

MEMORANDUM

TO Interested Parties
FROM Giffords
DATE March 15, 2019
RE **Extreme Risk Laws and Their Role in Reducing Gun Violence**

After mass shootings or family tragedies involving a firearm, the media and public often seek answers about how these incidents of gun violence could have been prevented. **Extreme risk protection order (ERPO) laws** may provide one answer. Recently, ERPO laws helped disarm a student in Vermont who kept a “journal of an active shooter” and the brother of the Parkland gunman who showed signs of violence after the massacre.

Extreme risk laws allow the courts, upon request from law enforcement, family members, or others, to temporarily disarm a person in crisis. These laws are proven to save lives—[studies of extreme risk laws in Connecticut and Indiana](#) show the measures are effective at reducing gun suicides in each state. Gun suicides account for two-thirds of American gun deaths.

We’ve already seen over a dozen states take action to enact extreme risk laws. Three months into 2019, **New York** became the **14th state** to pass this type of law. Other states, including **Colorado, Hawaii, Maine, and Nevada** are considering ERPO legislation during this year’s legislative cycle.



Source: Giffords Law Center

GIFFORDS

On the federal level, S. 506, introduced by Senator Dianne Feinstein (D-CA), and its companion in the House of Representatives, H.R. 1236, introduced by Rep. Salud Carbajal (D-CA) and Rep. Brian Fitzpatrick (R-PA), would provide federal funding to states to implement extreme risk laws. The issue has generated interest from both sides of the aisle, and will be the subject of a [Senate Judiciary Committee hearing](#) later this month.

The increased focus on this important remedy indicates legislators are finally listening to the American people and their calls for change.

EXTREME RISK LAWS GIVE FAMILIES AN OPTION FOR TAKING ACTION

Extreme risk laws can allow families and household members to petition a court directly for an order temporarily restricting a person's access to guns and ammunition when they pose a danger to themselves or others. These laws may also make it easier for family members to contact law enforcement for help. They provide law enforcement with a civil option that doesn't rely solely on criminal remedies. This vital tool allows the people who are most likely to notice when a loved one or community member becomes a danger to take concrete steps to disarm them.

MOMENTS OF CRISIS HAVE WARNING SIGNS

A person at risk of hurting themselves or others often exhibits signs that may alert family or community members to the person's mental state. For example, 80% of people considering suicide give some sign of their intentions, and an FBI study of the pre-attack behaviors of active shooters from 2000–2013 found that the average shooter displayed four to five concerning behaviors, problematic interpersonal interactions, or other signs of violent intentions. In many of these shootings, people who knew the shooter observed these signs, but federal and state laws provided no clear legal process to restrict access to guns, even temporarily.

THE FRAMEWORK FOR EXTREME RISK LAWS ALREADY EXISTS

Extreme risk laws are based on long-standing civil [domestic violence protection orders](#) (in place in all 50 states) and involve both a court hearing and clearly defined due process protections. In every state with an extreme risk law, law enforcement officers—and in several states, family or household members—are able to ask a judge for a temporary emergency order to prevent imminent harm. Following that order, the court holds a hearing to determine whether enough evidence exists to issue an order for a longer period of time, usually six months or a year.

Because every state has a system for issuing domestic violence restraining and protective orders, and due process protections are built into those systems, ERPO laws draw heavily from the domestic violence protective order systems in their states. ERPO laws require a decision by a judicial officer based on evidence of a serious risk presented to the court under oath. They also require a full hearing within a short period of time. While domestic violence restraining orders are issued to protect specific individuals, ERPO laws may be used to prevent harm when the dangerous person is suicidal or when their possession of a firearm may be a danger to others.

Fourteen states—**California, Connecticut, Delaware, Florida, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington**—and the **District of Columbia** currently have ERPOs or substantially similar laws. Nine of these states and DC—**California, Delaware, District of Columbia, Illinois, Maryland, Massachusetts, New Jersey, New York, Oregon, and Washington**—allow family or household members as well as law enforcement to submit a petition for an ERPO. Maryland and DC also allow mental health providers to petition, and New York allows school administrators to petition. Three states—Florida, Rhode Island, and Vermont—limit the category of petitioners to law enforcement only.

SUCCESS IN STATES WITH EXTREME RISK LAWS

In Connecticut, [a 2016 study](#) demonstrated that for every 10 to 20 guns seized under the risk warrant law, one suicide was prevented. [A 2018 study](#) similarly found that Connecticut's law was associated with a 13.7% reduction in firearm suicides. Additionally, Indiana's version of this law was associated with 7.5% fewer gun suicides in Indiana over the decade following the law's passage in 2005.

States that have recently enacted these laws are already utilizing them to save lives. For example, the Maryland General Assembly passed an extreme risk law in the wake of the Parkland, Florida, shooting that was signed by the state's Republican governor and went into effect on October 1, 2018. Over the next three months, Marylanders submitted [302 requests](#) to the courts. In 148 cases, a judge ordered law enforcement to remove firearms from the individuals in question. Four of those included specific and credible threats to schools, according to Montgomery County Sheriff Darren Popkin. "Orders are not only being issued appropriately, but are also saving lives," [he said](#).

ADDITIONAL RESOURCES

- [Blog: Extreme Risk Laws Are Saving Lives](#)
- [Toolkit: Extreme Risk Laws](#)
- [Giffords Law Center Page: Extreme Risk Protection Orders](#)
- [Polling: Colorado voters support extreme risk policies](#)

###