

COLORADO

# FINAL EXTREME RISK PROTECTION ORDERS

A GUIDE TO THE PROCESS



Bloomberg American  
Health Initiative

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## COLORADO

# 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.

### 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.

### 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

### 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.

### 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.

### 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.

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.