



Colorado's "Red Flag Law" and How it Affects Victims

Colorado's HB1177, or "Red Flag Law," introduces important protections for victims of domestic violence. A new type of protection order called an Extreme Risk Protection Order makes it easier for victims or family members to protect themselves from an abuser who owns firearms.

What is an Extreme Risk Protection Order (ERPO)?

An ERPO temporarily prohibits individuals who pose a danger to self or others from purchasing, receiving and possessing firearms for 364 days after the initial filing. An ERPO can be filed by a family member, household member, or law enforcement officer, and the court must hold the initial hearing either the day of filing or the next court day.

How is an ERPO different than other protection orders?

Civil and criminal protection orders protect individuals from the protection order's respondent/defendant. Through these types of protection orders, the court has the option to order the respondent/defendant to surrender his or her firearms *and* refrain from offending behaviors such as harassment, stalking, intimidation, abuse, etc. Protection orders can be civil or criminal and can be filed independently or in connection with an existing criminal or civil case. Civil protection orders can be sought by any person who is in fear of personal harm. Criminal protections are issued by the court upon a felony or misdemeanor charge.

Protected parties will see relief sooner with an ERPO.

In ERPO cases, the court must hold a temporary ERPO hearing in person or by telephone **on the day the petition is filed or on the court day immediately following the day the petition is filed.** In normal civil protection order cases, the court must set the ex parte hearing for the "earliest possible time."

The legal standard to remove firearms as part of an ERPO is very high.

The same legal standard, clear and convincing evidence, is applied when the State wishes to take children away from their parents.

Respondents in ERPO petitions are given FREE legal counsel to contest the protection order.

The court appoints counsel for the continuation hearing.

ERPOs give us the opportunity to protect domestic violence victims AND the general public.

In at least 54% of shooting incidents in which four or more people were shot and killed (not including the shooter) between 2009 and 2017, the perpetrator also shot current or former intimate partners or family members.

Everytown for Gun Safety. Mass Shootings in the United States, 2009-2017. <https://everytownresearch.org/reports/mass-shootings-analysis/>

"[If we do not enforce HB1177] we send a dangerous message to domestic violence survivors and victims of violent felonies that their lives and safety are not as important as someone else's access to a firearm." Violence Free Colorado.