HOW EXTREME RISK LAWS WORK TO SAVE LIVES

BRADY
UNITED AGAINST GUN VIOLENCE

WHAT IS AN EXTREME RISK LAW?

Extreme Risk laws give family members, law enforcement, and in certain states, health professionals or school administrators, an avenue to prevent an individual in crisis from harming themselves or others by temporarily removing guns and prohibiting the purchase of another gun.

HOW DO THEY WORK?

A petitioner (which depending on the state, can include family members, law enforcement officers, and sometimes others) presents a judge with evidence of: patterns or recent threats and acts of violence; dangerous past behavior with guns; substance abuse; or recent firearms or ammunition acquisition. A judge may consider these and other factors when considering whether or not to intervene. The at-risk individual is allowed an opportunity to be heard and present other evidence before the judge in a civil (not criminal) hearing.

If the judge finds that the evidence warrants temporarily removing guns from the individual, the judge issues an order known as an extreme risk protection order (ERPO), which prevents the individual in crisis from purchasing a gun, and allowing law enforcement to temporarily hold any guns already owned for safekeeping. At a subsequent hearing, the order can be extended given additional evidence that the individual in crisis continues to be a threat to themselves or others. The individual can again present evidence in their defense.

WHERE ARE EXTREME RISK LAWS IN EFFECT?

- Connecticut - 1999
- Indiana - 2005
- California - 2016
- Washington - 2016
- Oregon - 2018
- Florida - 2018
- Vermont - 2018
- Maryland - 2018
- Delaware - 2018
- Massachusetts - 2018
- Rhode Island - 2018
- Illinois - 2019
- New York - 2019*
- Washington, DC - 2019*
- New Jersey - 2019*
- Colorado - 2019*

*These laws have been signed, but have not yet gone into effect.*

Connecticut's law, enacted in 1999, gives only law enforcement the ability to ask a court to remove firearms currently in a person's possession. Law enforcement, however, can act on the behalf of family members. California was the first state to allow a family member or intimate partner to directly petition the court to prevent an at-risk individual from purchasing firearms after its law went into effect in 2016. Washington's ERPO went into effect in 2016, and Oregon's went into effect on January 1, 2018. Since the shooting in Parkland, Florida, ten more states and Washington D.C. passed extreme risk laws: Florida, Vermont, Maryland, New Jersey, Delaware, Illinois, Massachusetts, Rhode Island, New York, and Colorado.

WHY ARE EXTREME RISK LAWS IMPORTANT?

A recent study[1] found that almost half of mass shooters exhibited warning signs or concerning behavior before their crimes. They made threats or acted in a way that worried family or friends. But more often than not, these family and friends had no official mechanism to prevent their loved one from obtaining or using guns against themselves or others, leading to tragic consequences.

The shooter who targeted students at Marjory Stoneman Douglas High school in Parkland, Florida, the shooter who fired upon members of Congress in Alexandria, VA, and the man who attacked former co-workers at the Bronx-Lebanon Hospital all had long and complex histories of violent and threatening behaviors, according to family members or co-workers. These are exactly the sorts of behaviors and violence patterns that extreme risk order petitioners frequently use to obtain a life-saving order.

Sadly, the majority of gun violence in America never reaches mainstream news, and about 60 percent of gun deaths in the U.S. are self-inflicted. About 85 percent of suicide attempts with guns are fatal. In addition to potentially preventing mass or school shootings, extreme risk orders provide a swift, effective way for family members to remove guns from a person in mental health crisis.
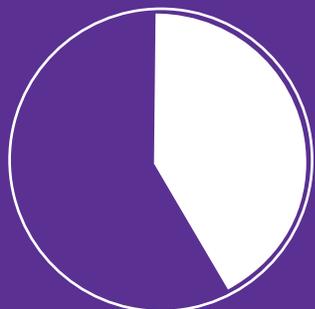
42%
of mass shooters exhibit warning signs or concerning behavior before their crimes

DO EXTREME RISK LAWS WORK?

A study of Connecticut's extreme risk law from 1999 to 2013 found that ninety-nine percent of extreme risk orders resulted in the removal of at least one gun. Law enforcement removed, on average, seven guns per individual.[2]

In 44 percent of cases, this order led to the respondent receiving psychiatric treatment they may not have otherwise received.

Researches estimated that one suicide was averted per 10-11 orders issued.

WHAT DOES THE PUBLIC THINK?

A new study by Johns Hopkins found 90 percent support by non-gun owners in 2017 and 75 percent support by gun owners for extreme risk laws. That is up from a 2015 study that found 70 percent support. Two other polls conducted in early 2018 found support levels among gun and non-gun owners alike between 77 and 85 percent.

LESSONS LEARNED TO IMPROVE EFFICACY OF EXTREME RISK LAWS

• Ensure that there are no fees to file a petition before the court, thus ensuring that these laws are accessible to everyone.
• Allow researchers access to data on enacted ERPOs for analysis of effectiveness and suggested improvements.
• Dedicate funding for both public education and outreach efforts to increase public awareness of extreme risk laws, particularly to communities that are at a high risk of gun violence victimization.

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1.   Everytown for Gun Safety, Mass shootings in the United States: 2009-2016

2.   Swanson, et al., Implementation and Effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?

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