



## Extreme Risk Protection Orders

Process for Applying for an ERPO in Colorado

Legislative Action – Working for Freedom from Gun Violence

### **Basics**

Colorado's ERPO law allows family members, law enforcement and selected other individuals to seek court orders to temporarily remove firearms from a person deemed to be dangerous to themselves or others.

### **Who can Apply for an ERPO**

Not everyone can apply for an ERPO. Largely, it is restricted to those who might be the first to notice unusual behavior on the part of the respondent (the person who is of concern for dangerousness). Those who can apply are:

- Household members, including persons related by blood, marriage, or adoption; persons with a child in common; persons who resided with respondent in the last 6 months; domestic partners; those in parent-child relationship (including stepparents and grandparents); legal guardians; and past or present married or unmarried partners.
- Law enforcement, including police, sheriff, sheriffs' deputies, Attorney General, district attorneys, city attorneys, and various state department officials (CBI, state patrol, probation and parole officers and higher education security), as requested or appropriate.
- Community Members
  - Licensed health care professionals or mental health professionals who provided care in the prior six months.
  - Educators – teachers or administrators at public, private, charter schools or faculty at higher education institutions who had professional relationship with student in the prior six months.

### **How to Apply for an ERPO**

Complete and submit an ERPO application to the county or district court in the county of the respondent's residence, with the exception that household members may apply in the following counties:

- their own county of residence or employment
- the respondent's county of residence or employment
- the country where the acts relevant to the filing occurred.

### **What Happens after an ERPO is filed?**

Temporary ERPO (TERPO) petitions are considered by the court within one court day and will not include the respondent. A TERPO lasts only 14 days. For a full-year ERPO, the respondent will be present and will be assigned an attorney at state expense. If the court grants an ERPO or TERPO, the respondent must surrender all firearms in their possession and their concealed carry permit. The firearms will be returned at the termination of the ERPO. A respondent may appeal a full year ERPO only one time during the year.

### **Immunity and False Assertions**

No person can be held criminally or civilly liable for filing or failing to file an ERPO, but persons who file malicious or knowingly false petitions can be subject to criminal prosecution or civil liability.