law enforcement agency, the law enforcement officer or law enforcement agency shall concurrently file a sworn affidavit for a search warrant pursuant to section 16-3-301.5 to search for any firearms in the possession or control of the respondent at a location or locations to be named in the warrant. If a petition filed pursuant to section 27-65-106 is also filed against the respondent, a court of competent jurisdiction may hear that petition at the same time as the hearing for a temporary extreme risk protection order or the hearing for a continuing extreme risk protection order.

(b) Notwithstanding any provision of law to the contrary, a licensed health-care professional or mental health professional authorized to file a petition for a temporary extreme risk protection order, upon filing the petition for a temporary extreme risk protection order, is authorized to disclose protected health information of the respondent as necessary for the full investigation and disposition of the request for a temporary extreme risk protection order. When disclosing protected health information, the licensed health-care professional or mental health professional shall make reasonable efforts to limit protected health information to the minimum necessary to accomplish the filing of the petition. Upon receipt of a petition by a licensed health-care professional or mental health professional, and for good cause shown, the court may issue orders to obtain any records or documents relating to diagnosis, prognosis, or treatment, and clinical records, of the respondent as necessary for the full investigation and disposition of the petition for a temporary extreme risk protection order. When protected health information is disclosed or when the court receives any records or documents related to diagnosis, prognosis, or treatment or clinical records, the court shall order that the parties are prohibited from using or disclosing the protected health information for any purpose other than the proceedings for a petition for a temporary extreme risk protection order and shall order the return to the covered entity or destroy the protected health information, including all copies made, at the end of the litigation or proceeding. The court shall seal all records and other health information received that contain protected health information. The decision of a licensed health-care professional or mental health professional to disclose or not to disclose records or documents relating to the diagnosis, prognosis, or treatment, and clinical records of a respondent, when made reasonably and in good faith, shall not be the basis for any civil, administrative, or criminal liability with respect to the licensed health-care professional or licensed mental health professional.

(c)

(I) (c) (I) Venue for filing a petition pursuant to this section if the petitioner is a family or household member is proper in any county where the acts that are the subject of the petition occur, in any county where one of the parties resides, or in any county where one of the parties is employed. This

requirement for venue does not prohibit the change of venue to any other county appropriate under applicable law.

(II) A petition for an extreme risk protection order by a petitioner who is not a family or household member must be filed in the county where the respondent resides.

(2) In considering whether to issue a temporary extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including the evidence described in section 13-14.5-105 (3).

(3) If a court finds by a preponderance of the evidence that, based on the evidence presented pursuant to section 13-14.5-105 (3), the respondent poses a significant risk of causing personal injury to self or others in the near future by having in the respondent's custody or control a firearm or by purchasing, possessing, or receiving a firearm, the court shall issue a temporary extreme risk protection order.

(4) The court shall hold a temporary extreme risk protection order hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed. The court may schedule a hearing by telephone pursuant to local court rule to reasonably accommodate a disability or, in exceptional circumstances, to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing. A copy of the telephone hearing must be provided to the respondent prior to the hearing for an extreme risk protection order.

(5)

(a) In accordance with section 13-14.5-105 (1), the court shall schedule a hearing within fourteen days after the issuance of a temporary extreme risk protection order to determine if a three-hundred-sixty-four-day extreme risk protection order should be issued pursuant to this article 14.5. Notice of that hearing date must be included with the temporary extreme risk protection order that is served on the respondent. The court shall provide notice of the hearing date to the petitioner.

(b) Any temporary extreme risk protection order issued expires on the date and time of the hearing on the extreme risk protection order petition or the withdrawal of the petition.

(6) A temporary extreme risk protection order must include:

(a) A statement of the grounds asserted for the order;

(b) The date and time the order was issued;

(c) The date and time the order expires;

(d) The address of the court in which any responsive pleading should be filed;

(e) The date and time of the scheduled hearing;

(f) The requirements for surrender of firearms pursuant to section 13-14.5-108; and

(g) The following statement:

To the subject of this temporary extreme risk protection order: This order is valid until the date and time noted above. You may not have in your custody or control a firearm or purchase, possess, receive, or attempt to purchase or receive a firearm while this order is in effect. You must immediately surrender to the (insert name of law enforcement agency in the jurisdiction where the respondent resides) all firearms in your custody or possession, and any concealed carry permit issued to you. A hearing will be held on the date and at the time noted above to determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court entering an order against you that is valid for three hundred sixty four days. An attorney will be appointed to represent you, or you may seek the advice of your own attorney at your own expense as to any matter connected with this order.

(7) A law enforcement officer shall serve a temporary extreme risk protection order concurrently with the notice of hearing and petition and a notice that includes referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources, in the same manner as provided for in section 13-14.5-105 for service of the notice of hearing where the respondent resides.

(8)

(a) If the court issues a temporary extreme risk protection order, the court shall state the particular reasons for the court's issuance.

(b) If the court declines to issue a temporary extreme risk protection order, the court shall state the particular reasons for the court's denial.

History

Source:L. 2023:Entire article R&RE, (SB 23-170), ch. 124, p. 463, § 1, effective April 28.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 13, Art. 14.5

Colorado Revised Statutes Annotated
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