COLORADO

FINAL
EXTREME RISK PROTECTION ORDERS

A GUIDE TO THE PROCESS

A 38-year-old man who grabbed a .38 revolver and fled his home after his family discovered he was molesting his grandchild. The man was arrested with the gun in his vehicle. A 38-year-old man who threatened to kill himself, his wife, and their young child if she left him. His wife had overheard him distraught and crying in the bathroom, and cocking his .40 caliber pistol. A 28-year-old man who grabbed a gun case and threatened suicide. When his ex-girlfriend tried to call for help, he grabbed her by her hair, threw her on the ground, and pushed her head into a wall. Police seized two handguns, two rifles, and a shotgun.

A 35-year-old man with a small arsenal and a history of domestic violence whose wife suffered a serious laceration to her forehead and feared he might kill her. The man owned a 9mm pistol, a Mosquito semi-automatic pistol, a Ruger .22, a Springfield .40 caliber pistol, a Ruger rifle, a Mossberg shotgun, and an unmarked handgun. A 38-year-old man who locked his wife in a car with him, threatening her with a loaded firearm. When the Police Department arrived on the scene and searched the car, they found a meth pipe along with two loaded firearms that did not belong to him. He later surrendered a Glock 9mm and a .380 handgun. A 35-year-old man who locked his wife in a car with him, threatening her with a loaded firearm.

Terrified neighbors called police as bullets flew into their backyards. A 60-year-old man who believed he was shooting at raccoons and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards. A 60-year-old man who believed he was shooting at raccoons and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards.

A 23-year-old ex-Marine who had developed a paranoia that all males wanted to harm him. He had walked into an auto parts store with a loaded handgun, but called police before shooting anyone. A 39-year-old man who, while intoxicated (at three times the legal limit), believed he was shooting at raccoons and rats in his backyard. Terrified neighbors called police as bullets flew into their backyards.

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Final Extreme Risk Protection Order Process

**FILE AN EXTREME RISK PROTECTION ORDER (ERPO) PETITION**
Petitioner goes to the district or county court where the respondent resides and files a petition for a final ERPO during court hours.

**SERVE NOTICE OF THE FINAL ERPO HEARING**
Law enforcement or any person over the age of 18 serves the respondent with a copy of the notice of hearing and ERPO petition.

**PROCEED WITH FINAL ERPO HEARING**
A hearing will be held where the respondent will have an opportunity to be heard, and the court will decide whether the respondent poses a significant risk of injury to self or another by having a firearm.

(If the court issues an ERPO and the petitioner is a law enforcement officer or agency, the petitioner shall make a good-faith effort to inform any of the respondent’s family or household and any known third party who may be at direct risk of violence that the court issued an ERPO.)

**IF A FINAL ERPO IS ISSUED, SERVE THE ORDER**
If the respondent is present at the hearing, they receive the final ERPO, other forms, and referrals while in court.

If the respondent is not present in court, law enforcement serves respondent with a copy of the ERPO and referrals to appropriate resources, including domestic violence, behavioral health, and counseling resources.

A final ERPO is in effect for up to 364 days.

**UPDATE BACKGROUND CHECK SYSTEM**
On the same day the order is issued, the court clerk enters the ERPO into a statewide judicial information system and forwards a copy to the Colorado Bureau of Investigation and the law enforcement agency specified in the order.

The Colorado Bureau of Investigation shall enter the order into the national instant criminal background check system, any other federal or state systems used to identify prohibited purchasers of firearms, and any criminal intelligence information system used by law enforcement agencies.

Within three court days the court forwards all identifying information of the respondent, along with the date the order is issued, to the county sheriff in the jurisdiction where the respondent resides.

The county sheriff determines if the respondent has a concealed carry permit and if so, the sheriff immediately revokes the permit.

**TERMINATE OR RENEW ERPO**
While the order is in effect, the respondent may submit one written request for a hearing to terminate an ERPO.

The court will notify the petitioner within 63 days of expiration that the petitioner may request a hearing for renewal.

**RETURN FIREARMS**
When a final ERPO expires or is terminated and a respondent requests the return of their firearms, firearms are returned to the respondent within 3 days of the request if the respondent is lawfully qualified to possess firearms.

The respondent may reapply for a concealed carry permit after the ERPO expires.

**COMPLY WITH ERPO, DISPOSSESS FIREARMS**
The respondent temporarily turns over to law enforcement any firearms and concealed carry permit in their possession, or sells or transfers firearms to a federally licensed firearms dealer.

If respondent is present at the hearing, this must happen within 24 hours after the final court hearing; if the respondent is not present at the hearing, this must happen upon service of the ERPO.

Note: In Colorado petitioners may begin the ERPO process by requesting a temporary ERPO or by requesting a full ERPO. The difference between the two depends on whether the threatened violence is imminent and requires immediate intervention as provided by a temporary ERPO or the threatened violence is not imminent and therefore intervention can wait for a full ERPO hearing that involves the respondent.

**UPDATE BACKGROUND CHECK SYSTEM**
When a final ERPO expires or is terminated, the court clerk forwards a copy of the termination order to the Colorado Bureau of Investigation and the appropriate law enforcement agency.

The Colorado Bureau of Investigation and the law enforcement agency shall remove the order from any system in which it was entered.

Authorized petitioners in Colorado include:
- Family or household members, including persons related by blood, marriage, or adoption, persons with a child in common, persons who regularly reside or regularly resided with the respondent in the last six months, domestic partners, parents, children, stepparents, stepchildren, grandparents, grandchildren, legal guardians, current or former unmarried couples
- Law enforcement

*Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.*