



HF 9 (RICHARDSON)

EXTREME RISK PROTECTION ORDERS

This proposal would help law enforcement and family members help to keep guns out of the hands of people who pose danger to themselves or others. We've heard far too many stories over the last several years of shootings that could have prevented by extreme risk protection orders. When family members or law enforcement see clear red flags, they should be able to do something about them.

OVERVIEW

Under current law, there are thirteen defined categories of persons ineligible to possess ammunition or firearms. HF 9 adds one more category: a person subject to an extreme risk protection order ("ERPO").

BILL CONTENTS

HF 9 would create an action called "a petition for an extreme risk for protection from firearm violence," which would prohibit a respondent from possessing a firearm for a fixed period of time but may be extended. Such a petition could be made by family or household members, certain law enforcement officials, city or county attorneys, or a guardian.

To obtain an ERPO, a petitioner must allege that a respondent: (1) poses a significant danger of bodily harm to self or other persons by possessing a firearm; and (2) presents an immediate and present danger of bodily injury.

Under HF 9, a petition for relief must contain, to the best of the petitioner's knowledge, the types and location of any firearms the petitioner believed to be possessed by the respondent. A petitioner would have the right to alternate notice if a respondent were avoiding personal service. Further, the petitioner would have the right to request a hearing. If the petitioner does not request a hearing, the respondent has the right to do so with notice of five days.

If a court determines after a hearing that the respondent satisfies the elements of an ERPO, the court would be able to grant an ex parte emergency ERPO for the duration of the order (14 days). The court would be required to inform the respondent of such a decision without first providing notice. If an emergency ERPO is issued, the respondent must transfer all firearms as soon as reasonably practicable, but no later than 24 hours, to a federally licensed firearms dealer or law enforcement agency. Such a transfer may be temporary or permanent. If temporary, the dealer or law enforcement agency may charge the respondent a reasonable storage fee, and the transfer does not transfer ownership. If permanently transferred to law enforcement, the agency is not required to compensate the respondent.

Upon request by the respondent after the expiration of a temporary transfer order, a local law enforcement agency or federally licensed firearms dealer shall return the firearm(s) to the respondent.

Relevant law enforcement agencies, through a verification system, would be required to make available to other law enforcement agencies the existence and status of any ERPO.