

## HB26-1072 Right to Firearm Possession & Elimination of Extreme Risk Protection Orders

I've come in full support of this bill.

As an American, I am proud of the idea of Due Process of Law. In short, this is where I would be charged with a crime, go before a judge, face my accuser, plead my case, and only by getting a guilty judgement would my property be taken.

[https://www.americanbar.org/groups/public\\_education/resources/law\\_related\\_education\\_network/how\\_courts\\_work/judgment/](https://www.americanbar.org/groups/public_education/resources/law_related_education_network/how_courts_work/judgment/)

But under Red Flag Laws, this is thrown in the trash! Under Red Flag laws, one is considered Guilty without a trial! Property taken without a real guilty verdict! Only after two weeks, can one face one's accuser and a judge to prove one's innocent.

"Once a petition is filed, a judge reviews it to determine whether to grant an emergency or temporary extreme risk protection order (TERPO) for up to two weeks.

If the TERPO is granted, then during the two weeks, a hearing occurs at which the respondent and petitioner may present evidence."

<https://cdphe.colorado.gov/colorado-gun-violence-prevention-resource-bank/prevention-and-intervention-approaches/extreme-risk>

Red Flag laws are an abomination of American Due Process, and I call on you to support this bill!

Thank you.

Michael Quinlan

3970 Harmony Drive

APT 512

Colorado Springs, CO. 80917

(719) 502-7015

1072  
004



March 2026

**TO:** House State, Civic, Veterans & Military Affairs Committee

**RE:** AAUW OPPOSES HB25-1072 –Right to Firearm Possession

Dear Committee Members:

The American Association of University Women (AAUW) is one of the oldest women's organizations in the country, empowering women since 1881. The mission of AAUW is to advance equity for women and girls through research, education and advocacy. More than 700 community leaders are members of AAUW branches around Colorado.

AAUW has declared that gun violence is a public health crisis. We support existing laws aimed at reducing gun deaths, and believe HB1072 represents a dangerous step backward.

AAUW of Colorado strongly opposes HB1072 and requests your NO vote in committee.

Respectfully submitted,

A handwritten signature in blue ink that reads "Su Ryden".

Su Ryden  
AAUW of Colorado Advocacy-Director

16699 E. Kentucky Ave. • Aurora, CO 80017  
303.898.5797  
[suryden25@gmail.com](mailto:suryden25@gmail.com)

*American Association of University Women--AAUW is a top-rated 501(c)3 charitable organization whose mission is to advance gender equity for women and girls through research, education, and advocacy.*

Testimony in support of: HB26-1072 Right to Firearms Possession and Elimination of Extreme Risk Protection Orders

The Firearms Coalition of Colorado, PO Box 1454, Englewood, CO 80150-1454

Thank you, Chair and Committee

My name is Robert Edmiston. I am with the Firearms Coalition of Colorado an NRA-affiliated, all-volunteer, grassroots organization dedicated to the protection of individual rights and public safety.

I am a former U.S. Army Officer and Vocational Rehabilitation Counselor. I have a Master's Degree in Psychology, Counseling and Guidance.

I am writing in support of the measure under consideration: This proposal reinforces support for the natural right to armed self-defense recognized by the US and State Constitutions. It also eliminates the legal execution of Extreme Risk Protection Orders (ERPOs), which, as written in Colorado Law, routinely bypasses meaningful due process through the use of ex parte hearings, instead of limiting the use of those hearings to cases where there is a high risk of immediate harm to the person named in the order or to others.

Although no one, to our knowledge, has been killed in Colorado as a result of the Red Flag Law, there have been flagrant abuses of the law against law enforcement officers in Larimer and Weld Counties, that were fortunately stopped, because of their obviously outrageous nature. We do not believe that lower profile "ordinary citizens" would have benefited from the prompt judicial action that derailed Red Flag attacks on the Larimer and Weld County Sheriffs.

We still believe the Red Flag Law will lead to unnecessary, potentially violent confrontations between police and law-abiding gun owners, resulting in danger to both officers and civilians. We believe it will forever damage the relationship between law enforcement and the law-abiding gun owners who support our officers.

Based on historical evidence that weapons control is often discriminatory, and favors the rich and powerful, we believe the current Red Flag Law is uniquely subject to individual bias, since a single judge, in an ex parte hearing, is bound to be influenced by the relative wealth, power and social standing of the accuser and the absent accused. We believe the Red Flag Law is redundant, since Colorado already has "deny on arrest" laws, domestic violence protection orders, and provisions for 72-hour mental health holds. We would like to see more resources dedicated to mental health treatment, both at the institutional level and at the community mental health level. We oppose The Red Flag Law, because we believe it discourages gun owners from seeking potentially beneficial mental health treatment.

The Red Flag Law relies on an ex parte hearing that denies the Respondent the ability to rebut his or her accuser. We know such hearings are used in other situations, but are they appropriate for an act that “might” be committed, based on a reasonable fear by a person without a clinical background? This lack of up-front due process overturns the concept of “innocent until proven guilty” that is one of the bedrocks of our judicial system. Making the process a civil matter does not justify “working around” the US Constitution, in our opinion.

The Red Flag Law only requires “facts that give rise to a **reasonable fear of future** dangerous acts by the Respondent,” in the initial temporary order hearing, in which the Respondent (the Victim) is not allowed to participate. The accusation effectively becomes the ruling of the judge in most cases.

Dershowitz on Red Flag Bills  
*A Yellow Light on Red Flag Laws*  
By

Alan M. Dershowitz, distinguished liberal scholar and professor of law  
Aug. 6, 2019 6:55 pm ET

“I have studied, taught and written for half a century about the difficulties of predicting violence. My first scholarly article, in 1970, was titled “The Law of Dangerousness: Some Fictions About Predictions,” and a subsequent book was titled “Preemption: A Knife That Cuts Both Ways” (2006). Research shows that any group of people identified as future violent criminals will contain many more who won’t be violent... than who will... Such groupings also fail to identify many future violent criminals...”

Red-flag laws risk setting a dangerous precedent. If the government can take your guns based on a prediction today, what will stop it from taking your liberty based on a prediction tomorrow?”

<https://www.wsj.com/articles/a-yellow-light-for-red-flag-laws-11565132144>.

Dershowitz retired from Harvard Law School in 2013

We used to hear that it would be better to let ten guilty persons go free than to convict one innocent person. Apparently, “innocent until proven guilty,” doesn’t apply to suspected gun owners.

What happens to the collectable guns and attachments, such as scopes, and sights, of an innocent citizen, while the firearms are in police custody? We believe there should be an insurance fund, or at least a high standard of care in the handling of confiscated property.

We believe The Red Flag Law effectively criminalizes gun ownership without conceding to the Respondent, or victim of the law, the protections inherent in a criminal proceeding, such as protection from prior restraint and the right to confront an accuser before being deprived of valuable property and the most effective means of self-defense. The Petitioner does not even have to appear in person at the first hearing that the Respondent is allowed to attend.

We believe this law infringes on the First, Second, Fourth, and Fourteenth Amendments by making persons who are unqualified to make psychological threat assessments the arbiters of an individual's right to armed self-defense. The Red Flag Law provides for the confiscation by the government of firearms, which are valuable property, on the basis of someone's opinion that the citizen **might** commit an act of violence. Prior restraint has been a discredited concept in American courts. The Red Flag Law is based on prior restraint.

In the case of an order requested by a law enforcement officer, the ERPO comes complete with a search warrant that allows the police to search for and find any potentially incriminating items that might be uncovered in a reasonable hunt for firearms. In effect, a Colorado gun owner has to be ready at any time to open up his or her property to an inspection by the police and to turn over his or her firearms. We cannot think of a more effective way to induce paranoia in a group of citizens than a law of this nature. There is a very real and frightening possibility that the government is coming, without prior, meaningful due process, with the threat of deadly force, to take someone's guns.

Imagine if this standard were applied to the First Amendment. The police would come, prepared to use deadly force, to seize your cell phone and your computer based on the opinion of a lay person or law enforcement officer that you might use your communication devices to incite a riot, or do other harm. In two weeks, you are allowed to come before the judge who issued the original order to prove that you did not intend to incite a riot. Failure to appear means that you lose your right to free speech for up to 364 days, with more extensions possible.

We believe The Red Flag Law is a dangerous violation of due process and easily subject to abuse by estranged family members or former significant others, as well as educators not qualified to make clinical judgements about a person's possible future behavior.

See article by David Kopel, nationally recognized legal scholar, regarding objections to the original proposal: <https://pagetwo.completenesscolorado.com/2019/03/12/kopel-red-flag-bill-guts-due-process-unnecessarily-threatens-police-and-public-safety/>.

We urge an "aye" vote on this bill.

Thank you.

Robert Edmiston  
Volunteer Lobbyist  
The Firearms Coalition of Colorado  
PO Box 1454, Englewood, CO 80150-1454

**House State, Civic, Military, & Veterans Affairs**

**03/02/2026 01:30 PM**

**HB26-1072 Right to Firearm Possession & Elimination of ERPOs**

**Typed Text of Testimony Submitted**

<b>Name, Position, Representing</b>	<b>Typed Text of Testimony</b>
Gary Travis For themselves	HB26-1072 should be passed to repeal the numerous anti-gun laws that have burdened Colorado citizens in enjoying their 2nd Amendment rights under the US Constitution.
Evie Hudak Against Colorado PTA	<p>Colorado PTA strongly opposes HB 1072. PTA opposes this bill because we supported the passage of all the Extreme Risk Protection Order laws that this bill seeks to repeal. Furthermore, we have testified many times about our history of advocacy for the safety of children and youth and our high priority to protect them from gun violence.</p> <p>At PTA, we believe that no parent should fear for the safety of their child every time they leave home, but the reality is that over 6 in 10 parents today report worrying about gun violence. Every year, an estimated 3 million American children witness gun violence, impacting their ability to learn and thrive. Beyond the deadly effects of gun violence, this exposure impacts our children’s mental and physical health throughout adulthood.</p> <p>PTA believes that our state's leaders must acknowledge and address the ease of access to firearms. We believe it is necessary to restrict the number of guns being carried by citizens, because more guns on the streets result in more gun-related deaths, such as homicides, suicides, and accidents. We believe that HB 1072 will make our children, schools, and communities less safe.</p>

<p>Rachel Wallace</p> <p>For themselves</p>	<p>Our right to bare arms must be respected. Criminals don't follow laws, all you're doing is taking protection away from law abiding citizens</p>
<p>Lauren Opperman</p> <p>For themselves</p>	<p>The government has no right to prevent law-abiding citizens from acquiring firearms, per the United States Constitution.</p> <p>People with no regard for human life will have no regard for gun laws either. All this does is take firearms out of the hands of those who have a constitutional right to bear them.</p>
<p>Carolyn Shepherd</p> <p>Against themselves</p>	<p>Thank you for the chance to oppose HB26-1072. I am a retired physician; I spent 40 of my working years in primary care here in Colorado. I can still name the 3 people from my practice who might have had more time with their families if ERPO had been available to protect them from suicide. While homicides in the state have decreased, in 2024 Colorado had an increase in suicides to over 1300 suicides.</p> <p>ERPO is an important tool to tighten the holes in safety net which protects those at highest risk of harming themselves or others. ERPO gives us an intermediate step to protect patients with serious depression, a step short of taking away all of their freedom with a mental health hold and institutionalizing them in a mental health hospital.</p> <p>Please vote no on HB26-1072.</p>
<p>Terry Smith</p> <p>For themselves</p>	<p>I support HB26-1072 and urge you to vote in favor of it. We need to quit attacking the 2nd Amendment Rights of Coloradans. All of us have the right to due process. Thank you.</p>
<p>Matthew Koziolk</p> <p>For themselves</p>	<p>This bill will bring Colorado back into alignment with our state and national constitution. The gun control laws that your body has been passing are an infringement on our rights, and a conspiracy to disenfranchise us of our 2A rights funded by out of state wealthy elite billionaires. We remember who you represented last year when you</p>

	<p>heard from an overwhelming majority of women, minorities, business owners, and police officers that SB25-003 on its own is a violation of our rights and won't lead to decreased crime. It is the state constitution you're meant to uphold, not your donors' positive regard and continued financial backing.</p>
<p>cody grinolds For DG Arms</p>	<p>Only select individuals should have a say in who can own guns, and that should only be law enforcement personnel. Your neighbor shouldn't be able to report you because you own guns and they don't like them</p>
<p>Shirley Bauer For themselves</p>	<p>This Bill seems totally reasonable and may actually help REDUCE the amount of tax payer money that has gone to enforce ERPOS. I can't say it enough, there are so many anti gun laws that have been passed that have done NOTHING to stop gun violence or crime, yet cost thousands of dollars, or even millions of tax payer dollars. It is time to reverse the trend. I think the evidence showed in research proves that point. I respectfully ask that you all vote YES on this bill. Thank you.</p>
<p>jeany rush For themselves</p>	<p>TO: HOUSE STATE, CIVIC, MILITARY, &amp; VETERANS AFFAIRS RE: HB26-1072 RIGHT TO FIREARM POSSESSION &amp; ELIMINATION OF EXTREME RISK PROTECTION ORDERS SPONSOR: S. SLAUGH VOTE: YES FROM: JEANY RUSH, COLORADO CONSTITUENT, 3-2-26</p> <p>“The bill codifies an individual's right to own, possess, and use a firearm to the maximum extent permissible by the state and federal constitutions. Extreme risk protection orders and temporary extreme risk protection orders are repealed. “ THE BILL’S INTENT!</p> <p>THE LANGUAGE IN THIS BILL DOES STRESS TO THE MAXIMUM EXTENT PERMISSIBLE BY THE STATE AND FEDERAL CONSTITUTIONS. It is also important to make the distinction of a valid, civil, criminal protection order.</p>

	<p>I agree with the requirement for basic training, and specific training for concealed carry, and other common sense requirements for firearms ownership.</p> <p>Our schools, and most vulnerable spaces should be allowed to have armed security to protect our kids from the real criminals, who will never abide by any legitimate laws for weapons ownership. Many lives would be, have been saved by armed law abiding security guards, private citizens who carry, and have also been trained properly. The constant villainization of the millions of law abiding citizens who own weapons, is not only wrong, it is criminal, and is against the constitution. Also, I agree with the repeal of certain education requirements, while still making proper provisions</p> <p>There are already valid laws in place for awareness, training, proper handling, and this bill lays out common sense policy.</p>
<p>Bob Frank For themselves</p>	<p>I would like to say I support this house Bill HP 26"10 72. It's nice to see a bill come through the legislature to reinstate some support of due process. Thank you.</p>
<p>Stephen Rieck For themselves</p>	<p>Support our constitutional rights. I served my country and you should also.</p>
<p>Leif Sigstedt For themselves</p>	<p>These ERPOs are an illegal breach of our due process guarantees, as defined in our constitution, and must be eliminated. We already have a civil commitment process that respects due process while also dealing with the type of dangerous situations that these ERPOs are supposedly needed to prevent. Please join with us in supporting this common sense bill by voting YES!</p>
<p>Kameron Bain For themselves</p>	<p>This bill pushes back against Colorado's flawed "Red Flag" confiscation system and restores due process protections that have been steadily eroded.</p> <p>I implore you to restore proper second amendment protections in our state.</p>

<p>Bennett Rutledge For themselves</p>	<p>The ERPO law has has a very checkered record. It has been used for vindictiveness and on shaky evidence. It confiscated property BEFORE the questionable due process happens, and the cases where "it works!" that assessment is based on a "nothing happened" result.</p> <p>Vote FOR HR26-1072 to Repeal ERPO.</p>
--	---



**Testimony by Kathryn Fleisher, MPH**

Assistant Policy Advisor, Johns Hopkins Center for Gun Violence Solutions

Submitted on February 24, 2026

**In Opposition to HB 1072 - Right to Firearm Possession & Elimination of Extreme Risk Protection Orders**

House State, Civic, Military, & Veterans Affairs Committee

Hearing date: March 2, 2026

Dear Chair Willford, Vice Chair Clifford, and Members of the Committee,

My name is Kathryn Fleisher and I am a policy advisor at the Johns Hopkins Center for Gun Violence Solutions (the Center). I am providing this testimony in my individual capacity as a public health professional engaged in violence prevention and an expert in Extreme Risk Protection Orders (ERPOs). The views expressed here are my own and do not necessarily represent those of Johns Hopkins University or the Center.

**I am writing today in strong opposition to HB 1072, “Right to Firearm Possession & Elimination of Extreme Risk Protection Orders.”** Extreme Risk Protection Orders – known also as ERPOs or “red flag” laws – empower law enforcement, family and household members, intimate partners, and certain health care providers and educators in Colorado to work with courts to temporarily remove firearms from those who pose a danger to themselves and/or others. They work by putting time and space between an individual in crisis and their most lethal means: firearms. Evidence indicates that ERPOs save lives.

Repealing ERPO would restrict the access courts, law enforcement, and families have to tools that might save the lives of the respondent, their loved ones, and/or their possible targets.

ERPOs are civil, temporary orders that remove existing firearms from respondents and prevent the purchase or possession of new firearms while the order is in effect. Notably, ERPOs are only used in extremely limited circumstances where firearm access needs to be temporarily restricted; law-abiding gun owners need not worry about ERPOs affecting their firearm access. In Colorado, ex parte orders can last up to 14 days and “final” orders last for up to one year. **ERPOs are time-limited, evidence-informed interventions designed to reduce risk in moments of crisis, and are proving useful in preventing suicide, domestic violence, mass shootings, and other forms of firearm violence.**

ERPOs are modeled after domestic violence protection order laws which all 50 states and DC have had in effect for decades, and that are a well-established tool for preventing and mitigating harm. Just like domestic violence protection orders, ERPOs balance robust procedural safeguards with the need for timely judgments and do not

violate the due process rights of respondents. [Safeguards built into the policy](#) include: providing notice to respondents, the respondent's right to counsel, holding judicial hearings in which all parties have the right to appear and present evidence, oversight, and the right to appeal.

In support of the constitutionality of risk-based firearm removal policies, in *United States v. Rahimi* (2024), the U.S. Supreme Court upheld the constitutionality of firearm restrictions for individuals subject to domestic violence protection orders. This decision affirmed that civil firearm restrictions for dangerous individuals (which is what ERPOs are) are [consistent with the Second Amendment](#).

ERPO laws are powerful tools that states across the country are embracing to reduce gun violence while respecting the rights of all parties involved. As of February 2026, 22 states, including Colorado, plus the DC and U.S. Virgin Islands, have adopted an ERPO law. Over [690 ERPOs have been petitioned for in Colorado](#) since the law went into effect on January 1, 2020 (this data only reflects orders filed 2020-2024 as provided by the Colorado Department of Public Health and Environment). Of those petitions, 478 emergency orders were granted (about 69%) and 371 (or about 78%) of granted emergency ERPOs resulted in judges granting a "final" ERPO. Clearly, this policy mechanism is being used appropriately to protect Coloradans in crisis. Now is not the time to roll back this lifesaving policy.

### Research Supporting ERPO as a Lifesaving Policy:

- A multi-state study of 4,583 ERPO cases found that [one suicide was prevented for every 17-23 ERPOs issued](#). In cases involving respondents with a history of suicidal ideation, the impact was even greater—***one life was saved for every 13 ERPOs issued***.
- A six-state study of 6,700 ERPOs, including ERPOs in Colorado, found that 10% were [issued in response to mass violence threats, often targeting schools, workplaces, or intimate partners](#).
- A review of ERPO petitions filed in Colorado from 2020-2022 showed that [over half \(54.6%\) of petitions were filed by law enforcement](#); law enforcement petitions were also far more likely to be granted by the court for both emergency and final orders as compared to petitions filed by non-law enforcement.
- [81% of school shooters](#) and [47% of mass shooters](#) share their plans in advance—a phenomenon known as "leakage." [Family members are often the first to recognize these warning signs](#), and ERPOs allow for families and law enforcement to intervene during these crucial periods before tragedy strikes.

HB 1072 would repeal Colorado's ERPO law, preventing this proven, lifesaving policy from being used in high-risk situations. The repeal would remove an important violence prevention tool from law enforcement's toolbox. ERPOs empower those closest to a person in crisis and individuals in law enforcement to act before tragedy strikes. Stripping away this authority to act on firearm access not only increases the risk of violence by the respondent, but also silences law enforcement and those with the clearest insight into potential danger.

### ERPOs are bipartisan and publicly supported:

- 89.7% of Democrats and 68.5% of Republicans support ERPO laws
- 72.3% of gun owners and 78.4% of non-gun owners support ERPO laws

Despite this overwhelming support and the demonstrated effectiveness of ERPOs in saving lives, HB 1072 would eliminate this practical, evidence-based solution to prevent gun violence and reduce firearm suicide. This is not acceptable. Coloradans deserve an ERPO law to be able to respond to moments of crisis in their communities and to rest assured that law enforcement has the tools they need to ask the courts to temporarily remove firearms access from an individual at high risk of harming themselves or others.

At a time when gun violence continues to devastate families and communities across Colorado, we cannot afford to abandon tools that work. ERPOs are targeted, data-driven, temporary, and constitutional. For these reasons and more, I strongly urge you to reject HB 1072 and protect Colorado's lifesaving ERPO law.

Thank you for your consideration and time. I would be happy to answer follow up questions in writing.

Respectfully,

Kathryn Fleisher, MPH

## **Legal Statement in Support of HB26-1072**

To the Honorable Members of the Colorado State Legislature,

I respectfully support HB26-1072, which affirms the right to firearm possession and eliminates Extreme Risk Protection Orders (ERPOs), while also recommending an alternative framework that ensures due process protections for all individuals involved.

### **Second Amendment Protections**

The Second Amendment of the United States Constitution guarantees that “the right of the people to keep and bear Arms, shall not be infringed.” In *District of Columbia v. Heller*, 554 U.S. 570 (2008), the Supreme Court affirmed that this right protects an individual’s ability to possess firearms for lawful purposes, including self-defense in the home. The Court explicitly rejected the notion that the government could broadly restrict law-abiding citizens from owning firearms without substantial justification.

ERPOs, by their very design, allow for the temporary seizure of firearms based on perceived risks, without a criminal conviction. Such seizures circumvent the full due process guarantees enshrined in the Constitution. HB26-1072 appropriately safeguards this individual right by eliminating a mechanism that risks depriving law-abiding citizens of their firearms without sufficient legal justification.

### **Due Process Considerations**

The Fifth and Fourteenth Amendments protect individuals from being deprived of life, liberty, or property without due process of law. In cases like *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Supreme Court emphasized that due process requires a meaningful opportunity to be heard and contest allegations before a deprivation occurs. ERPOs, as currently implemented, can result in the immediate removal of firearms without a hearing or the ability for the accused to defend themselves effectively.

HB26-1072 addresses this due process concern by preventing arbitrary or *ex parte* restrictions that infringe upon constitutionally protected rights. Law-abiding citizens should not be stripped of firearms based solely on temporary assessments or unverified claims.

### **Historical and Legal Precedent for Self-Manufacture and Ownership**

The historical context of firearm possession in the United States underscores the principle that individuals have long been permitted to possess and carry arms for personal protection and militia purposes. The Founding Fathers recognized that such rights should not be contingent upon subjective assessments of risk or temporary petitions. This

historical foundation strengthens the argument that temporary firearm confiscations, as enabled by ERPOs, conflict with both legal precedent and constitutional protections.

### **Proposed Alternative: Expedited Due Process ERPOs**

While supporting HB26-1072, we recognize the importance of addressing individuals who may pose an imminent threat to themselves or others. A constitutional, balanced alternative would be the implementation of a special expedited ERPO process, designed to:

- Provide same-day hearings in court before any firearms are removed.
- Ensure that accused individuals have the right to counsel, can present evidence, and cross-examine petitioners.
- Limit firearm removal only to cases where clear and convincing evidence demonstrates an immediate, verifiable risk.
- Establish strict timelines for review and reinstatement of rights once the threat has passed.

Such a framework would preserve public safety while fully respecting the due process and Second Amendment rights of all individuals, mitigating concerns about arbitrary or mistaken firearm confiscation.

### **Conclusion**

HB26-1072 is consistent with established legal and constitutional principles, protecting the fundamental right to keep and bear arms while addressing the constitutional deficiencies of current ERPO statutes. By eliminating ERPOs and replacing them with an expedited, constitutionally sound framework, Colorado can uphold both individual liberties and public safety, ensuring that law-abiding citizens are not deprived of their rights without meaningful due process.

I urge the legislature to pass HB26-1072, while also considering the adoption of expedited due process mechanisms that balance constitutional rights with legitimate safety concerns.

Regards,

Andrew Cole *Andrew Cole*

Email: [Ace97Cole@gmail.com](mailto:Ace97Cole@gmail.com)

Phone: 801-814-2861

3831 Josephine Hts

Colorado Springs, CO 80906