



NEW YORK STATE SENATOR

Brian Kavanagh

Kavanagh, Hoylman, Simon, and Advocates Announce New Coalition Supporting Extreme Risk Protection Order Law to Prevent Gun Violence

JACK STERNE | 646-535-0160 January 17, 2018

| ISSUE: **GUN VIOLENCE, GUN SAFETY, ERPO, GUN VIOLENCE PREVENTION**



Extreme Risk Protection Orders would enable families and police to prevent dangerous individuals from accessing guns through a court-issued protection order

ERPO Coalition Includes New Yorkers Against Gun Violence, the Brady Campaign to Prevent Gun Violence, the Citizens Crime Commission of New York City, the Coalition to Stop Gun Violence, Everytown for Gun Safety, Giffords, Moms Demand Action for Gun Sense in America, and Prosecutors Against Gun Violence

Similar laws have already been enacted in Connecticut, Indiana, California, and Washington -- and have withstood legal challenges

(Albany, NY) -- New York State Senators Brian Kavanaugh and Brad Hoylman and Assemblymember Jo Anne Simon today joined advocates including New Yorkers Against Gun Violence, the Brady Campaign to Prevent Gun Violence, the Citizens Crime Commission of New York City, the Coalition to Stop Gun Violence, Everytown for Gun Safety, Giffords, the New York Chapter of Moms Demand Action for Gun Sense in America, and Prosecutors Against Gun Violence, along with other legislators, to form a coalition supporting legislation ([S7133/A8976](#)) that would establish a new court-issued order of protection to reduce gun violence. The coalition will push to pass the bill -- which creates Extreme Risk Protection Orders -- this legislative session.

Similar to orders of protection for victims of domestic violence, Extreme Risk Protection Orders (ERPOs) restrict the purchase and possession of guns by individuals who a court has determined are likely to engage in conduct that would harm themselves or others.

“Five years ago, New York enacted the NY SAFE Act, making our gun violence prevention laws among the strongest in the nation. But even though we have the 48th lowest rate of gun deaths in the country, gun violence is still hurting New Yorkers -- and we have a responsibility to act,” **Senator Kavanaugh, co-prime sponsor of S7133 and Chair of American State Legislators for Gun Violence Prevention and the affiliated New York Legislators for Gun Violence Prevention, said.** “New Yorkers consistently and broadly support stronger laws, and Extreme Risk Protection Orders are a commonsense reform that could make a real difference. I look forward to working with my colleagues in government and this extraordinary coalition to pass ERPO legislation this year.”

State Senator Brad Hoylman, Co-Prime Sponsor of S7133, said: "Over 30,000 Americans lose their lives to gun violence each year. More than 500 have been killed in just the first 16 days

of 2018. By creating procedures to identify high-risk individuals and prevent them from accessing deadly weapons, Extreme Risk Protection Orders represent a common sense approach to avert these needless tragedies. Thoughts and prayers are not enough anymore. Working with Senator Kavanagh, Assemblymember Simon and this brave new coalition including New Yorkers Against Gun Violence, Everytown for Gun Safety, and Prosecutors Against Gun Violence I'm confident we will pass ERPO this session and help end the cycle of gun violence."

When a person exhibits warning signs that they pose a risk of serious harm to themselves or others, family members often observe these signs firsthand. But in New York, even if these concerns are reported, law enforcement has no authority to act and help prevent tragedies including interpersonal gun violence or suicide involving a gun. A temporary Extreme Risk Order of Protection would restrict a person's access to firearms if they pose a serious risk, while providing due process protections and the right to appeal. The court could also refer the person in crisis for evaluation to ensure they get the help they need. In short, this bill can help prevent gun violence and save lives. I am privileged to sponsor this bill in the Assembly and look forward to working with Senators Kavanagh and Hoylman and this broad coalition of advocates to ensure its passage," **said Assemblymember Jo Anne Simon, sponsor of A8976.**

In many cases of gun violence -- including mass shootings, interpersonal violence, and suicide -- the shooter's family members see warning signs before the fatal act of gun violence occurs. They often, however, feel powerless, and are unable to intervene -- even with law enforcement support -- before tragedy occurs. ERPO legislation and similar bills in other states address this gap and create a legal framework that respects due process and each individual's rights while preventing gun violence.

The bill (S7133/A8976) creates a court process where family members and law enforcement officials can petition a state court to issue an order preventing an individual from

purchasing or possessing guns. If the court finds the individual is likely to harm him- or herself or others, the judge may issue an initial ex parte ERPO, and the individual would be required to surrender any guns to the proper authorities and would be prohibited from purchasing guns. After a second hearing, the judge could extend the order for up to a year -- at which point it would expire, unless a petition is filed to renew the order.

Those subject to ERPOs would have one opportunity during the year-long ERPO period to petition the court and present evidence as to why the order should be lifted once per year. If the order expires and is not renewed or the order is lifted, guns surrendered would be returned to the individual and all records of the proceedings would be sealed.

Similar laws have been enacted in Connecticut (1999), Indiana (2005), California (2014), and Washington (2016), and have withstood legal challenges. Nationwide, 85% of suicide attempts involving guns are fatal -- and a peer-reviewed study by researchers from Duke University found that a law similar to ERPO in Connecticut led to a measurable reduction in the state's suicide rate.

“New York State has one of the lowest gun death and injury rates in the country because our state's leadership has made it a priority to enact strong, sensible gun violence prevention laws,” **said Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence.** “However, gaps in our laws continue to leave New Yorkers vulnerable to senseless gun-related tragedies. We stand with a state-wide coalition of lawmakers, advocates, and others to support the passage of Extreme Risk Protection Order legislation, a law that will prevent suicide, domestic violence, mass shootings, and other interpersonal gun violence. The Extreme Risk Protection Order establishes a civil court process that empowers family and law enforcement to temporarily remove guns from individuals who are in serious crisis and a danger to themselves and others. Comparable laws have already been passed in multiple other states and the data shows that this legal mechanism is effective at reducing gun

violence rates. Now is the time for New York to step forward and enact ERPO as well to save lives and protect New York's families and communities.”

“New York continues to achieve record lows in gun violence through a combination of smart gun control laws, effective policing and wide-ranging support for prevention programming. We must continue this tradition by equipping family members and law enforcement with a tool to quickly remove guns from individuals in crisis who are displaying dangerous signs of impending violent acts. The Extreme Risk Protection Order accomplishes this goal,” **said Richard M. Aborn, President, Citizens Crime Commission of New York City.** “There are far too many examples of individuals exhibiting early warning signs of violence prior to committing mass shootings, police ambushes, domestic violence, workplace shootings, suicides or other gun violence tragedies. Despite knowledge of violent threats, neither family members nor law enforcement had the power to intervene before the shootings. We must give law enforcement and families that power; the power to stop tragedies before they occur.”

"This legislation will help New York build safer communities by saving lives. If it becomes law, police officers and families will have a critical tool to help prevent individuals experiencing a crisis from getting their hands on a gun. New York now has an opportunity to join a growing list of states like Oregon and California that have passed this effective measure. In Connecticut, research has shown that a similar law saves one life for every 10-20 risk warrants issued. We applaud Senators Brian Kavanagh and Brad Hoylman along with Assemblywoman Jo Anne Simon for building the effort to seek passage of this critical bill that will save lives from gun violence,” **said Nico Bocour, State Legislative Director for Giffords.**

"The Brady Campaign to Prevent Gun Violence is proud to join with State Senator Brian Kavanagh and the New York State ERPO Coalition in supporting this life-saving legislation. Extreme Risk Protection Orders represent a critical piece of the reforms needed to stem the epidemic of gun violence in America. Brady believes in a comprehensive approach to

addressing gun violence that includes ERPO legislation, ensuring all gun sales are subject to Brady background checks and reforming our National Instant Criminal Background Check System,” **said Kris Brown, Co-President of the Brady Campaign to Prevent Gun Violence.**

“This Red Flag law is exactly the type of gun sense legislation we need in New York,” **said Tricia Pleu, a volunteer with the New York chapter of Moms Demand Action for Gun Sense in America.** “This crucial bill would create an Extreme Risk Protection Order that can temporarily restrict a person’s access to guns when warning signs indicate that they’re likely to use them to harm themselves or others. Red Flag laws empower loved ones and law enforcement to take immediate legal action to protect public safety if they notice dangerous behaviors by someone in their community who may be in crisis. It can help prevent domestic violence, mass shootings, suicides and other instances of gun violence. We applaud Senators Brian Kavanagh and Brad Hoylman along with Assemblymember Jo Anne Simon for their leadership on this issue. We urge our lawmakers to follow the examples of other states such as California, Connecticut and Indiana and pass this life-saving legislation.”

Manhattan District Attorney Cyrus R. Vance, Jr. and Los Angeles City Attorney Mike Feuer, co-founders of Prosecutors Against Gun Violence, said: “Extreme Risk Protective Orders can save lives by preventing an act of violence before a shot is ever fired. When family members or law enforcement identify a person at great risk to themselves or others, removing guns from the equation is just common sense. We strongly urge New York lawmakers to enact the Extreme Risk Protection Order bill.”

“In 2017, there were twice as many suicides-by-gun as there were firearm-related homicides in Suffolk County. The ERPO bill can help protect individuals who are severely depressed and suicidal in our Long Island community, including some active members of the military and veterans who are suffering from trauma and may be in crisis, “ **said Mary Beth Baxter, NYAGV Long Island Coordinator and Board member.** “Family who may be concerned about the privacy

of their loved ones may be more likely to use the ERPO process because the legislation would seal ERPO orders when they expire. This bill provides for a fair and effective process to protect our loved ones from senseless death and injury.”

“As a Buffalo-area resident, I am grateful that our state’s leadership is determined to keep guns from the hands of those who are dangerous to others or themselves,” **said Paul McQuillen, Upstate Coordinator for New Yorkers Against Gun Violence.** “There are far too many instances of violence in the home against women and children in our upstate cities and towns. This legislation would give loved ones and law enforcement an effective tool through the courts to protect themselves and members of our communities.”

"During my career as a police officer, I saw countless cases of friends and family powerless to help vulnerable loved ones through periods of personal crisis. The result has been a trail of senseless and regrettable tragedies,” **said WNY Coordinator for New Yorkers Against Gun Violence, Lieutenant Gary Pudup, MCSO, Ret.** “Helping those through a time when they are not making safe decisions is critical to reducing suicide and violence toward women. This simple and reasonable bill will give friends and family here in Rochester and across New York a long-needed tool to prevent the unnecessary loss of life."

“The Hudson Valley, like other areas of New York, faces a rising suicide rate and too many heart-breaking gun deaths from domestic violence,” **said Sarah Kozloff, Dutchess County Coordinator for New Yorkers Against Gun Violence.** “By temporarily removing guns from a household, Extreme Risk Protection Orders have the potential both to avert tragedies and to prompt people under great stress to get the help they need.”

###

RELATED LEGISLATION

2017-S7133

- Introduced
 - ◦ In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
 - ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Establishes extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun

December 08, 2017

In Senate Committee [Codes](#)

Sponsored by [Brian Kavanagh](#)

Do you support this bill?
