

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 26-0457.01 Owen Hatch x2698

SENATE BILL 26-004

SENATE SPONSORSHIP

Sullivan,

HOUSE SPONSORSHIP

Froelich,

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 CONCERNING WHO MAY PETITION A COURT FOR AN EXTREME RISK
102 PROTECTION ORDER.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill adds a health-care facility that employs a health-care professional or mental health professional and a co-responder who is part of a co-responder community response to the list of community members who may petition the court for an extreme risk protection order. The bill adds health-care facilities, behavioral health treatment facilities, K-12 schools, and institutions of higher education as institutional petitioners

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
February 2, 2026

that may petition a court for an extreme risk protection order.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 13-14.5-102, **amend**
3 (1), (2), and (11); and **add** (6.5) as follows:

4 **13-14.5-102. Definitions.**

5 As used in this article 14.5, unless the context otherwise clearly
6 requires:

7 (1) "Community member" means:

8 (a) A licensed health-care professional or mental health
9 professional who, through a direct professional relationship, provided
10 care to the respondent or the respondent's child within six months before
11 requesting the protection order; ~~or~~

12

13 (b) An educator who, through a direct professional relationship,
14 interacted with the respondent or the respondent's child within six months
15 before requesting the protection order; OR

16 (c) A CO-RESPONDER WHO IS PART OF A CO-RESPONDER
17 COMMUNITY RESPONSE, AS DEFINED IN SECTION 24-32-3501 (8)(d), WHO,
18 IN THEIR CAPACITY AS A CO-RESPONDER, OR A COMMUNITY MEMBER, AS
19 DEFINED IN THIS SECTION, WHO, AS PART OF A LAW ENFORCEMENT AGENCY
20 OR EMERGENCY RESPONSE TEAM, PROVIDES ON-SITE CRISIS ASSESSMENT,
21 DE-ESCALATION, OR INTERVENTION SERVICES TO INDIVIDUALS IN CRISIS,
22 WHO INTERACTED WITH THE RESPONDENT OR THE RESPONDENT'S CHILD
23 WITHIN SIX MONTHS BEFORE REQUESTING THE PROTECTION ORDER BUT
24 WHO IS NOT A LAW ENFORCEMENT OFFICER WHO RESPONDED TO A
25 BEHAVIORAL HEALTH-RELATED CALL INVOLVING THE RESPONDENT.

1 (2) "Educator" means a teacher employed to instruct students or
2 a school administrator in a school district, private school, charter school
3 institute, or an individual charter school; or a faculty member at an
4 institution of higher education, INCLUDING A COMMUNITY COLLEGE, A
5 LOCAL DISTRICT COLLEGE, OR AN AREA TECHNICAL COLLEGE.

6 (6.5) "INSTITUTIONAL PETITIONER" MEANS AN ENTITY THAT
7 EMPLOYS OR CONTRACTS WITH A COMMUNITY MEMBER AS DEFINED IN THIS
8 SECTION, INCLUDING, BUT NOT LIMITED TO:

9 (a) A SCHOOL DISTRICT;

10 (b) A PRIVATE SCHOOL;

11 (c) THE STATE CHARTER SCHOOL INSTITUTE CREATED IN SECTION
12 22-30.5-503;

13 (d) AN INDIVIDUAL DISTRICT CHARTER SCHOOL OR INSTITUTE
14 CHARTER SCHOOL;

15 (e) AN INSTITUTION OF HIGHER EDUCATION, INCLUDING A
16 COMMUNITY COLLEGE, A LOCAL DISTRICT COLLEGE, OR AN AREA
17 TECHNICAL COLLEGE;

18 (f) A HOSPITAL OR HEALTH-CARE FACILITY LICENSED IN
19 ACCORDANCE WITH THE REQUIREMENTS OF PART 1 OF ARTICLE 3 OF TITLE
20 25; OR

21 (g) A BEHAVIORAL HEALTH OR SUBSTANCE USE DISORDER
22 TREATMENT FACILITY, BEHAVIORAL HEALTH ENTITIES, OR OTHER FACILITY
23 WHERE BEHAVIORAL HEALTH CRISIS SERVICES ARE OFFERED.

24 (11) "Respondent" means the person, INCLUDING A PERSON UNDER
25 EIGHTEEN YEARS OLD who is identified as the respondent in a petition
26 filed pursuant to this article 14.5.

27 **SECTION 2.** In Colorado Revised Statutes, 13-14.5-103, **amend**

1 (1)(a) and (1)(b) as follows:

2 **13-14.5-103. Temporary extreme risk protection orders.**

3 (1) (a) A family or household member of the respondent, a
4 community member, AN INSTITUTIONAL PETITIONER, or a law enforcement
5 officer or agency may request a temporary extreme risk protection order
6 without notice to the respondent by including in the petition for the
7 extreme risk protection order an affidavit, signed under oath and penalty
8 of perjury, supporting the issuance of a temporary extreme risk protection
9 order that sets forth the facts tending to establish the grounds of the
10 petition or the reason for believing they exist and, if the petitioner is a
11 family or household member or community member, attesting that the
12 petitioner is a family or household member or community member. The
13 petition must comply with the requirements of section 13-14.5-104 (3).
14 If the petitioner is a law enforcement officer or law enforcement agency,
15 AND IF THE LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY
16 HAS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FIREARMS
17 WITHIN THEIR CUSTODY, CONTROL, OR POSSESSION, the law enforcement
18 officer or law enforcement agency shall concurrently file a sworn
19 affidavit for a COURT TO ISSUE A search warrant pursuant to section
20 16-3-301.5 to search for any firearms in the possession, CUSTODY, or
21 control of the respondent at a location or locations to be named in the
22 warrant. If a petition filed pursuant to section 27-65-106 is also filed
23 against the respondent, a court of competent jurisdiction may hear that
24 petition at the same time as the hearing for a temporary extreme risk
25 protection order or the hearing for a continuing extreme risk protection
26 order.

27 (b) Notwithstanding any provision of law to the contrary, a

1 ~~licensed health-care professional, or mental health professional,~~
2 COMMUNITY MEMBER OR INSTITUTIONAL PETITIONER authorized to file a
3 petition for a temporary extreme risk protection order, upon filing the
4 petition for a temporary extreme risk protection order, is authorized to
5 disclose protected health information of the respondent as necessary for
6 the full investigation and disposition of the request for a temporary
7 extreme risk protection order. When disclosing protected health
8 information, the ~~licensed health-care professional, or mental health~~
9 ~~professional,~~ COMMUNITY MEMBER OR INSTITUTIONAL PETITIONER shall
10 make reasonable efforts to limit protected health information to the
11 minimum necessary to accomplish the filing of the petition. Upon receipt
12 of a petition by a ~~licensed health-care professional, or mental health~~
13 ~~professional,~~ COMMUNITY MEMBER OR INSTITUTIONAL PETITIONER, and
14 for good cause shown, the court may issue orders to obtain any records or
15 documents relating to diagnosis, prognosis, or treatment, and clinical
16 records, of the respondent as necessary for the full investigation and
17 disposition of the petition for a temporary extreme risk protection order.
18 When protected health information is disclosed or when the court receives
19 any records or documents related to diagnosis, prognosis, or treatment or
20 clinical records, the court shall order that the parties are prohibited from
21 using or disclosing the protected health information for any purpose other
22 than the proceedings for a petition for a temporary extreme risk protection
23 order and shall order the return to the covered entity or destroy the
24 protected health information, including all copies made, at the end of the
25 litigation or proceeding. The court shall seal all records and other health
26 information received that contain protected health information. The
27 decision of a ~~licensed health-care professional, or mental health~~

1 ~~professional,~~ COMMUNITY MEMBER OR INSTITUTIONAL PETITIONER to
2 disclose or not to disclose records or documents relating to the diagnosis,
3 prognosis, or treatment, and clinical records of a respondent, when made
4 reasonably and in good faith, shall not be the basis for any civil,
5 administrative, or criminal liability with respect to the licensed
6 health-care professional, or mental health professional, COMMUNITY
7 MEMBER OR INSTITUTIONAL PETITIONER.

8 **SECTION 3.** In Colorado Revised Statutes, 13-14.5-104, **amend**
9 (1)(a) and (1)(b) as follows:

10 **13-14.5-104. Petition for extreme risk protection order.**

11 (1) (a) A petition for an extreme risk protection order may be filed
12 by a family or household member of the respondent, a community
13 member, AN INSTITUTIONAL PETITIONER, or a law enforcement officer or
14 agency. If the petition is filed by a law enforcement officer or agency, a
15 county or city attorney shall represent the officer or agency in any judicial
16 proceeding upon request. If the petition is filed by a family or household
17 member or community member, the petitioner, to the best of the
18 petitioner's ability, shall notify the law enforcement agency in the
19 jurisdiction where the respondent resides of the petition and the hearing
20 date with enough advance notice to allow for participation or attendance.
21 Upon the filing of a petition, the court shall appoint an attorney to
22 represent the respondent, and the court shall include the appointment in
23 the notice of hearing provided to the respondent pursuant to section
24 13-14.5-105 (1)(a). The respondent may replace the attorney with an
25 attorney of the respondent's own selection at any time at the respondent's
26 own expense. The court shall pay the attorney fees for an attorney
27 appointed for the respondent.

1 (b) Notwithstanding any provision of law to the contrary, a
2 ~~licensed health-care professional, or mental health professional,~~
3 ~~COMMUNITY MEMBER~~ OR INSTITUTIONAL PETITIONER authorized to file a
4 petition for an extreme risk protection order, upon filing the petition for
5 an extreme risk protection order, is authorized to disclose protected health
6 information of the respondent as necessary for the full investigation and
7 disposition of the petition for an extreme risk protection order. When
8 disclosing protected health information, the ~~licensed health-care~~
9 ~~professional, or mental health professional,~~ ~~COMMUNITY MEMBER~~ OR
10 INSTITUTIONAL PETITIONER shall make reasonable efforts to limit
11 protected health information to the minimum necessary to accomplish the
12 filing of the request. Upon receipt of a petition by a ~~licensed health-care~~
13 ~~professional, or mental health professional,~~ ~~COMMUNITY MEMBER~~ OR
14 INSTITUTIONAL PETITIONER, and for good cause shown, the court may
15 issue orders to obtain any records or documents relating to diagnosis,
16 prognosis, or treatment, and clinical records of the respondent as
17 necessary for the full investigation and disposition of the petition for an
18 extreme risk protection order. When protected health information is
19 disclosed or when the court receives any records or documents related to
20 diagnosis, prognosis, or treatment or clinical records, the court shall order
21 that the parties are prohibited from using or disclosing the protected
22 health information for any purpose other than the proceedings for a
23 petition for an extreme risk protection order and shall order the return to
24 the covered entity or destroy the protected health information, including
25 all copies made, at the end of the litigation or proceeding. The court shall
26 seal all records and other health information received that contain
27 protected health information. The decision of a ~~licensed health-care~~

1 ~~professional, or mental health professional,~~ COMMUNITY MEMBER OR
2 INSTITUTIONAL PETITIONER to disclose or not to disclose records or
3 documents relating to the diagnosis, prognosis, or treatment, and clinical
4 records of a respondent, when made reasonably and in good faith, must
5 not be the basis for any civil, administrative, or criminal liability with
6 respect to the ~~licensed health-care professional, or mental health~~
7 ~~professional,~~ COMMUNITY MEMBER OR INSTITUTIONAL PETITIONER.

8 **SECTION 4.** In Colorado Revised Statutes, 13-14.5-107, **amend**
9 (2)(b) as follows:

10 **13-14.5-107. Termination or renewal of protection orders.**

11 **(2) Renewal.**

12 (b) A petitioner, a family or household member of a respondent,
13 a community member, AN INSTITUTIONAL PETITIONER, or a law
14 enforcement officer or agency may, by motion, request a renewal of an
15 extreme risk protection order at any time within sixty-three calendar days
16 before the expiration of the order.

17 **SECTION 5.** In Colorado Revised Statutes, 13-14.5-113, **amend**
18 (1) and (4) as follows:

19 **13-14.5-113. Liability.**

20 (1) Except as provided in section 13-14.5-111, this article 14.5
21 does not impose criminal, administrative, or civil liability on any person,
22 including a community member, AN INSTITUTIONAL PETITIONER, or entity
23 for acts or omissions made in good faith related to obtaining an extreme
24 risk protection order or a temporary extreme risk protection order,
25 including but not limited to reporting, declining to report, investigating,
26 declining to investigate, filing, or declining to file a petition pursuant to
27 this article 14.5. This article 14.5 does not impose criminal or civil

1 liability on a peace officer lawfully enforcing an order pursuant to this
2 article 14.5.

3 (4) This article 14.5 does not require a family or household
4 member of the respondent, a community member, AN INSTITUTIONAL
5 PETITIONER, or a law enforcement officer or agency to file a petition for
6 a temporary emergency extreme risk protection order or petition for an
7 extreme risk protection order.

8 **SECTION 6. Safety clause.** The general assembly finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety or for appropriations for
11 the support and maintenance of the departments of the state and state
12 institutions.