

Extreme Risk Protection Orders in Colorado

When a person with access to firearms is making threats or behaving in a manner that creates a risk of harm to self or others, consider filing for an Extreme Risk Protection Order (ERPO), which is a civil court order that temporarily prohibits a person from possessing or purchasing firearms.

- Law enforcement officers, district attorneys, family and household members, licensed healthcare and mental health professionals, and educators may file an ERPO petition.
- An ERPO will require an individual to temporarily surrender any guns in their possession and prohibit them from purchasing guns.
- It is not required that the individual currently own firearms before an ERPO may be sought or issued.
- An ERPO may be issued for one year.

ERPOs are temporary and are a civil process distinct from arrests and prosecutions, mental health commitments, and other civil or criminal restraining orders. An ERPO may be requested on its own or alongside another type of intervention.

ERPOs may be an appropriate intervention in the following circumstances:

- Threats of self harm/suicide
- Threats of harm to others, including domestic/family violence
- Threats of mass harm, including school shootings

If there is evidence that an individual “poses a significant risk of causing personal injury to self or others” by having access to firearms, consider filing a petition for an ERPO. A petition must also state “the specific statements, actions, or facts that give rise to a reasonable fear of future dangerousness” by the individual. When the petition is filed, the court will schedule a hearing and require notice to the individual and will appoint counsel to represent them.

If there is an immediate risk of harm, an officer may also request that a **temporary emergency ERPO** be issued immediately without prior notice to the individual. An emergency order may only last for up to 14 days.

The court will consider any of the following in determining whether to issue an ERPO:

- Recent act or credible threat of violence against self or others (regardless of whether it involves a firearm)
- Pattern of acts or credible threats of violence within the past year
- Violation of a domestic violence protection order or conviction of a domestic violence-related crime
- Ownership of/access to/intent to possess a firearm or recent acquisition of a firearm or ammunition
- History of use or threatened use of unlawful physical force or stalking
- Prior arrest for certain violent crimes
- Evidence of abuse of alcohol or controlled substances
- Whether the individual is required to possess, carry, or use a firearm as a condition of employment

During the hearing, the court will also consider any available mental health evaluation or chemical dependency evaluation. Before issuing an ERPO, the court must consider whether the individual meets the standard for a court-ordered evaluation for persons with mental health disorders.

A law enforcement officer serving an ERPO should request that all firearms in their possession be immediately surrendered to the officer.

To effectuate safe service of ERPOs and relinquishment of firearms:

- Conduct a threat assessment prior to service, including coordinating with the individual's family/friends when appropriate to identify the safest options for service.
- Clearly explain the terms of the ERPO, including what the individual must do to comply and that noncompliance is a crime.
- Provide a receipt for any guns surrendered.

Warrants:

A law enforcement officer may request a search warrant to search for and take custody of any firearm in the individual's possession if there is probable cause that they are in possession of firearms and the location of those firearms.