



NEW YORK STATE SENATOR

Brian Kavanagh

Forwarding: Westchester County District Attorney Calls on Governor to Enact New Gun Legislation in This Budget

BRIAN KAVANAGH March 26, 2018

| ISSUE: **GUNS, GUN VIOLENCE PREVENTION, GUN VIOLENCE, GUN CONTROL, GUN LEGISLATION**

Today, Westchester District Attorney Anthony A. Scarpino, Jr. announced support for enacting "extreme risk protection orders" (ERPOs) legislation in New York's state budget. The state legislation, S7133A/A8976B, is sponsored by Senators Brian Kavanagh and Brad Hoylman and Assemblymember Jo Anne Simon.

Last week, the New York ERPO Coalition **called** for this legislation to be enacted in the budget. Yesterday, the five New York City District Attorneys **backed** enacting the legislation in the budget.

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March 26, 2018

WESTCHESTER COUNTY DISTRICT ATTORNEY CALLS ON GOVERNOR TO ENACT NEW GUN LEGISLATION IN THIS BUDGET

Extreme Risk Protection Order

Westchester County District Attorney Anthony A. Scarpino, Jr. urges Governor Cuomo and the New York State Legislature to pass the Extreme Risk Protection Order bill as part of the state budget. The Extreme Risk Protection Order (ERPO) will empower family members and law enforcement to remove guns from family or household members in crisis and at risk of deadly consequences, pending a hearing.

While New York State may already have some of the strongest gun laws in the country, District Attorney Scarpino says, “enacting ERPO legislation may save more lives by stopping potential offenders in crisis from committing acts of violence-acts that may be wholly preventable by allowing law enforcement to take weapons out of their hands before a tragedy occurs. The time to pass this bill is now. I urge Governor Cuomo along with state lawmakers to work together and enact this bill as part of the state budget.

“We stand with the New York ERPO Coalition, which includes New Yorkers Against Gun Violence, Moms Demand Action for Gun Sense in America and the district attorneys of Manhattan, Bronx, Brooklyn, Staten Island and Queens counties among others, in supporting this important and potentially life-saving legislation.”

What is ERPO?

The Extreme Risk Protection Order ([A8976B/S7133A](#)) will allow law enforcement to remove weapons from individuals in crisis and bar them from obtaining firearms. Currently, there is

often no legal process for removing firearms already possessed by such individuals, even if family members or law enforcement believe them to pose an elevated risk of violence to themselves or others.

Under this bill, an ERPO will allow district attorneys, family and household members or intimate partners or police officers to petition the court to issue a civil order of protection prohibiting people found to be dangerous to themselves or others from possessing or purchasing a gun.

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 behavior to oneself or others. The individuals in crisis have a right to a hearing, if the ERPO is granted. Law enforcement agencies are notified when an ERPO is issued. For more information on this law, click [here](#).

The New York State Budget deadline is April 1, 2018.

About the Office of the Westchester County District Attorney

Westchester County District Attorney Anthony A. Scarpino, Jr. leads the largest district attorney's office outside of New York City. The office employs more than 200 assistant district attorneys, criminal investigators and support staff. In addition to the main office in the Richard J. Daronco Westchester County Courthouse, in White Plains, the District Attorney's Office has eight local criminal court bureaus and branches serving the county in Yonkers, Mount Vernon, Greenburgh, White Plains, New Rochelle, Yorktown, Northern Westchester (Mount Kisco) and Rye. The District Attorney's office works with over 40 local police departments, the Westchester Department of Public Safety, New York State Police, as

well as state and federal law enforcement agencies.

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RELATED LEGISLATION

2017-S7133A

- 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](#)

Sponsored by [Brian Kavanagh](#)

Do you support this bill?