

### STEP 3: EXECUTION OF ORDER

After a TERPO/ERPO is issued, law enforcement is responsible for serving the order on the respondent and confiscating their firearms. Law enforcement should generally have this completed within 5 days—however, officers may request additional time, if necessary, in order to ensure that the TERPO/ERPO is executed as safely as possible.

The respondent must also surrender any concealed carry permit to the law enforcement officer serving the ERPO/TERPO.

If the petitioner establishes probable cause that the respondent has not surrendered all firearms, the court may issue a search warrant to allow law enforcement to retrieve the remaining firearms.

### STEP 4: STORAGE, TRANSFER, AND RETURN OF FIREARMS

Law enforcement should document all firearms taken from the respondent. The firearms will then be stored with the law enforcement agency that executed the TERPO/ERPO and maintained in substantially the same condition that they were when first taken.

Throughout the duration of the TERPO/ERPO, the respondent may request that their firearms be transferred to a Federal Firearms Licensed (FFL) dealer if they so choose.

If the court denies an ERPO, but granted a TERPO, or if the ERPO terminates, all firearms must be returned to the respondent and any concealed handgun permit must be renewed within 3 days and at no charge to the respondent.

Law enforcement will dispose of any firearm that the respondent does not claim for at least 1 year from the date of expiration of a TERPO or ERPO (whichever is later).



### USEFUL NUMBERS:

**Boulder County Clerk of the Courts**  
303- 441-3750

**Boulder County Sheriff's Office**  
303-441-3600

**Boulder Police Department**  
303-441-3300

**Erie Police Department**  
303-926-2800

**Lafayette Police Department**  
303-665-5571

**Longmont Police Department**  
303-651-8555

**Louisville Police Department**  
303-666-8634

**Nederland Marshall's Office**  
303-258-3250

**University of Colorado -Boulder  
Police Department**  
303-492-8168

**Boulder County Bar Association**  
303-440-4758



### Office of the District Attorney Twentieth Judicial District

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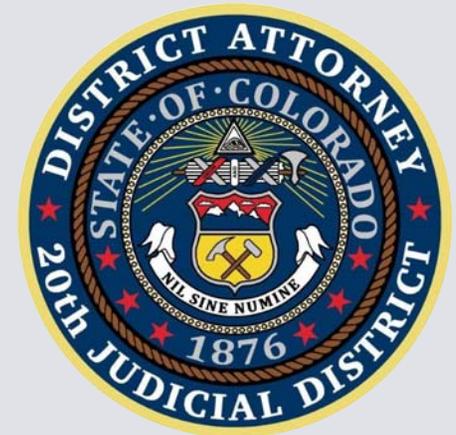


# Extreme Risk Protection Orders



## Process and Procedure

*C.R.S. § 13-14.5-101, et seq.*





## Definitions

### **Extreme Risk Protection Order**

**(ERPO):** A court order that prohibits an individual from possessing firearms when it has been determined by a court, based upon clear and convincing evidence, that the individual poses a significant risk of causing personal injury to himself, herself, or others in the near future by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm.

### **Temporary Extreme Risk Protection Order (TERPO):**

A temporary order entered by the court intended to prevent an individual from possessing firearms based upon a preponderance of the evidence that a respondent poses a significant risk of causing personal injury to himself, herself, or others in the near future by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm.

**Petitioner:** The person or law enforcement agency who petitions the court for an ERPO or TERPO.

**Respondent:** The subject of the ERPO or TERPO.



### **STEP 1: INITIAL PETITION**

Either family/household members or law enforcement agencies can petition.

#### **ERPOs Petitioned by Family Members**

Qualifying family members may submit an ERPO/TERPO petition to the 20th Judicial District, Clerk of the Court directly. The petition should include an affidavit setting forth the facts that establish the grounds for the petition or the reason for believing they exist. The petitioner must also attest that they are a qualifying family or household member and the affidavit must be signed under oath and penalty of perjury. See C.R.S §13-14.5-103–104.

Qualifying family/household members are: any person related by blood, marriage, or adoption to the respondent; those who have a child in common with the respondent; any person who regularly resides or regularly resided with the respondent within the last 6 months; any domestic partner of the respondent; any person who has a biological or legal parent-child relationship with the respondent (including stepparents, stepchildren, grandparents, and grandchildren); anyone who has acted as the respondent's legal guardian; and anyone in an intimate relationship with the respondent.

### **STEP 2: COURT REVIEW & HEARINGS**

#### **TERPO (14-day protection order)**

The court shall hold a TERPO hearing on the day the petition is filed or the court day immediately following. The respondent need not have notice. The petitioner should appear at the hearing and does not need an attorney. The judge may ask the petitioner additional questions at the hearing depending on whether the judge has enough information to make a decision based on the filed petition.

#### **STANDARD**

If the court finds by a preponderance of the evidence that the respondent poses a significant risk of causing personal injury to self or others in the near future by having in his or her custody or control a firearm or by purchasing, possessing or receiving a firearm, the court shall issue a TERPO.

After issuing a TERPO, the court shall schedule an ERPO hearing within 14 days to determine whether a 364-day ERPO is necessary. After 14 days, the TERPO expires.

Though the respondent need not be present for the initial TERPO hearing, the court must provide the respondent with the TERPO itself, a recording or transcript of the hearing (if conducted via telephone), and notice of the ERPO hearing. After the hearing, the court will arrange for a law enforcement officer to serve these documents on the respondent.

#### **ERPO (364-day protection order)**

Law enforcement must serve notice of the ERPO petition and hearing date on the respondent (service may also include the issuance of an initial TERPO).

If the petitioner is a family/household member, the petitioner should attempt to notify the law enforcement agency in the respondent's jurisdiction of the petition and ERPO hearing date so that law enforcement may participate.

Once a petition is filed, the court shall appoint an attorney to represent the respondent (the respondent may also hire their own attorney if they choose). The petitioner may also choose to hire an attorney to represent them.

#### **STANDARD**

If the court finds by clear and convincing evidence that the respondent poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing or receiving a firearm, the court shall issue an ERPO for a period of 364 days.

At the hearing, the court may consider the affidavits, testimony from the respondent, petitioner, and any other relevant witnesses, and the criminal history of the respondent.

If the court issues an ERPO, the court must also inform the respondent that they may request a termination hearing to determine whether the ERPO should be terminated ahead of 364 days.