

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 13-0840.01 Richard Sweetman x4333

SENATE BILL 13-197

SENATE SPONSORSHIP

Hudak, Newell

HOUSE SPONSORSHIP

McCann and Fields,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PREVENTING PERSONS WHO HAVE COMMITTED**
102 **DOMESTIC VIOLENCE FROM POSSESSING FIREARMS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

When a court subjects a person to a protection order to prevent domestic violence or a protection order that prohibits the person from possessing or controlling firearms or other weapons, or the court convicts a person of a misdemeanor or felony domestic violence offense, the court

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
3rd Reading Unamended
March 11, 2013

SENATE
Amended 2nd Reading
March 8, 2013

shall require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control. In the case of a person who is served in court with a protection order to prevent domestic violence, and in the case of a person who is served with a mandatory protection order prohibiting the person from possessing or controlling firearms or other weapons, the person must relinquish any firearm or ammunition within 24 hours. In the case of a person who is served outside of the court with a protection order to prevent domestic violence, the person must relinquish any firearm or ammunition within 48 hours. However, a court may allow a person up to 72 hours to comply if the person demonstrates to the satisfaction of the court that he or she is unable to comply within 24 or 48 hours, as applicable.

To satisfy the requirement, the person may:

- ! Sell or transfer possession of the firearm or ammunition to a federally licensed firearms dealer;
- ! Arrange for the storage of the firearm or ammunition by a law enforcement agency; or
- ! Sell or transfer the firearm or ammunition to a private party; except that the person shall not transfer a firearm or ammunition to a private party unless the private party has been approved to possess or purchase a firearm pursuant to a background check of the national instant criminal background check system.

If a person is unable to satisfy the requirement because he or she is incarcerated or otherwise held in the custody of a law enforcement agency, the court, as a condition of the person's sentence, shall require the person to relinquish any firearm or ammunition in the person's immediate possession or control or subject to the person's immediate possession or control before the person may be released from such incarceration or custody.

If a person sells or otherwise transfers a firearm or ammunition to a private party, the person shall acquire:

- ! From the transferee, a written receipt acknowledging the transfer, which receipt shall be dated and signed by the person and the transferee; and
- ! From the licensed gun dealer who requests from the Colorado bureau of investigation a background check of the transferee, a written statement of the results of the background check.

If a local law enforcement agency elects to store firearms or ammunition for a person:

- ! The agency may charge a fee for such storage, the amount of which shall not exceed the direct and indirect costs incurred by the agency in providing such storage; and

! The agency may establish policies for disposal of abandoned or stolen firearms or ammunition.

A federally licensed firearms dealer who takes possession of a firearm or ammunition, and a law enforcement agency that stores a firearm or ammunition, shall issue a receipt to the person who transfers possession of the firearm or ammunition. Not more than 3 calendar days after relinquishing the firearm or ammunition, the person shall file a copy of the receipt with the court as proof of the relinquishment. A person who fails to timely file a receipt commits a class 2 misdemeanor.

A person subject to a protection order who possesses or attempts to purchase or receive a firearm or ammunition while the protection order is in effect violates the protection order.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Many domestic violence offenders are subjected to civil or
5 criminal protection orders or are convicted of crimes with an underlying
6 factual basis of domestic violence and, pursuant to federal law, are
7 prohibited from purchasing or possessing firearms or ammunition;

8 (b) Despite efforts by law enforcement, prosecutors, and judges
9 at the state level, gun violence against intimate partners continues to
10 plague Colorado;

11 (c) Each year, persons who commit domestic violence use
12 firearms to threaten, injure, and kill victims, and firearms are the weapon
13 used most often in deaths due to domestic violence;

14 (d) The immediate period proceeding a domestic violence
15 conviction or the issuance of a domestic violence protection order is a
16 particularly dangerous time for victims of domestic violence;

17 (e) The federal "Gun Ban for Individuals Convicted of a
18 Misdemeanor Crime of Domestic Violence", Pub.L. 104–208, specifically
19 addresses the most dangerous domestic violence offenders; that is, those

1 who have the highest risk of committing a domestic violence homicide
2 involving a firearm; and

3 (f) State enforcement of these federal laws is needed and is the
4 key to help protect victims of domestic violence and their children.

5 (2) Now, therefore, the general assembly hereby declares that if
6 a person is convicted of a qualifying misdemeanor or felony offense with
7 an underlying factual basis of domestic violence or subjected to a
8 qualifying civil or mandatory criminal protection order that prohibits the
9 person from purchasing or possessing firearms or ammunition under the
10 federal "Gun Control Act of 1968", chapter 44 of title 18, U.S.C., as
11 amended, the court shall require the respondent to:

12 (a) Refrain from possessing or purchasing any firearm or
13 ammunition for the duration of the order; and

14 (b) Relinquish any firearm or ammunition in the respondent's
15 immediate possession or control or subject to the respondent's immediate
16 possession or control.

17 **SECTION 2.** In Colorado Revised Statutes, 13-14-102, **add** (22)
18 as follows:

19 **13-14-102. Civil protection orders - legislative declaration.**

20 (22) (a) WHEN THE COURT SUBJECTS A PERSON TO A CIVIL PROTECTION
21 ORDER TO PREVENT DOMESTIC ABUSE, WHICH PROTECTION ORDER
22 QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (d) (8) AND (g)
23 (8), THE COURT, AS PART OF SUCH ORDER:

24 (I) SHALL ORDER THE PERSON TO:

25 (A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR
26 AMMUNITION FOR THE DURATION OF THE ORDER; AND

27 (B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM

1 OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR
2 CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR
3 CONTROL; AND

4 (II) MAY REQUIRE THAT BEFORE THE PERSON IS RELEASED FROM
5 CUSTODY ON BOND, THE PERSON SHALL RELINQUISH, FOR THE DURATION
6 OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE PERSON'S
7 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE PERSON'S
8 IMMEDIATE POSSESSION OR CONTROL.

9 (b) (I) EXCEPT AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS
10 PARAGRAPH (b), UPON ISSUANCE OF AN ORDER PURSUANT TO PARAGRAPH
11 (a) OF THIS SUBSECTION (22), THE RESPONDENT SHALL RELINQUISH ANY
12 FIREARM OR AMMUNITION:

13 (A) NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED
14 WITH THE ORDER IN OPEN COURT; OR

15 (B) NOT MORE THAN FORTY-EIGHT HOURS AFTER BEING SERVED
16 WITH THE ORDER OUTSIDE OF THE COURT.

17 (II) A COURT MAY ALLOW A RESPONDENT UP TO SEVENTY-TWO
18 HOURS TO COMPLY WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF
19 THE RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT
20 THAT HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET
21 FORTH IN SAID SUBPARAGRAPH (I).

22 (III) TO SATISFY THE REQUIREMENT IN SUBPARAGRAPH (I) OF THIS
23 PARAGRAPH (b), THE RESPONDENT MAY:

24 (A) SELL OR TRANSFER POSSESSION OF THE FIREARM OR
25 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN
26 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL
27 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS

1 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR
2 AMMUNITION;

3 (B) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION
4 BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL
5 NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO
6 PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

7 (C) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
8 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
9 AMMUNITION; EXCEPT THAT THE PERSON SHALL NOT TRANSFER A FIREARM
10 OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE PARTY HAS
11 BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM PURSUANT TO A
12 BACKGROUND CHECK OF THE NATIONAL INSTANT CRIMINAL BACKGROUND
13 CHECK SYSTEM, WHICH BACKGROUND CHECK SHALL BE PERFORMED BY
14 THE COLORADO BUREAU OF INVESTIGATION CREATED IN SECTION
15 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS SECTION AS THE
16 "BUREAU", PURSUANT TO SECTION 24-33.5-424, C.R.S., UPON THE
17 REQUEST OF A LICENSED GUN DEALER, AS DEFINED IN SECTION 12-26.1-106
18 (6), C.R.S.

19 (c) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF
20 PARAGRAPH (b) OF THIS SUBSECTION (22) BECAUSE HE OR SHE IS
21 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
22 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE RESPONDENT TO
23 SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER
24 HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN
25 CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS
26 PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE
27 RESPONDENT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE

1 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
2 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF
3 THE RESPONDENT'S INCARCERATION. IN SUCH A CASE, A RESPONDENT'S
4 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL
5 CONSTITUTE CONTEMPT OF COURT.

6 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
7 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION
8 SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME OF
9 RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL
10 NOT RETURN THE FIREARM OR AMMUNITION TO THE RESPONDENT UNLESS
11 THE DEALER EITHER:

12 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND
13 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE
14 CONDUCTED OF THE RESPONDENT; AND

15 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
16 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

17 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
18 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT
19 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE RESPONDENT WITHIN
20 THE PRECEDING THIRTY DAYS AND THAT THE RESPONDENT WAS THEREBY
21 APPROVED TO POSSESS A FIREARM.

22 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
23 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
24 (22). IF AN AGENCY SO ELECTS:

25 (I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE
26 AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS
27 INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

1 (II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF
2 ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

3 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH RESPONDENT
4 AT THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM
5 OR AMMUNITION.

6 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE
7 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
8 (22), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE FIREARM
9 OR AMMUNITION TO THE RESPONDENT UNLESS THE AGENCY EITHER:

10 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND
11 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE
12 CONDUCTED OF THE RESPONDENT; AND

13 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
14 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

15 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
16 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN
17 CONDUCTED OF THE RESPONDENT WITHIN THE PRECEDING THIRTY DAYS
18 AND THAT THE RESPONDENT WAS THEREBY APPROVED TO RECEIVE
19 TRANSFER OF A FIREARM.

20 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
21 FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO THIS SUBSECTION
22 (22) MAY ELECT TO CEASE STORING THE FIREARM OR AMMUNITION. A LAW
23 ENFORCEMENT AGENCY THAT ELECTS TO CEASE STORING A FIREARM OR
24 AMMUNITION FOR A PERSON SHALL NOTIFY THE PERSON OF SUCH DECISION
25 AND REQUEST THAT THE PERSON IMMEDIATELY MAKE ARRANGEMENTS FOR
26 THE TRANSFER OF THE POSSESSION OF THE FIREARM OR AMMUNITION TO
27 THE PERSON OR, IF THE PERSON IS PROHIBITED FROM POSSESSING A

1 FIREARM, TO ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS
2 A FIREARM.

3 (II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING
4 A FIREARM OR AMMUNITION FOR A PERSON AND NOTIFIES THE PERSON AS
5 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), THE LAW
6 ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR AMMUNITION IF
7 THE PERSON FAILS TO MAKE ARRANGEMENTS FOR THE TRANSFER OF THE
8 FIREARM OR AMMUNITION AND TO COMPLETE SAID TRANSFER WITHIN
9 NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

10 (h) IF A RESPONDENT SELLS OR OTHERWISE TRANSFERS A FIREARM
11 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
12 FIREARM OR AMMUNITION, AS DESCRIBED IN SUB-SUBPARAGRAPH (C) OF
13 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22), THE
14 RESPONDENT SHALL ACQUIRE:

15 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING
16 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE
17 RESPONDENT AND THE TRANSFEREE; AND

18 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
19 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE
20 TRANSFEREE, AS DESCRIBED IN SUB-SUBPARAGRAPH (C) OF
21 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22), A
22 WRITTEN STATEMENT OF THE RESULTS OF THE BACKGROUND CHECK.

23 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE
24 RELINQUISHMENT, THE RESPONDENT SHALL FILE A COPY OF THE RECEIPT
25 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION
26 (22), AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF
27 A BACKGROUND CHECK PERFORMED ON THE TRANSFEREE, AS DESCRIBED

1 IN SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (22), WITH
2 THE COURT AS PROOF OF THE RELINQUISHMENT. IF A RESPONDENT FAILS TO
3 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS
4 PARAGRAPH (i):

5 (A) THE FAILURE CONSTITUTES A VIOLATION OF THE PROTECTION
6 ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c), C.R.S.; AND

7 (B) THE COURT SHALL ISSUE A WARRANT FOR THE RESPONDENT'S
8 ARREST.

9 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A
10 PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (g), THE COURT SHALL
11 TAKE JUDICIAL NOTICE OF THE RESPONDENT'S FAILURE TO FILE A RECEIPT
12 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE
13 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION
14 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT
15 OR HIS OR HER DEPUTY IS NOT REQUIRED.

16 (j) NOTHING IN THIS SUBSECTION (22) SHALL BE CONSTRUED TO
17 LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF
18 A PROTECTION ORDER.

19 (k) A PERSON SUBJECT TO A CIVIL PROTECTION ORDER ISSUED
20 PURSUANT TO SUBSECTION (1.5) OF THIS SECTION WHO POSSESSES OR
21 ATTEMPTS TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE
22 THE PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO
23 SECTION 18-6-803.5 (1) (c), C.R.S.

24 (l) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH
25 TO NOT STORE A FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO
26 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF
27 THIS SUBSECTION (22) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE

1 FOR SUCH ELECTION NOT TO ACT.

2 (II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF
3 A FIREARM OR AMMUNITION TO A PERSON IN GOOD FAITH AS PERMITTED BY
4 PARAGRAPH (f) OF THIS SUBSECTION (22) SHALL NOT BE HELD CRIMINALLY
5 OR CIVILLY LIABLE FOR SUCH ACTION.

6 **SECTION 3.** In Colorado Revised Statutes, 18-1-1001, **add** (9)
7 as follows:

8 **18-1-1001. Protection order against defendant.** (9) (a) WHEN
9 THE COURT SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER
10 THAT QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g) (8),
11 THE COURT, AS PART OF SUCH ORDER:

12 (I) SHALL ORDER THE DEFENDANT TO:

13 (A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR
14 AMMUNITION FOR THE DURATION OF THE ORDER; AND

15 (B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM
16 OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR
17 CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR
18 CONTROL; AND

19 (II) MAY REQUIRE THAT BEFORE THE DEFENDANT IS RELEASED
20 FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE
21 DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE
22 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
23 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

24 (b) UPON ISSUANCE OF AN ORDER PURSUANT TO PARAGRAPH (a) OF
25 THIS SUBSECTION (9), THE DEFENDANT SHALL RELINQUISH ANY FIREARM
26 OR AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING
27 SERVED WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A

1 DEFENDANT UP TO SEVENTY-TWO HOURS TO COMPLY WITH THIS
2 PARAGRAPH (b) IF THE DEFENDANT DEMONSTRATES TO THE SATISFACTION
3 OF THE COURT THAT HE OR SHE IS UNABLE TO COMPLY WITHIN
4 TWENTY-FOUR HOURS. TO SATISFY THIS REQUIREMENT, THE DEFENDANT
5 MAY:

6 (I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR
7 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN
8 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL
9 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS
10 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR
11 AMMUNITION;

12 (II) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION
13 BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL
14 NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO
15 PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

16 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
17 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
18 AMMUNITION; EXCEPT THAT THE DEFENDANT SHALL NOT TRANSFER A
19 FIREARM OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE
20 PARTY HAS BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM
21 PURSUANT TO A BACKGROUND CHECK OF THE NATIONAL INSTANT
22 CRIMINAL BACKGROUND CHECK SYSTEM, WHICH BACKGROUND CHECK
23 SHALL BE PERFORMED BY THE COLORADO BUREAU OF INVESTIGATION
24 CREATED IN SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS
25 SECTION AS THE "BUREAU", PURSUANT TO SECTION 24-33.5-424, C.R.S.,
26 UPON THE REQUEST OF A LICENSED GUN DEALER, AS DEFINED IN SECTION
27 12-26.1-106 (6), C.R.S.

1 (c) IF A DEFENDANT IS UNABLE TO SATISFY THE PROVISIONS OF
2 PARAGRAPH (b) OF THIS SUBSECTION (9) BECAUSE HE OR SHE IS
3 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
4 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE DEFENDANT TO
5 SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER
6 HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN
7 CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS
8 PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE
9 DEFENDANT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE
10 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
11 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF
12 THE DEFENDANT'S INCARCERATION. IN SUCH A CASE, A DEFENDANT'S
13 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL
14 CONSTITUTE CONTEMPT OF COURT.

15 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
16 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION
17 SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME OF
18 RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL
19 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS
20 THE DEALER EITHER:

21 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND
22 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE
23 CONDUCTED OF THE DEFENDANT; AND

24 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
25 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

26 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
27 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT

1 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE DEFENDANT WITHIN
2 THE PRECEDING THIRTY DAYS AND THAT THE DEFENDANT WAS THEREBY
3 APPROVED TO POSSESS A FIREARM.

4 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
5 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
6 (9). IF AN AGENCY SO ELECTS:

7 (I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE
8 AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS
9 INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

10 (II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF
11 ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

12 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT
13 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR
14 AMMUNITION.

15 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE
16 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS
17 SUBSECTION (9), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE
18 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY
19 EITHER:

20 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND
21 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE
22 CONDUCTED OF THE DEFENDANT; AND

23 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
24 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

25 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
26 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN
27 CONDUCTED OF THE DEFENDANT WITHIN THE PRECEDING THIRTY DAYS

1 AND THAT THE DEFENDANT WAS THEREBY APPROVED TO RECEIVE
2 TRANSFER OF A FIREARM.

3 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
4 FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS
5 SUBSECTION (9) MAY ELECT TO CEASE STORING THE FIREARM OR
6 AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE
7 STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY
8 THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT
9 IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE
10 POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF
11 THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO
12 ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

13 (II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING
14 A FIREARM OR AMMUNITION FOR A DEFENDANT AND NOTIFIES THE
15 DEFENDANT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g),
16 THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR
17 AMMUNITION IF THE DEFENDANT FAILS TO MAKE ARRANGEMENTS FOR THE
18 TRANSFER OF THE FIREARM OR AMMUNITION AND TO COMPLETE SAID
19 TRANSFER WITHIN NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

20 (h) IF A DEFENDANT SELLS OR OTHERWISE TRANSFERS A FIREARM
21 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
22 FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF
23 PARAGRAPH (b) OF THIS SUBSECTION (9), THE DEFENDANT SHALL ACQUIRE:

24 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING
25 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE
26 DEFENDANT AND THE TRANSFEREE; AND

27 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE

1 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE
2 TRANSFEREE, AS DESCRIBED IN SAID SUBPARAGRAPH (III) OF PARAGRAPH
3 (b) OF THIS SUBSECTION (9), A WRITTEN STATEMENT OF THE RESULTS OF
4 THE BACKGROUND CHECK.

5 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE
6 RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT
7 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (9)
8 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A
9 BACKGROUND CHECK PERFORMED ON THE TRANSFEREE, AS DESCRIBED IN
10 SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (9), WITH THE
11 COURT AS PROOF OF THE RELINQUISHMENT. IF A DEFENDANT FAILS TO
12 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS
13 PARAGRAPH (i):

14 (A) THE FAILURE CONSTITUTES A VIOLATION OF THE PROTECTION
15 ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c); AND

16 (B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S
17 ARREST.

18 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A
19 PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (g), THE COURT SHALL
20 TAKE JUDICIAL NOTICE OF THE RESPONDENT'S FAILURE TO FILE A RECEIPT
21 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE
22 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION
23 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT
24 OR HIS OR HER DEPUTY IS NOT REQUIRED.

25 (j) NOTHING IN THIS SUBSECTION (9) SHALL BE CONSTRUED TO
26 LIMIT A DEFENDANT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF A
27 PROTECTION ORDER.

1 (k) A PERSON SUBJECT TO A MANDATORY PROTECTION ORDER
2 ISSUED PURSUANT TO THIS SUBSECTION (9) WHO POSSESSES OR ATTEMPTS
3 TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE
4 PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO
5 SECTION 18-6-803.5 (1) (c).

6 (l) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH
7 TO NOT STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT
8 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF
9 THIS SUBSECTION (9) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE
10 FOR SUCH ELECTION NOT TO ACT.

11 (II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF
12 A FIREARM OR AMMUNITION TO A DEFENDANT IN GOOD FAITH AS
13 PERMITTED BY PARAGRAPH (f) OF THIS SUBSECTION (9) SHALL NOT BE
14 HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

15 **SECTION 4.** In Colorado Revised Statutes, 18-6-801, **add** (8) as
16 follows:

17 **18-6-801. Domestic violence - sentencing.** (8) (a) IN ADDITION
18 TO ANY SENTENCE THAT IS IMPOSED UPON A DEFENDANT FOR VIOLATION
19 OF ANY CRIMINAL LAW UNDER THIS TITLE, IF A DEFENDANT IS CONVICTED
20 OF ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY
21 THE COURT ON THE RECORD TO BE A MISDEMEANOR CRIME OF DOMESTIC
22 VIOLENCE, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (33), OR THAT IS
23 PUNISHABLE BY A TERM OF IMPRISONMENT EXCEEDING ONE YEAR AND
24 INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION
25 18-6-800.3 (1), THE COURT:

26 (I) SHALL ORDER THE DEFENDANT TO:

27 (A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR

1 AMMUNITION FOR THE DURATION OF THE ORDER; AND

2 (B) RELINQUISH ANY FIREARM OR AMMUNITION IN THE
3 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
4 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL; AND

5 (II) MAY REQUIRE THAT, BEFORE THE DEFENDANT IS RELEASED
6 FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE
7 DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE
8 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
9 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

10 (b) UPON ISSUANCE OF AN ORDER TO RELINQUISH ONE OR MORE
11 FIREARMS OR AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS
12 SUBSECTION (8), THE DEFENDANT SHALL RELINQUISH ANY FIREARM OR
13 AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED
14 WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A DEFENDANT UP TO
15 SEVENTY-TWO HOURS TO COMPLY WITH THIS PARAGRAPH (b) IF THE
16 DEFENDANT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT
17 HE OR SHE IS UNABLE TO COMPLY WITHIN TWENTY-FOUR HOURS. TO
18 SATISFY THIS REQUIREMENT, THE DEFENDANT MAY:

19 (I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR
20 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN
21 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL
22 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS
23 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR
24 AMMUNITION;

25 (II) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION
26 BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL
27 NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO

1 PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR
2 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
3 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
4 AMMUNITION; EXCEPT THAT THE DEFENDANT SHALL NOT TRANSFER A
5 FIREARM OR AMMUNITION TO A PRIVATE PARTY UNLESS THE PRIVATE
6 PARTY HAS BEEN APPROVED TO POSSESS OR PURCHASE A FIREARM
7 PURSUANT TO A BACKGROUND CHECK OF THE NATIONAL INSTANT
8 CRIMINAL BACKGROUND CHECK SYSTEM, WHICH BACKGROUND CHECK
9 SHALL BE PERFORMED BY THE COLORADO BUREAU OF INVESTIGATION
10 CREATED IN SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS
11 SECTION AS THE "BUREAU", PURSUANT TO SECTION 24-33.5-424, C.R.S.,
12 UPON THE REQUEST OF A LICENSED GUN DEALER, AS DEFINED IN SECTION
13 12-26.1-106 (6), C.R.S.

14 (c) IF A DEFENDANT IS UNABLE TO SATISFY THE PROVISIONS OF
15 PARAGRAPH (b) OF THIS SUBSECTION (8) BECAUSE HE OR SHE IS
16 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
17 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE DEFENDANT TO
18 SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER
19 HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN
20 CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS
21 PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE
22 DEFENDANT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE
23 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
24 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF
25 THE DEFENDANT'S INCARCERATION. IN SUCH A CASE, A DEFENDANT'S
26 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL
27 CONSTITUTE CONTEMPT OF COURT.

1 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
2 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS
3 SUBSECTION (8) SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME
4 OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL
5 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS
6 THE DEALER EITHER:

7 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND
8 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE
9 CONDUCTED OF THE DEFENDANT; AND

10 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
11 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

12 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
13 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT
14 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE DEFENDANT WITHIN
15 THE PRECEDING THIRTY DAYS AND THAT THE DEFENDANT WAS THEREBY
16 APPROVED TO POSSESS A FIREARM.

17 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
18 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
19 (8). IF AN AGENCY SO ELECTS:

20 (I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE
21 AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS
22 INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

23 (II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF
24 ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

25 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT
26 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR
27 AMMUNITION.

1 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE
2 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS
3 SUBSECTION (8), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE
4 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY
5 EITHER:

6 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND
7 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT
8 TO 18 U.S.C. SEC. 922, BE CONDUCTED OF THE DEFENDANT; AND

9 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
10 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

11 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
12 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN
13 CONDUCTED OF THE DEFENDANT WITHIN THE PRECEDING THIRTY DAYS
14 AND THAT THE DEFENDANT WAS THEREBY APPROVED TO RECEIVE
15 TRANSFER OF A FIREARM.

16 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
17 FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS
18 SUBSECTION (8) MAY ELECT TO CEASE STORING THE FIREARM OR
19 AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE
20 STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY
21 THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT
22 IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE
23 POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF
24 THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO
25 ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

26 (II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING
27 A FIREARM OR AMMUNITION FOR A DEFENDANT AND NOTIFIES THE

1 DEFENDANT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g),
2 THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR
3 AMMUNITION IF THE DEFENDANT FAILS TO MAKE ARRANGEMENTS FOR THE
4 TRANSFER OF THE FIREARM OR AMMUNITION AND COMPLETE SAID
5 TRANSFER WITHIN NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

6 (h) IF A DEFENDANT SELLS OR OTHERWISE TRANSFERS A FIREARM
7 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
8 FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF
9 PARAGRAPH (b) OF THIS SUBSECTION (8), THE DEFENDANT SHALL
10 ACQUIRE:

11 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING
12 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE
13 DEFENDANT AND THE TRANSFEREE; AND

14 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
15 COLORADO BUREAU OF INVESTIGATION A BACKGROUND CHECK OF THE
16 TRANSFEREE, AS DESCRIBED IN SUBPARAGRAPH (III) OF PARAGRAPH (b) OF
17 THIS SUBSECTION (8), A WRITTEN STATEMENT OF THE RESULTS OF THE
18 BACKGROUND CHECK.

19 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE
20 RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT
21 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (8),
22 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A
23 BACKGROUND CHECK PERFORMED ON THE TRANSFEREE, AS DESCRIBED IN
24 SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (8), WITH THE
25 COURT AS PROOF OF THE RELINQUISHMENT. IF A DEFENDANT FAILS TO
26 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS
27 PARAGRAPH (i):

1 (A) THE FAILURE CONSTITUTES A CLASS 2 MISDEMEANOR, AND THE
2 DEFENDANT SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401;
3 AND

4 (B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S
5 ARREST.

6 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A
7 PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (g), THE COURT SHALL
8 TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT
9 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE
10 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION
11 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT
12 OR HIS OR HER DEPUTY IS NOT REQUIRED.

13 (j) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH
14 TO NOT STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT
15 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF
16 THIS SUBSECTION (8) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE
17 FOR SUCH ELECTION NOT TO ACT.

18 (II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF
19 A FIREARM OR AMMUNITION TO A DEFENDANT IN GOOD FAITH AS
20 PERMITTED BY PARAGRAPH (f) OF THIS SUBSECTION (8) SHALL NOT BE
21 HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

22 **SECTION 5.** In Colorado Revised Statutes, 18-6-803.5, **amend**
23 (1) as follows:

24 **18-6-803.5. Crime of violation of a protection order - penalty**
25 **- peace officers' duties.** (1) A person commits the crime of violation of
26 a protection order if, after the person has been personally served with a
27 protection order that identifies the person as a restrained person or

1 otherwise has acquired from the court or law enforcement personnel
2 actual knowledge of the contents of a protection order that identifies the
3 person as a restrained person, the person:

4 (a) Contacts, harasses, injures, intimidates, molests, threatens, or
5 touches the protected person or protected property, including an animal,
6 identified in the protection order or enters or remains on premises or
7 comes within a specified distance of the protected person, protected
8 property, including an animal, or premises or violates any other provision
9 of the protection order to protect the protected person from imminent
10 danger to life or health, and such conduct is prohibited by the protection
11 order; or

12 (b) Except as permitted pursuant to section 18-13-126 (1) (b),
13 hires, employs, or otherwise contracts with another person to locate or
14 assist in the location of the protected person; OR

15 (c) VIOLATES A CIVIL PROTECTION ORDER ISSUED PURSUANT TO
16 SECTION 13-14-102 (22), C.R.S., OR PURSUANT TO SECTION 18-1-1001 (9)
17 BY:

18 (I) POSSESSING OR ATTEMPTING TO PURCHASE OR RECEIVE A
19 FIREARM OR AMMUNITION WHILE THE PROTECTION ORDER IS IN EFFECT; OR

20 (II) FAILING TO TIMELY FILE A RECEIPT OR WRITTEN STATEMENT
21 WITH THE COURT AS DESCRIBED IN SECTION 13-14-102 (22) (i), C.R.S., OR
22 IN SECTION 18-1-1001 (9) (i) OR 18-6-801(8) (i).

23 **SECTION 6.** In Colorado Revised Statutes, 13-14-102, **add** (22)
24 as follows:

25 **13-14-102. Civil protection orders - legislative declaration.**

26 (22) (a) WHEN THE COURT SUBJECTS A PERSON TO A CIVIL PROTECTION
27 ORDER TO PREVENT DOMESTIC ABUSE, WHICH PROTECTION ORDER

1 QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (d) (8) AND (g)
2 (8), THE COURT, AS PART OF SUCH ORDER:

3 (I) SHALL ORDER THE PERSON TO:

4 (A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR
5 AMMUNITION FOR THE DURATION OF THE ORDER; AND

6 (B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM
7 OR AMMUNITION IN THE RESPONDENT'S IMMEDIATE POSSESSION OR
8 CONTROL OR SUBJECT TO THE RESPONDENT'S IMMEDIATE POSSESSION OR
9 CONTROL; AND

10 (II) MAY REQUIRE THAT BEFORE THE PERSON IS RELEASED FROM
11 CUSTODY ON BOND, THE PERSON SHALL RELINQUISH, FOR THE DURATION
12 OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE PERSON'S
13 IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE PERSON'S
14 IMMEDIATE POSSESSION OR CONTROL.

15 (b) (I) EXCEPT AS DESCRIBED IN SUBPARAGRAPH (II) OF THIS
16 PARAGRAPH (b), UPON ISSUANCE OF AN ORDER PURSUANT TO PARAGRAPH
17 (a) OF THIS SUBSECTION (22), THE RESPONDENT SHALL RELINQUISH ANY
18 FIREARM OR AMMUNITION:

19 (A) NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED
20 WITH THE ORDER IN OPEN COURT; OR

21 (B) NOT MORE THAN FORTY-EIGHT HOURS AFTER BEING SERVED
22 WITH THE ORDER OUTSIDE OF THE COURT.

23 (II) A COURT MAY ALLOW A RESPONDENT UP TO SEVENTY-TWO
24 HOURS TO COMPLY WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH (b) IF
25 THE RESPONDENT DEMONSTRATES TO THE SATISFACTION OF THE COURT
26 THAT HE OR SHE IS UNABLE TO COMPLY WITHIN THE TIME FRAME SET
27 FORTH IN SAID SUBPARAGRAPH (I).

1 (III) TO SATISFY THE REQUIREMENT IN SUBPARAGRAPH (I) OF THIS
2 PARAGRAPH (b), THE RESPONDENT MAY:

3 (A) SELL OR TRANSFER POSSESSION OF THE FIREARM OR
4 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN
5 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL
6 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS
7 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR
8 AMMUNITION;

9 (B) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION
10 BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL
11 NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO
12 PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

13 (C) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
14 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
15 AMMUNITION; EXCEPT THAT A PERSON WHO SELLS OR TRANSFERS A
16 FIREARM PURSUANT TO THIS SUB-SUBPARAGRAPH (C) SHALL SATISFY ALL
17 OF THE PROVISIONS OF SECTION 18-12-112, C.R.S., CONCERNING PRIVATE
18 FIREARMS TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE
19 OF A CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

20 (c) IF A RESPONDENT IS UNABLE TO SATISFY THE PROVISIONS OF
21 PARAGRAPH (b) OF THIS SUBSECTION (22) BECAUSE HE OR SHE IS
22 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
23 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE RESPONDENT TO
24 SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER
25 HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN
26 CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS
27 PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE

1 RESPONDENT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE
2 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
3 RESPONDENT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF
4 THE RESPONDENT'S INCARCERATION. IN SUCH A CASE, A RESPONDENT'S
5 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL
6 CONSTITUTE CONTEMPT OF COURT.

7 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
8 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION
9 SHALL ISSUE A RECEIPT TO THE RESPONDENT AT THE TIME OF
10 RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL
11 NOT RETURN THE FIREARM OR AMMUNITION TO THE RESPONDENT UNLESS
12 THE DEALER EITHER:

13 (I) (A) CONTACTS THE COLORADO BUREAU OF INVESTIGATION
14 CREATED IN SECTION 24-33.5-401, C.R.S. REFERRED TO WITHIN THIS
15 SECTION AS THE "BUREAU", TO REQUEST THAT A BACKGROUND CHECK, IN
16 ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE CONDUCTED OF THE
17 RESPONDENT; AND

18 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
19 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

20 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
21 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT
22 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE RESPONDENT WITHIN
23 THE PRECEDING THIRTY DAYS AND THAT THE RESPONDENT WAS THEREBY
24 APPROVED TO POSSESS A FIREARM.

25 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
26 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
27 (22). IF AN AGENCY SO ELECTS:

1 (I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE
2 AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS
3 INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

4 (II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF
5 ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

6 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH RESPONDENT
7 AT THE TIME THE RESPONDENT RELINQUISHES POSSESSION OF A FIREARM
8 OR AMMUNITION.

9 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE
10 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
11 (22), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE FIREARM
12 OR AMMUNITION TO THE RESPONDENT UNLESS THE AGENCY EITHER:

13 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND
14 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE
15 CONDUCTED OF THE RESPONDENT; AND

16 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
17 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

18 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
19 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN
20 CONDUCTED OF THE RESPONDENT WITHIN THE PRECEDING THIRTY DAYS
21 AND THAT THE RESPONDENT WAS THEREBY APPROVED TO RECEIVE
22 TRANSFER OF A FIREARM.

23 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
24 FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO THIS SUBSECTION
25 (22) MAY ELECT TO CEASE STORING THE FIREARM OR AMMUNITION. A LAW
26 ENFORCEMENT AGENCY THAT ELECTS TO CEASE STORING A FIREARM OR
27 AMMUNITION FOR A PERSON SHALL NOTIFY THE PERSON OF SUCH DECISION

1 AND REQUEST THAT THE PERSON IMMEDIATELY MAKE ARRANGEMENTS FOR
2 THE TRANSFER OF THE POSSESSION OF THE FIREARM OR AMMUNITION TO
3 THE PERSON OR, IF THE PERSON IS PROHIBITED FROM POSSESSING A
4 FIREARM, TO ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS
5 A FIREARM.

6 (II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING
7 A FIREARM OR AMMUNITION FOR A PERSON AND NOTIFIES THE PERSON AS
8 DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), THE LAW
9 ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR AMMUNITION IF
10 THE PERSON FAILS TO MAKE ARRANGEMENTS FOR THE TRANSFER OF THE
11 FIREARM OR AMMUNITION AND COMPLETE SAID TRANSFER WITHIN NINETY
12 DAYS OF RECEIVING SUCH NOTIFICATION.

13 (h) IF A RESPONDENT SELLS OR OTHERWISE TRANSFERS A FIREARM
14 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
15 FIREARM OR AMMUNITION, AS DESCRIBED IN SUB-SUBPARAGRAPH (C) OF
16 SUBPARAGRAPH (III) OF PARAGRAPH (b) OF THIS SUBSECTION (22), THE
17 RESPONDENT SHALL ACQUIRE:

18 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING
19 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE
20 RESPONDENT AND THE TRANSFEREE; AND

21 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
22 BUREAU A BACKGROUND CHECK OF THE TRANSFEREE, AS DESCRIBED IN
23 SECTION 18-12-112, C.R.S., A WRITTEN STATEMENT OF THE RESULTS OF
24 THE BACKGROUND CHECK.

25 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE
26 RELINQUISHMENT, THE RESPONDENT SHALL FILE A COPY OF THE RECEIPT
27 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION

1 (22), AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF
2 A BACKGROUND CHECK PERFORMED ON THE RESPONDENT, AS DESCRIBED
3 IN SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (22), WITH
4 THE COURT AS PROOF OF THE RELINQUISHMENT. IF A RESPONDENT FAILS TO
5 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS
6 PARAGRAPH (i):

7 (A) THE FAILURE CONSTITUTES A VIOLATION OF THE PROTECTION
8 ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c), C.R.S.; AND

9 (B) THE COURT SHALL ISSUE A WARRANT FOR THE RESPONDENT'S
10 ARREST.

11 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF THIS
12 PARAGRAPH (g), THE COURT SHALL TAKE JUDICIAL NOTICE OF THE
13 DEFENDANT'S FAILURE TO FILE A RECEIPT OR WRITTEN STATEMENT, WHICH
14 WILL CONSTITUTE PRIMA FACIE EVIDENCE THAT THE DEFENDANT HAS
15 VIOLATED THIS PARAGRAPH (g), AND TESTIMONY OF THE CLERK OF THE
16 COURT OR HIS OR HER DEPUTY IS NOT REQUIRED.

17 (j) NOTHING IN THIS SUBSECTION (22) SHALL BE CONSTRUED TO
18 LIMIT A RESPONDENT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF
19 A PROTECTION ORDER.

20 (k) A PERSON SUBJECT TO A CIVIL PROTECTION ORDER ISSUED
21 PURSUANT TO SUBSECTION (1.5) OF THIS SECTION WHO POSSESSES OR
22 ATTEMPTS TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE
23 THE PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO
24 SECTION 18-6-803.5 (1) (c), C.R.S.

25 (l) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH
26 TO NOT STORE A FIREARM OR AMMUNITION FOR A PERSON PURSUANT TO
27 SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF

1 THIS SUBSECTION (22) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE
2 FOR SUCH ELECTION NOT TO ACT.

3 (II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF
4 A FIREARM OR AMMUNITION TO A PERSON IN GOOD FAITH AS PERMITTED BY
5 PARAGRAPH (f) OF THIS SUBSECTION (22) SHALL NOT BE HELD CRIMINALLY
6 OR CIVILLY LIABLE FOR SUCH ACTION.

7 **SECTION 7.** In Colorado Revised Statutes, 18-1-1001, **add** (9)
8 as follows:

9 **18-1-1001. Protection order against defendant.** (9) (a) WHEN
10 THE COURT SUBJECTS A DEFENDANT TO A MANDATORY PROTECTION ORDER
11 THAT QUALIFIES AS AN ORDER DESCRIBED IN 18 U.S.C. SEC. 922 (g) (8),
12 THE COURT, AS PART OF SUCH ORDER:

13 (I) SHALL ORDER THE DEFENDANT TO:

14 (A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR
15 AMMUNITION FOR THE DURATION OF THE ORDER; AND

16 (B) RELINQUISH, FOR THE DURATION OF THE ORDER, ANY FIREARM
17 OR AMMUNITION IN THE DEFENDANT'S IMMEDIATE POSSESSION OR
18 CONTROL OR SUBJECT TO THE DEFENDANT'S IMMEDIATE POSSESSION OR
19 CONTROL; AND

20 (II) MAY REQUIRE THAT BEFORE THE DEFENDANT IS RELEASED
21 FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE
22 DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE
23 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
24 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

25 (b) UPON ISSUANCE OF AN ORDER PURSUANT TO PARAGRAPH (a) OF
26 THIS SUBSECTION (9), THE DEFENDANT SHALL RELINQUISH ANY FIREARM
27 OR AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING

1 SERVED WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A
2 DEFENDANT UP TO SEVENTY-TWO HOURS TO COMPLY WITH THIS
3 PARAGRAPH (b) IF THE DEFENDANT DEMONSTRATES TO THE SATISFACTION
4 OF THE COURT THAT HE OR SHE IS UNABLE TO COMPLY WITHIN
5 TWENTY-FOUR HOURS. TO SATISFY THIS REQUIREMENT, THE DEFENDANT
6 MAY:

7 (I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR
8 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN
9 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL
10 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS
11 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR
12 AMMUNITION;

13 (II) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION
14 BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL
15 NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO
16 PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

17 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
18 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR
19 AMMUNITION; EXCEPT THAT A DEFENDANT WHO SELLS OR TRANSFERS A
20 FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF
21 THE PROVISIONS OF SECTION 18-12-112, CONCERNING PRIVATE FIREARMS
22 TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A
23 CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

24 (c) IF A DEFENDANT IS UNABLE TO SATISFY THE PROVISIONS OF
25 PARAGRAPH (b) OF THIS SUBSECTION (9) BECAUSE HE OR SHE IS
26 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
27 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE DEFENDANT TO

1 SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER
2 HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN
3 CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS
4 PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE
5 DEFENDANT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE
6 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
7 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF
8 THE DEFENDANT'S INCARCERATION. IN SUCH A CASE, A DEFENDANT'S
9 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL
10 CONSTITUTE CONTEMPT OF COURT.

11 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
12 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS SECTION
13 SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME OF
14 RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL
15 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS
16 THE DEALER EITHER:

17 (I) (A) CONTACTS THE COLORADO BUREAU OF INVESTIGATION
18 CREATED IN SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS
19 SECTION AS THE "BUREAU", TO REQUEST THAT A BACKGROUND CHECK, IN
20 ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE CONDUCTED OF THE
21 DEFENDANT; AND

22 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
23 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

24 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
25 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT
26 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE DEFENDANT WITHIN
27 THE PRECEDING THIRTY DAYS AND THAT THE DEFENDANT WAS THEREBY

1 APPROVED TO POSSESS A FIREARM.

2 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
3 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION
4 (9). IF AN AGENCY SO ELECTS:

5 (I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE
6 AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS
7 INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

8 (II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF
9 ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

10 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT
11 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR
12 AMMUNITION.

13 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE
14 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS
15 SUBSECTION (9), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE
16 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY
17 EITHER:

18 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND
19 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE
20 CONDUCTED OF THE DEFENDANT; AND

21 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
22 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

23 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
24 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN
25 CONDUCTED OF THE DEFENDANT WITHIN THE PRECEDING THIRTY DAYS
26 AND THAT THE DEFENDANT WAS THEREBY APPROVED TO RECEIVE
27 TRANSFER OF A FIREARM.

1 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
2 FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS
3 SUBSECTION (9) MAY ELECT TO CEASE STORING THE FIREARM OR
4 AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE
5 STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY
6 THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT
7 IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE
8 POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF
9 THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO
10 ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

11 (II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING
12 A FIREARM OR AMMUNITION FOR A PERSON AND NOTIFIES THE DEFENDANT
13 AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g), THE LAW
14 ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR AMMUNITION IF
15 THE DEFENDANT FAILS TO MAKE ARRANGEMENTS FOR THE TRANSFER OF
16 THE FIREARM OR AMMUNITION AND COMPLETE SAID TRANSFER WITHIN
17 NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

18 (h) IF A DEFENDANT SELLS OR OTHERWISE TRANSFERS A FIREARM
19 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
20 FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF
21 PARAGRAPH (b) OF THIS SUBSECTION (9), THE DEFENDANT SHALL ACQUIRE:

22 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING
23 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE
24 DEFENDANT AND THE TRANSFEREE; AND

25 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
26 BUREAU A BACKGROUND CHECK OF THE TRANSFEREE, AS DESCRIBED IN
27 SECTION 18-12-112, A WRITTEN STATEMENT OF THE RESULTS OF THE

1 BACKGROUND CHECK.

2 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE
3 RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT
4 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (9)
5 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A
6 BACKGROUND CHECK PERFORMED ON THE DEFENDANT AS DESCRIBED IN
7 SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (9), WITH THE
8 COURT AS PROOF OF THE RELINQUISHMENT. IF A DEFENDANT FAILS TO
9 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS
10 PARAGRAPH (i):

11 (A) THE FAILURE CONSTITUTES A VIOLATION OF THE PROTECTION
12 ORDER PURSUANT TO SECTION 18-6-803.5 (1) (c); AND

13 (B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S
14 ARREST.

15 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF A
16 PROTECTION ORDER DESCRIBED IN THIS PARAGRAPH (g), THE COURT SHALL
17 TAKE JUDICIAL NOTICE OF THE DEFENDANT'S FAILURE TO FILE A RECEIPT
18 OR WRITTEN STATEMENT, WHICH WILL CONSTITUTE PRIMA FACIE EVIDENCE
19 OF A VIOLATION OF THE PROTECTION ORDER PURSUANT TO SECTION
20 18-6-803.5 (1) (c), C.R.S., AND TESTIMONY OF THE CLERK OF THE COURT
21 OR HIS OR HER DEPUTY IS NOT REQUIRED.

22 (j) NOTHING IN THIS SUBSECTION (9) SHALL BE CONSTRUED TO
23 LIMIT A DEFENDANT'S RIGHT TO PETITION THE COURT FOR DISMISSAL OF A
24 PROTECTION ORDER.

25 (k) A PERSON SUBJECT TO A MANDATORY PROTECTION ORDER
26 ISSUED PURSUANT TO THIS SUBSECTION (9) WHO POSSESSES OR ATTEMPTS
27 TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE

1 PROTECTION ORDER IS IN EFFECT VIOLATES THE ORDER PURSUANT TO
2 SECTION 18-6-803.5 (1) (c).

3 (I) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH
4 TO NOT STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT
5 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF
6 THIS SUBSECTION (9) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE
7 FOR SUCH ELECTION NOT TO ACT.

8 (II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF
9 A FIREARM OR AMMUNITION TO A DEFENDANT IN GOOD FAITH AS
10 PERMITTED BY PARAGRAPH (f) OF THIS SUBSECTION (9) SHALL NOT BE
11 HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

12 **SECTION 8.** In Colorado Revised Statutes, 18-6-801, **add** (8) as
13 follows:

14 **18-6-801. Domestic violence - sentencing.** (8) (a) IN ADDITION
15 TO ANY SENTENCE THAT IS IMPOSED UPON A DEFENDANT FOR VIOLATION
16 OF ANY CRIMINAL LAW UNDER THIS TITLE, IF A DEFENDANT IS CONVICTED
17 OF ANY CRIME, THE UNDERLYING FACTUAL BASIS OF WHICH IS FOUND BY
18 THE COURT ON THE RECORD TO BE A MISDEMEANOR CRIME OF DOMESTIC
19 VIOLENCE, AS DEFINED IN 18 U.S.C. SEC. 921 (a) (33), OR THAT IS
20 PUNISHABLE BY A TERM OF IMPRISONMENT EXCEEDING ONE YEAR AND
21 INCLUDES AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION
22 18-6-800.3 (1), THE COURT:

23 (I) SHALL ORDER THE DEFENDANT TO:

24 (A) REFRAIN FROM POSSESSING OR PURCHASING ANY FIREARM OR
25 AMMUNITION FOR THE DURATION OF THE ORDER; AND

26 (B) RELINQUISH ANY FIREARM OR AMMUNITION IN THE
27 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE

1 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL; AND
2 (II) MAY REQUIRE THAT BEFORE THE DEFENDANT IS RELEASED
3 FROM CUSTODY ON BOND, THE DEFENDANT SHALL RELINQUISH, FOR THE
4 DURATION OF THE ORDER, ANY FIREARM OR AMMUNITION IN THE
5 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
6 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL.

7 (b) UPON ISSUANCE OF AN ORDER TO RELINQUISH ONE OR MORE
8 FIREARMS OR AMMUNITION PURSUANT TO PARAGRAPH (a) OF THIS
9 SUBSECTION (8), THE DEFENDANT SHALL RELINQUISH ANY FIREARM OR
10 AMMUNITION NOT MORE THAN TWENTY-FOUR HOURS AFTER BEING SERVED
11 WITH THE ORDER; EXCEPT THAT A COURT MAY ALLOW A DEFENDANT UP TO
12 SEVENTY-TWO HOURS TO COMPLY WITH THIS PARAGRAPH (b) IF THE
13 DEFENDANT DEMONSTRATES TO THE SATISFACTION OF THE COURT THAT
14 HE OR SHE IS UNABLE TO COMPLY WITHIN TWENTY-FOUR HOURS. TO
15 SATISFY THIS REQUIREMENT, THE DEFENDANT MAY:

16 (I) SELL OR TRANSFER POSSESSION OF THE FIREARM OR
17 AMMUNITION TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN
18 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION SHALL
19 NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS
20 DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM OR
21 AMMUNITION;

22 (II) ARRANGE FOR THE STORAGE OF THE FIREARM OR AMMUNITION
23 BY A LAW ENFORCEMENT AGENCY; EXCEPT THAT THIS PROVISION SHALL
24 NOT BE INTERPRETED TO REQUIRE ANY LAW ENFORCEMENT AGENCY TO
25 PROVIDE STORAGE OF FIREARMS OR AMMUNITION FOR ANY PERSON; OR

26 (III) SELL OR OTHERWISE TRANSFER THE FIREARM OR AMMUNITION
27 TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE FIREARM OR

1 AMMUNITION; EXCEPT THAT A DEFENDANT WHO SELLS OR TRANSFERS A
2 FIREARM PURSUANT TO THIS SUBPARAGRAPH (III) SHALL SATISFY ALL OF
3 THE PROVISIONS OF SECTION 18-12-112, CONCERNING PRIVATE FIREARMS
4 TRANSFERS, INCLUDING BUT NOT LIMITED TO THE PERFORMANCE OF A
5 CRIMINAL BACKGROUND CHECK OF THE TRANSFEREE.

6 (c) IF A DEFENDANT IS UNABLE TO SATISFY THE PROVISIONS OF
7 PARAGRAPH (b) OF THIS SUBSECTION (8) BECAUSE HE OR SHE IS
8 INCARCERATED OR OTHERWISE HELD IN THE CUSTODY OF A LAW
9 ENFORCEMENT AGENCY, THE COURT SHALL REQUIRE THE DEFENDANT TO
10 SATISFY SUCH PROVISIONS NOT MORE THAN TWENTY-FOUR HOURS AFTER
11 HIS OR HER RELEASE FROM INCARCERATION OR CUSTODY OR BE HELD IN
12 CONTEMPT OF COURT. NOTWITHSTANDING ANY PROVISION OF THIS
13 PARAGRAPH (c), THE COURT MAY, IN ITS DISCRETION, REQUIRE THE
14 DEFENDANT TO RELINQUISH ANY FIREARM OR AMMUNITION IN THE
15 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL OR SUBJECT TO THE
16 DEFENDANT'S IMMEDIATE POSSESSION OR CONTROL BEFORE THE END OF
17 THE DEFENDANT'S INCARCERATION. IN SUCH A CASE, A DEFENDANT'S
18 FAILURE TO RELINQUISH A FIREARM OR AMMUNITION AS REQUIRED SHALL
19 CONSTITUTE CONTEMPT OF COURT.

20 (d) A FEDERALLY LICENSED FIREARMS DEALER WHO TAKES
21 POSSESSION OF A FIREARM OR AMMUNITION PURSUANT TO THIS
22 SUBSECTION (8) SHALL ISSUE A RECEIPT TO THE DEFENDANT AT THE TIME
23 OF RELINQUISHMENT. THE FEDERALLY LICENSED FIREARMS DEALER SHALL
24 NOT RETURN THE FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS
25 THE DEALER EITHER:

26 (I) (A) CONTACTS THE COLORADO BUREAU OF INVESTIGATION
27 CREATED IN SECTION 24-33.5-401, C.R.S., REFERRED TO WITHIN THIS

1 SECTION AS THE "BUREAU", TO REQUEST THAT A BACKGROUND CHECK, IN
2 ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE CONDUCTED OF THE
3 DEFENDANT; AND

4 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
5 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

6 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
7 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., OR PURSUANT
8 TO 18 U.S.C. SEC. 922, HAS BEEN CONDUCTED OF THE DEFENDANT WITHIN
9 THE PRECEDING THIRTY DAYS AND THAT THE DEFENDANT WAS THEREBY
10 APPROVED TO POSSESS A FIREARM.

11 (e) A LOCAL LAW ENFORCEMENT AGENCY MAY ELECT TO STORE
12 FIREARMS OR AMMUNITION FOR PERSONS PURSUANT TO THIS SUBSECTION

13 (8). IF AN AGENCY SO ELECTS:

14 (I) THE AGENCY MAY CHARGE A FEE FOR SUCH STORAGE, THE
15 AMOUNT OF WHICH SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS
16 INCURRED BY THE AGENCY IN PROVIDING SUCH STORAGE;

17 (II) THE AGENCY MAY ESTABLISH POLICIES FOR DISPOSAL OF
18 ABANDONED OR STOLEN FIREARMS OR AMMUNITION; AND

19 (III) THE AGENCY SHALL ISSUE A RECEIPT TO EACH DEFENDANT AT
20 THE TIME THE DEFENDANT RELINQUISHES POSSESSION OF A FIREARM OR
21 AMMUNITION.

22 (f) IF A LOCAL LAW ENFORCEMENT AGENCY ELECTS TO STORE
23 FIREARMS OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS
24 SUBSECTION (8), THE LAW ENFORCEMENT AGENCY SHALL NOT RETURN THE
25 FIREARM OR AMMUNITION TO THE DEFENDANT UNLESS THE AGENCY
26 EITHER:

27 (I) (A) CONTACTS THE BUREAU TO REQUEST THAT A BACKGROUND

1 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., BE
2 CONDUCTED OF THE DEFENDANT; AND

3 (B) OBTAINS APPROVAL OF THE TRANSFER FROM THE BUREAU
4 AFTER THE PERFORMANCE OF THE BACKGROUND CHECK; OR

5 (II) RECEIVES WRITTEN DOCUMENTATION THAT A BACKGROUND
6 CHECK, IN ACCORDANCE WITH SECTION 24-33.5-424, C.R.S., HAS BEEN
7 CONDUCTED OF THE DEFENDANT WITHIN THE PRECEDING THIRTY DAYS
8 AND THAT THE DEFENDANT WAS THEREBY APPROVED TO RECEIVE
9 TRANSFER OF A FIREARM.

10 (g) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS TO STORE A
11 FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT TO THIS
12 SUBSECTION (8) MAY ELECT TO CEASE STORING THE FIREARM OR
13 AMMUNITION. A LAW ENFORCEMENT AGENCY THAT ELECTS TO CEASE
14 STORING A FIREARM OR AMMUNITION FOR A DEFENDANT SHALL NOTIFY
15 THE DEFENDANT OF SUCH DECISION AND REQUEST THAT THE DEFENDANT
16 IMMEDIATELY MAKE ARRANGEMENTS FOR THE TRANSFER OF THE
17 POSSESSION OF THE FIREARM OR AMMUNITION TO THE DEFENDANT OR, IF
18 THE DEFENDANT IS PROHIBITED FROM POSSESSING A FIREARM, TO
19 ANOTHER PERSON WHO IS LEGALLY PERMITTED TO POSSESS A FIREARM.

20 (II) IF A LAW ENFORCEMENT AGENCY ELECTS TO CEASE STORING
21 A FIREARM OR AMMUNITION FOR A DEFENDANT AND NOTIFIES THE
22 DEFENDANT AS DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (g),
23 THE LAW ENFORCEMENT AGENCY MAY DISPOSE OF THE FIREARM OR
24 AMMUNITION IF THE DEFENDANT FAILS TO MAKE ARRANGEMENTS FOR THE
25 TRANSFER OF THE FIREARM OR AMMUNITION AND COMPLETE SAID
26 TRANSFER WITHIN NINETY DAYS OF RECEIVING SUCH NOTIFICATION.

27 (h) IF A DEFENDANT SELLS OR OTHERWISE TRANSFERS A FIREARM

1 OR AMMUNITION TO A PRIVATE PARTY WHO MAY LEGALLY POSSESS THE
2 FIREARM OR AMMUNITION, AS DESCRIBED IN SUBPARAGRAPH (III) OF
3 PARAGRAPH (b) OF THIS SUBSECTION (8), THE DEFENDANT SHALL
4 ACQUIRE:

5 (I) FROM THE TRANSFEREE, A WRITTEN RECEIPT ACKNOWLEDGING
6 THE TRANSFER, WHICH RECEIPT SHALL BE DATED AND SIGNED BY THE
7 DEFENDANT AND THE TRANSFEREE; AND

8 (II) FROM THE LICENSED GUN DEALER WHO REQUESTS FROM THE
9 BUREAU A BACKGROUND CHECK OF THE TRANSFEREE, AS DESCRIBED IN
10 SECTION 18-12-112, A WRITTEN STATEMENT OF THE RESULTS OF THE
11 BACKGROUND CHECK.

12 (i) (I) NOT MORE THAN THREE BUSINESS DAYS AFTER THE
13 RELINQUISHMENT, THE DEFENDANT SHALL FILE A COPY OF THE RECEIPT
14 ISSUED PURSUANT TO PARAGRAPH (d), (e), OR (h) OF THIS SUBSECTION (8),
15 AND, IF APPLICABLE, THE WRITTEN STATEMENT OF THE RESULTS OF A
16 BACKGROUND CHECK PERFORMED ON THE TRANSFEREE, AS DESCRIBED IN
17 SUBPARAGRAPH (II) OF PARAGRAPH (h) OF THIS SUBSECTION (8), WITH THE
18 COURT AS PROOF OF THE RELINQUISHMENT. IF A DEFENDANT FAILS TO
19 TIMELY FILE A RECEIPT OR WRITTEN STATEMENT AS DESCRIBED IN THIS
20 PARAGRAPH (i):

21 (A) THE FAILURE CONSTITUTES A CLASS 2 MISDEMEANOR, AND THE
22 DEFENDANT SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-401;
23 AND

24 (B) THE COURT SHALL ISSUE A WARRANT FOR THE DEFENDANT'S
25 ARREST.

26 (II) IN ANY SUBSEQUENT PROSECUTION FOR A VIOLATION OF THIS
27 PARAGRAPH (g), THE COURT SHALL TAKE JUDICIAL NOTICE OF THE

1 DEFENDANT'S FAILURE TO FILE A RECEIPT OR WRITTEN STATEMENT, WHICH
2 WILL CONSTITUTE PRIMA FACIE EVIDENCE THAT THE DEFENDANT HAS
3 VIOLATED THIS PARAGRAPH (g), AND TESTIMONY OF THE CLERK OF THE
4 COURT OR HIS OR HER DEPUTY IS NOT REQUIRED.

5 (j) (I) A LAW ENFORCEMENT AGENCY THAT ELECTS IN GOOD FAITH
6 TO NOT STORE A FIREARM OR AMMUNITION FOR A DEFENDANT PURSUANT
7 TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (III) OF PARAGRAPH (b) OF
8 THIS SUBSECTION (8) SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE
9 FOR SUCH ELECTION NOT TO ACT.

10 (II) A LAW ENFORCEMENT AGENCY THAT RETURNS POSSESSION OF
11 A FIREARM OR AMMUNITION TO A DEFENDANT IN GOOD FAITH AS
12 PERMITTED BY PARAGRAPH (f) OF THIS SUBSECTION (8) SHALL NOT BE
13 HELD CRIMINALLY OR CIVILLY LIABLE FOR SUCH ACTION.

14 **SECTION 9. Appropriation.** (1) In addition to any other
15 appropriation, there is hereby appropriated, out of any moneys in the
16 general fund not otherwise appropriated, to the judicial department, for
17 the fiscal year beginning July 1, 2013, the sum of \$45,742 and 0.8 FTE,
18 or so much thereof as may be necessary, to be allocated to trial court
19 programs for the implementation of this act as follows:

20 (a) \$39,804 and 0.8 FTE for personal services; and

21 (b) \$5,938 for operating expenses.

22 (2) In addition to any other appropriation, there is hereby
23 appropriated, out of any moneys in the general fund not otherwise
24 appropriated, to the department of public safety, for the fiscal year
25 beginning July 1, 2013, the sum of \$3,746 and 0.1 FTE, or so much
26 thereof as may be necessary, for allocation to the state point of
27 contact-national instant criminal background check program related to the

1 implementation of this act.

2 **SECTION 10. Effective date.** (1) Except as otherwise provided
3 in this section, this act takes effect upon passage.

4 (2) (a) Sections 2, 3, and 4 of this act take effect only if House
5 Bill 13-1229 does not become law.

6 (b) Sections 6, 7, and 8 of this act take effect only if House Bill
7 13-1229 becomes law.

8 **SECTION 11. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.