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Extreme Risk Protection Order (S.7133/A.8976)

Empowering New Yorkers to Remove Guns from Individuals in Crisis

A majority of mass shooters, victims of suicide, and perpetrators of domestic abuse exhibit dangerous and threatening behavior before carrying out fatal shootings. These warning signs are often observed by a family or household member. However, even when loved ones report their fears to law enforcement, police may not have the authority to help. New Yorkers need a proactive tool to prevent needless tragedies. New York State's **Extreme Risk Protection Order (ERPO)** bill would enable family members and others to petition a court to suspend an individual in crisis from accessing guns. The individual subject to the ERPO would then be required to surrender his or her guns to police and would not be able to buy, sell, or possess other firearms on a temporary and potentially long-term basis.

What is an Extreme Risk Protection Order and how is an ERPO obtained?

- An Extreme Risk Protection Order is a civil court-issued order prohibiting people found to be dangerous to themselves or others from purchasing or possessing a firearm, rifle, or shotgun.
- The NYS ERPO bill entitles a family member, household member, police officer, or district attorney to petition a court for the ERPO.
- The court may grant a temporary ERPO if the application presents sufficient evidence of threats, serious bodily harm, attempts at suicide or homicide, or other violent or dangerous behavior to oneself or others.ⁱ
- If the temporary ERPO is granted by the court, the individual in crisis will also have the right to a hearing. At the hearing, the court will determine whether there is sufficient evidence to grant a final ERPO (for up to 1 year with a possible extension thereafter).
- The NYS Police, applicable law enforcement agencies and licensing officers, and the NYS Division of Criminal Justice Services will all be notified of temporary and long-term ERPOs.

Extreme Risk Protection Orders Would Help New Yorkers Prevent Domestic Abuse, Mass Shootings, Suicides, and other Gun-related Tragedies.

- From 2009-2016 in the U.S., there were **156 mass shootings** (4 or more people were killed, not including the shooters). In **42% of these mass shootings**, the shooter conveyed **warning signs** in advance of the fatal shooting, demonstrating danger to themselves or others.ⁱⁱ

- When an abusive partner has access to guns, the female partner is 5 times more likely to be killed.ⁱⁱⁱ
- Firearms are used in 5 out of 10 suicides in the U.S. Removing guns from a person in crisis, especially children and teenagers, will save lives.^{iv}
- In 2014, about 87 percent of gun suicide attempts were fatal, compared to just 3% of attempts by drug overdose.^v
- A comparable protection order law in Connecticut has resulted in a significant reduction in suicide rates in that state. A 2016 study showed how in Connecticut gun removals from people in crisis may have prevented up to 100 suicides.^{vi}
- ERPO and similar gun violence protection order laws have been enacted in California, Connecticut, Washington, and Indiana. In 2017, ERPO legislation was pending in 20 states around the country.^{vii}
- ERPO laws have been publicly supported by leaders in law enforcement, public health, mental health, domestic violence prevention, faith organizations, and gun violence prevention advocates, and others aiming to save lives.

ⁱ The court *must* grant a temporary ERPO if there is sufficient evidence of: a threat or act of violence or use of physical force towards another person; a violation or alleged violation of an order of protection; any pending charge or conviction for an offense involving the use of a weapon; reckless use, display or brandishing of a firearm, rifle or shotgun; any history of a violation of an ERPO; evidence of recent or ongoing abuse of controlled substances or alcohol; or evidence of recent purchase of a gun or ammunition.

ⁱⁱ https://everytownresearch.org/wp-content/uploads/2017/03/Analysis_of_Mass_Shooting_033117.pdf

ⁱⁱⁱ Everytown for Gun Safety, “Gun Laws and Violence Against Women,” (July 2017), <https://everytownresearch.org/documents/2017/07/gun-laws-violence-women-infographic.pdf>, citing Campbell, J. C., et. al. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93, 1089–1097. doi:10.2105/AJPH.93.7.1089.

^{iv} https://www.vpc.org/fact_sht/Guns%20and%20Suicide.pdf; citing Means Matter, Harvard School of Public Health, <http://hsph.harvard.edu/means-matter>.

^v <https://www.thetrace.org/2016/09/gun-violence-restraining-order-suicide-reduction-connecticut/>, citing <https://www.cdc.gov/nchs/fastats/suicide.htm>.

^{vi} *Id.*

^{vii} Alaska, Alabama, Arizona, Hawaii, Iowa, Illinois, Massachusetts, Maine, Michigan, Minnesota, Missouri, New Jersey, Nevada, New York, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Wyoming.