

Extreme Risk Protection Order and Violence Prevention Act

Senators Marco Rubio (R-FL), Bill Nelson (D-FL), and Jack Reed (D-RI)

The tragedy at Marjory Stoneman Douglas High School in Parkland, Florida was the result of multiple system failures, requiring a multi-faceted approach to prevent future mass shootings. Congress must work to create a more effective system to prevent gun violence before it happens.

Problem: Law enforcement or family members who have identified dangerous and threatening behavior of an individual currently have limited options to try to remove firearms from that individual's possession or ensure they cannot purchase firearms.

Solution: Congress must pass legislation encouraging states to enact laws to provide law enforcement or family members the option of obtaining a court order to prevent firearm purchases and possession by individuals who pose a significant threat to themselves or others while providing due process protections. Such laws have been enacted in several states, including most recently in Florida. Some states, including Rhode Island, are currently considering such proposals.

The Extreme Risk Protection Order and Violence Prevention Act:

- Creates an Extreme Risk Protection Order Grant Program at the Department of Justice.
- Makes states enacting qualifying laws eligible for funding to help implement such laws, as well as priority consideration for Bureau of Justice Assistance discretionary grants.
- Requires that a qualifying state law be in compliance with the minimum requirements described in the act, including:
 - Providing a process where a law enforcement officer or family member of an individual can petition for – and after notice and hearing a court can grant – an Extreme Risk Protection Order if the court finds by clear and convincing evidence that such individual poses a significant danger of causing personal injury to himself or herself or others by possessing or purchasing a firearm.
 - The duration of such order may not exceed 12 months but may be renewed upon a showing of clear and convincing evidence it remains warranted.
 - Respondent has the right to request a hearing to vacate an order or renewal.
 - Providing a process where a Temporary Ex Parte Extreme Risk Protection Order can be issued if a court finds probable cause to believe that an individual poses a significant danger of causing personal injury to himself or herself or others *in the near future* by possessing or purchasing a firearm.
 - Establishing a felony criminal offense for knowingly making a false statement relating to an Extreme Risk Protection Order regarding a material matter.
 - Requiring clear processes and instructions for the surrender of a respondent's firearms should an Extreme Risk Protection Order be issued, as well as clear processes and instructions for the swift return of such firearms upon expiration or successful motion to vacate an order.
 - Requiring that an issuance of an Extreme Risk Protection Order be reported to the appropriate federal, state, and tribal databases.