

All about Extreme Risk Laws

Imagine this...

You know a gun owner who has threatened to shoot you or to shoot themselves. You've contacted the police. They've told you there's nothing they can do. What do you do now?

What is an Extreme Risk Law?

An Extreme Risk Law is designed to protect a gun owner and those around them by providing timely intervention when there is a perceived present and serious risk of gun injury or death.

These laws are often called Extreme Risk Protection Orders (ERPOs). They are a tool designed to help a family member or police reduce the risk of a gun tragedy.

How does it work?

If a family member or law enforcement have evidence a gun owner is a risk for shooting themselves or others, they can ask for help by petitioning a civil court. They must show the person has access to guns and has exhibited behavior demonstrating a potential risk.

The court will consider the petitioner's evidence. The gun owner may also be represented, and has a right to free representation.

If the evidence convinces the court there is a significant risk, the court may issue an ERPO. Police will then ensure the guns are removed from the individual for the duration of the Order. An Order may last up to a year. The gun owner's name will be added to the "prohibited purchaser" background check database for the length of the Order.

The gun owner may petition for early return of the gun(s) and will be able to get the gun(s) back after the Order expires (after passing a background check). A petitioner may file a new petition to have the Order extended, based on updated evidence.

If the court isn't open when the petition is filed, an interim Order may be issued by a designated hearing officer or judge. Once it re-opens, the civil court will consider the case within one day (following a hearing officer ruling) or within three to ten days (for a judge's temporary ruling).

How does this help?

In many instances, people report after a tragedy that they knew the individual was troubled.

Studies show 40% of mass shooters (killing or injuring 4 or more people by gun) over a five year period showed warning signs before committing the violence. From 1/1/18 through 3/31/19, twenty of the 377 US mass shootings occurred in Pennsylvania.

Taking a gun away from an owner can be difficult in terms of legal issues and dangerous if the gun owner were to fight the removal. ERPOs provide a clear legal avenue to take action. They've been effective in addressing:

- Suicide threats or attempts
- Threats or acts of violence
- Domestic abuse
- Cruelty to animals

How do we know ERPOs work?

Fourteen states and the District of Columbia have enacted ERPO legislation. In each instance, reports of possible tragedies being averted surface shortly after the tool became available.

Extreme risk laws are a particularly important for preventing suicides. For example, two states that ERPOs and seen significant results are:

- Indiana - a 7.5% reduction in suicides
- Connecticut - a 13.7% reduction in suicides

<https://gun-violence.psychiatryonline.org/doi/10.1176/appi.ps.201700250>

- Research shows people are more likely to die by suicide if they have access to a gun
- 85% of suicide attempts involving guns are fatal
- 90% of people who survive a suicide attempt do *not* die by suicide at a later date

In PA someone dies by gun suicide every nine hours, 1,000 a year. Chester County had 35 firearm suicides in 2018.

Why do people oppose ERPOs?

Some believe that the current "302" process, which is an involuntary commitment into a mental health institute for emergency psychiatric evaluation, provides a sufficient tool. However, a person who is committed through a "302" permanently loses their rights to own firearms. Therefore, some law enforcement officers are reluctant to use a "302".

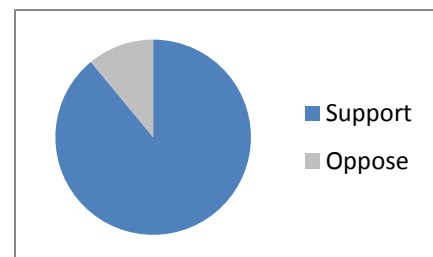
Others believe ERPOs trample on gun owner rights, even though the proposed ERPO law provides for the gun owner to receive free representation in any hearing. There is also concern a petitioner may lie. The proposed legislation has financial and legal penalties for anyone shown to give false evidence. This includes being charged with a second degree misdemeanor.

Who supports ERPOs?

Most people. A 2018 Quinnipiac University Poll found:

- 89% of all survey respondents, and
- 87% of gun owning households

...supported allowing the police or a family member to petition a court for the removal of guns from a person who might be at risk of violent behavior.



Pennsylvania Bipartisan Bills for Extreme Risk Protection Orders:

Pennsylvania is considering enacting an Extreme Risk Protection Order law of the type described above.

These have been filed as:

PA Senate Bill 90. Sponsored by Senator Tom Killion and *co-sponsored by all Chester County Senators.*

PA House Bill 1075. Sponsored by Representative Todd Stephens and co-sponsored by Representatives Comitta,, Friel-Otten, Howard, Sappey, Shusterman, and Williams (as of 5/15/19).

If you would like your State Representative or State Senator or to support these bills, and they have not already signed on, consider sending the following message:

Dear NAME:

I believe an Extreme Risk Protection Order law will help increase safety for both gun owners and those with whom they interact. I am asking you to support BILL # to help reduce gun injury and death in Pennsylvania.

For a PA Representative, House Bill 1075 | PA Senator Senate Bill 90

Federal

The US Senate Judiciary Committee is also considering Extreme Risk Protection Order legislation.

US Congresswoman Chrissy Houlahan supports this idea, as does PA Senator Bob Casey.