

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Neville

1 Strike the Judiciary Committee Report, dated February 21, 2019, and  
2 substitute:

3 "Amend printed bill, page 3, strike lines 5 through 27 and substitute:

4 **"13-14.5-101. Extreme risk protection order.** (1) A FAMILY OR  
5 HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW ENFORCEMENT  
6 OFFICER OR AGENCY MAY FILE AN AFFIDAVIT, SIGNED UNDER OATH AND  
7 SUBJECT TO THE PENALTIES FOR PERJURY, WITH A LOCAL LAW  
8 ENFORCEMENT OFFICER, DEPARTMENT, OR AGENCY, AFFIRMING THAT THE  
9 PETITIONER IS IN IMMINENT DANGER OF SUFFERING PERSONAL INJURY OR  
10 DEATH AT THE HANDS OF THE RESPONDENT, OR THAT THE RESPONDENT IS  
11 IN IMMINENT DANGER OF CAUSING INJURY OR DEATH TO SELF OR OTHERS,  
12 BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM.

13 (2) UPON RECEIVING AN AFFIDAVIT PURSUANT TO SUBSECTION (1)  
14 OF THIS SECTION, THE RECEIVING LAW ENFORCEMENT DEPARTMENT OR  
15 AGENCY WITH JURISDICTION WHERE THE RESPONDENT RESIDES SHALL,  
16 WITHOUT DELAY, CONDUCT INTERVIEWS IN PERSON WITH BOTH THE  
17 PETITIONER AND THE RESPONDENT TO DETERMINE WHETHER:

18 (a) GROUNDS EXIST TO SEEK A MENTAL HEALTH EVALUATION OF  
19 THE RESPONDENT; OR

20 (b) CREDIBLE CRIMINAL THREATS OF VIOLENCE OR MENACING  
21 BEHAVIOR HAVE BEEN MADE BY THE RESPONDENT.

22 (3) UPON CONCLUSION OF THE INTERVIEWS PURSUANT TO  
23 SUBSECTION (2) OF THIS SECTION, THE LAW ENFORCEMENT DEPARTMENT  
24 OR AGENCY SHALL FORMALLY SEEK AN EMERGENCY MENTAL HEALTH  
25 EVALUATION PURSUANT TO SECTION 27-65-105 OR A CIVIL PROTECTION  
26 ORDER PURSUANT TO SECTION 13-14-105, OR ARREST THE RESPONDENT  
27 FOR MAKING CRIMINAL THREATS OR ENGAGING IN MENACING BEHAVIOR,  
28 OR TAKE NO FURTHER ACTION. IF AN EMERGENCY MENTAL HEALTH  
29 EVALUATION IS RECOMMENDED BUT REFUSED BY THE RESPONDENT, THE  
30 RESPONDENT SHALL BE ADVISED THAT A LETTER OF NOTIFICATION  
31 REGARDING THE INCIDENT WILL BE FORWARDED TO THE UNITED STATES  
32 ATTORNEY'S OFFICE FOR COLORADO FOR REVIEW.

33 (4) THE PROCESS OUTLINED IN THIS SECTION SHALL BE KNOWN AS  
34 AN "EXTREME RISK PROTECTION ORDER".

35 Strike pages 4 through 29.

36 Page 30, strike lines 1 through 15.

37 Renumber succeeding section accordingly."

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