



NEW YORK STATE SENATOR

Brian Kavanagh

## Legislators, Advocates Call for Prompt Vote on Extreme Risk Protection Order Law

BRIAN KAVANAGH February 26, 2018

| ISSUE: [GUN VIOLENCE PREVENTION](#), [GUN VIOLENCE](#), [GUNS](#), [GUN CONTROL](#)

*New court-issued civil orders would empower families & police to prevent violence by temporarily prohibiting individuals likely to harm themselves or others from purchasing or possessing guns*

*Coalition includes Senators Kavanagh and Hoylman, Assemblymember Simon, New Yorkers Against Gun Violence, Giffords, Everytown for Gun Safety, Moms Demand Action, Brady Campaign to Prevent Gun Violence, Citizens Crime Commission of New York City, Coalition to Stop Gun Violence, and Prosecutors Against Gun Violence*

(New York, NY) -- A week and a half after the shooting at Marjory Douglas High School in Parkland, Florida, a coalition of New York legislators and gun violence prevention advocates today urged the State Senate and Assembly to promptly hold votes on a bill sponsored by Senators Brian Kavanagh and Brad Hoylman and Assemblymember Jo Anne Simon that would empower family members and law enforcement to prevent gun violence.

The bill would create a new court-issued civil order of protection called an “Extreme Risk Protection Order” (ERPO) which prohibits individuals from purchasing or possessing guns if a court finds they are likely to harm themselves or others. Orders could be requested by family members or local law enforcement — who often see warning signs of gun violence

but may be powerless to act under current law before tragedy occurs.

According to press accounts, the alleged Parkland shooter exhibited a number of warning signs, including dozens of contacts with law enforcement, threatening social media comments, and a history of self-harm and violence. He was, however, able to legally purchase multiple weapons. While the facts are still preliminary, an ERPO law could prevent tragedy in circumstances like these.

“The Parkland student-activists are speaking loud and clear: they’re demanding elected officials step up and pass laws that prevent gun violence, and they’re right. For too long, Republicans in Washington funded by the gun lobby have offered empty words instead of action. We know we need effective state laws to protect New Yorkers. That’s why we’ve enacted some of the strongest gun laws in the country -- but we can do more. The organizations in our coalition are doing extraordinary work to stop gun violence both in New York and across the country. We're proud to stand together to call for this essential legislation to be passed,” **said Senator Brian Kavanagh, prime sponsor of S7133.** “Whether it’s mass shootings, interpersonal violence, or suicide, New Yorkers are still vulnerable to gun violence. Extreme risk protection orders save lives -- it’s that simple. We have a choice: will we pass commonsense legislation that keeps guns out of the wrong hands, or won’t we? New Yorkers are watching.”

**Senator Brad Hoylman, prime sponsor of S7133, said:** “As David Hogg, one of the survivors of the Parkland high school shooting, said, it’s up to the adults to protect the children. Most of the proposals being put forth by Trump and the NRA, such as arming school teachers, are meant only to deflect attention from the real problem: we allow dangerous people to own guns. New York should renew its leadership on gun law reform, like instituting extreme risk

protection order laws through legislation I carry (S7133/AA8976A) with Senator Kavanagh and Assembly Member Simon to allow families and law enforcement to seek a court order to intercede before dangerous people with firearms can cause harm to themselves or others.”

“The shooting in Parkland, Florida barely a week ago was devastating. In the days following, we learned that the shooter had a history of escalating violence and that people close to him were concerned about his behavior. A temporary Extreme Risk Protection Order could have prevented a tragedy like this. 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. We must ensure that another shooting like this does not happen again, and one way to do that would be to pass ERPO, and restrict access to firearms for those that pose a serious risk. I am privileged to sponsor this bill in the Assembly and to work with Senators Kavanagh and Hoylman and this broad coalition of advocates to ensure its passage,” **said Assemblymember Jo Anne Simon.**

"As young students in Florida stand up to the gun lobby and demand effective policy change from lawmakers, momentum is building rapidly here in New York in support of Extreme Risk Protection Order legislation,” **said Rebecca Fischer, Executive Director of New Yorkers Against Gun Violence.** “This life-saving bill will empower New York families to prevent tragedies by using a civil court process to remove guns from individuals in crisis. Together with our coalition of gun violence prevention advocates, we applaud the New York State legislators who have stepped forward swiftly to support this critical bill. New Yorkers recognize that meaningful action is required to reduce gun violence and protect our families and communities."

In January, the coalition — which includes Kavanagh, Hoylman, Simon, New Yorkers Against Gun Violence, Giffords, Everytown for Gun Safety, Moms Demand Action, Brady Campaign to Prevent Gun Violence, Citizens Crime Commission of New York City, Coalition to Stop Gun Violence, and Prosecutors Against Gun Violence — announced its support for New York’s ERPO bill.

Currently, the Senate Bill (S7133) has 28 sponsors and the Assembly version (A8976) has 15. In June 2017, the bill -- sponsored by then-Assemblymember Kavanagh -- passed the Assembly with a vote of 84 to 52. It has yet to come to a vote in the Senate.

Connecticut, Indiana, California, Washington, and Oregon have enacted similar laws, which have withstood legal challenges. According to a peer-reviewed study by researchers from Duke University, Connecticut’s law — passed in 1999 — led to a measurable reduction in the state’s suicide rate.

In January 2013, New York enacted the Secure Ammunition and Firearms Enforcement ACT (SAFE ACT), which gave the Empire State some of the strongest gun laws in the country. The SAFE Act required background checks for all gun buyers, prohibited the sale of assault rifles with certain characteristics, imposed a ban on high-capacity ammunition magazines, and increased penalties for using illegal guns, among other measures.

According to the Centers for Disease Control, New York has the third lowest rate of gun related deaths in the country. In 2016, 900 New Yorkers were killed by guns and many more were injured.

**Manhattan District Attorney Cyrus R. Vance, Jr., co-founder of Prosecutors Against Gun Violence, said,** “While New York has long been a leader on gun control, there is still urgent work to be

done to prevent gun violence in our homes and in our communities. Keeping guns out of the hands of those in the midst of a mental health crisis is critical to keeping New Yorkers safe, and the Extreme Risk Protection Order bill would empower families and law enforcement to do just that. I am proud to stand with this coalition to urge the State Senate and Assembly to pass this measure as quickly as possible.”

**Nico Bocour, State Legislative Director for Giffords, said,** “The Extreme Risk Protective Order is a critical tool that will help law enforcement officers and families keep guns out of the hands of someone experiencing a crisis. The recent tragedy in Florida has reminded us that we need to do more to provide resources that allow for intervention and stop these individuals from using a firearm to hurt themselves or others. This innovative policy can help us better prevent gun violence and save lives. We urge the New York Senate and Assembly to pass this important legislation now and protect New York families and communities.”

“The Parkland mass shooting is tragically one of many examples of gun violence that occurred after the shooter exhibited warning signs online. In fact, the Crime Commission’s “Social Media Use Preceding Real-World Violence” web-database has documented news reports of more than 100 shooting incidents in the U.S. since 2014 in which a warning sign was exhibited on social media prior to the act of gun violence. This has become such a significant problem that Facebook and other platforms have been making a concerted effort to alert trusted individuals or law enforcement to high-risk posts online. But these efforts are useless if the people alerted do not have the tools to intervene. The Extreme Risk Protection Order would fill this gap by giving family members and law enforcement the power to stop tragedies before they occur. It’s imperative that our legislators take action now to make our schools, churches, concerts, workplaces, homes and movie theaters safe again,” **said Richard M. Aborn, President of the Citizens Crime Commission of New York City.**

"In light of the tragedy in Parkland, Florida, Americans are demanding lawmakers do more to prevent access to firearms from high risk individuals. This Extreme Risk Protective Order [ERPO] law provides an evidence-based mechanism for families and law enforcement to temporarily remove guns from a dangerous situation before it becomes lethal by utilizing the best research available. Family members are usually the first to recognize this troubling behavior and ERPO lets them take the first step to getting that loved one help -- with the gun out of the picture. Thank you to Senator Kavanagh, Senator Hoylman, and Assemblymember Simon for providing 19 million New Yorkers with this life-saving tool,"

**Joshua Horowitz, Executive Director of the Coalition to Stop Gun Violence, said.**

"Simply put, Extreme Risk laws like this save lives," **said Brady Campaign Co-Presidents Kris Brown and Avery Gardiner.** "Removing guns from individuals in crisis or who show signs of being a risk to others has proved a lifesaving tool in states that have adopted these laws. We urge the New York State Senate and Assembly to hold a vote as soon as possible on this important bill."

"The tragic Parkland school shooting demonstrated the urgent need for common-sense gun legislation such as this ERPO bill," **said June Rubin, volunteer leader with the New York chapter of Moms Demand Action for Gun Sense in America.** "An ERPO order could have helped prevent this heartbreaking incident in Florida, and New York legislators should not hesitate to pass this bill to avoid similar tragedies. New York has long been a leader in passing strong gun violence prevention laws to help protect us, and we need to continue to set a strong example now more than ever before. We urge the state Senate and General Assembly to call it to a vote as soon as possible."

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RELATED LEGISLATION

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## 2017-S7133A

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- 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
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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](#)

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Do you support this bill?

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