

C.R.S. 13-14.5-107

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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 \(§§ 13-14.5-101 — 13-14.5-116\)](#)

13-14.5-107. Termination or renewal of protection orders.

(1) Termination.

(a) The respondent may submit one written request for a hearing to terminate an extreme risk protection order issued pursuant to this article 14.5 for the period that the order is in effect. Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Notice of the request and date of hearing must be served on the petitioner in accordance with the Colorado rules of civil procedure or Colorado rules of county court civil procedure. The court shall set the hearing fourteen days after the filing of the request for a hearing to terminate an extreme risk protection order. The court shall terminate the extreme risk protection order if the respondent establishes by clear and convincing evidence that the respondent no longer poses a significant risk of causing personal injury to self or others by having in the respondent's custody or control a firearm or by purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in section 13-14.5-105 (3).

(b) The court may continue the hearing if the court determines that it cannot enter a termination order at the hearing but determines that there is a strong possibility that the court could enter a termination order at a future date before the expiration of the extreme risk protection order. If the court continues the hearing, the court shall set the date for the next hearing prior to the date for the expiration of the extreme risk protection order.

(2) Renewal.

(a) The court shall notify the petitioner of the impending expiration of an extreme risk protection order sixty-three calendar days before the date that the order expires.

(b) A petitioner, a family or household member of a respondent, a community member, or a law enforcement officer or agency may, by motion, request a renewal of an extreme risk protection order at any time within sixty-three calendar days before the expiration of the order.

(c) Upon receipt of the motion to renew, the court shall order that a hearing be held not later than fourteen days after the filing of the motion to renew. The court may schedule a hearing by telephone in the manner prescribed by section 13-14.5-105 (1)(a). The respondent must be personally served in the same manner prescribed by section 13-14.5-105 (1)(b) and (1)(c).

(d) In determining whether to renew an extreme risk protection order issued pursuant to this section, the court shall consider all relevant evidence and follow the same procedure as provided in section 13-14.5-105.

(e) If the court finds by clear and convincing evidence that, based on the evidence presented pursuant to section 13-14.5-105 (3), the respondent continues to pose a significant risk of causing personal injury to self or others by having in the respondent's custody or control a firearm or by purchasing, possessing, or receiving a firearm, the court shall renew the order for a period of time the court deems appropriate, not to exceed one year. In the order, the court shall set a return date to review the order no later than thirty-five days prior to the expiration of the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit, signed under oath and penalty of perjury, stating that there has been no material change in relevant circumstances since the entry of the order and stating the reason for the requested renewal.

(3) If an extreme risk protection order is terminated or not renewed for any reason, the law enforcement agency storing the respondent's firearms shall provide notice to the respondent regarding the process for the return of the firearms.

History

Source:L. 2023:Entire article R&RE, (SB 23-170), ch. 124, p. 473, § 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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