

COLORADO

TEMPORARY EXTREME RISK PROTECTION ORDERS

A GUIDE TO THE PROCESS



Bloomberg American
Health Initiative

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COLORADO

Temporary Extreme Risk Protection Order Process

FILE A TEMPORARY EXTREME RISK PROTECTION ORDER (ERPO) PETITION

Petitioner goes to the district or county court where the respondent resides and files a petition for a temporary ERPO during court hours. If the petitioner is a law enforcement officer or agency, they concurrently file for a search warrant to search for any firearms in the respondent's possession should the court grant the order.

ASSESS TEMPORARY ERPO PETITION

The court considers all relevant evidence and decide whether to issue a temporary ERPO. The court shall hold a temporary ERPO 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.

IF A TEMPORARY ERPO IS ISSUED, SERVE THE ORDER

When a temporary ERPO is issued, law enforcement serves the temporary ERPO. If the respondent is present at the hearing, they are served in court. If the respondent is not present in court, law enforcement serves respondent with notice of the hearing date, a copy of the ERPO petition, a copy of the temporary ERPO and referrals to appropriate resources, including domestic violence, behavioral health, and counseling services.

RESPONDENT COMPLIES WITH TEMPORARY ERPO & DISPOSESSES FIREARMS

When the temporary ERPO is served, respondent temporarily turns over to law enforcement any firearms and concealed carry permit in their possession.

UPDATE BACKGROUND CHECK SYSTEM

On the same day the order is issued, the court clerk enters the temporary 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 enters 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 about the respondent, along with the date the ERPO was 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.

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

PROCEED WITH FINAL ERPO HEARING

Within 14 days after issuance of the temporary ERPO, a hearing is held where the respondent has an opportunity to be heard, and the petitioner must prove that the respondent poses a significant risk of injury to self or others by having in their custody or control, purchasing, possessing, or receiving a firearm.

FINAL ERPO IS ISSUED

If a final ERPO is issued, the order is served. 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.

(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 provide notice of the order to a family or household member of the respondent and to any known third party who may be at direct risk of violence.)

FINAL ERPO IS NOT ISSUED

If the court does not issue a final ERPO, any firearms are returned to the respondent if respondent is not lawfully disqualified to possess a firearm.

The sheriff who issued any concealed carry permit surrendered by the respondent following a temporary ERPO must reissue the permit within 3 days at no charge to the respondent.

TERMINATE OR RENEW ERPO

The respondent may submit one written request for a hearing to terminate an ERPO, while the order is in effect.

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

UPDATE THE BACKGROUND CHECK SYSTEM

When a temporary or 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 promptly removes the ERPO from any system in which it was entered.

RETURN FIREARMS

If the final ERPO is terminated or expires, any firearms are returned to the respondent within 3 days of the respondent's request for return, if respondent is lawfully qualified to possess a firearm. The respondent may reapply for a concealed carry permit after the final ERPO is no longer in effect.