

EXTREME RISK PROTECTION ORDERS: FREQUENTLY ASKED QUESTIONS (FAQ)

Empower Families. Save Lives.

ALLIANCE
FOR GUN RESPONSIBILITY

Washington State has taken important steps to keep guns out of dangerous hands -- people convicted of a felony, domestic abusers and the seriously mentally ill may not possess firearms. But there are still gaps in our law that make it hard to keep guns away from people threatening violence against themselves or others. We know that the vast majority of mass shooters and individuals who commit suicide show signs of their intentions, but our law renders families - often the first to see those signs - unable to take life saving action.

EXTREME RISK PROTECTION ORDERS will allow families and law enforcement to petition a court to temporarily suspend a person's access to firearms if there is documented evidence that an individual is threatening harm to themselves or others by way of dangerous mental illness or a high risk of violent behavior. The person subject to that order must surrender their guns to police and will not be able to buy, sell, or possess other firearms for up to one year.



Q. How will Extreme Risk Protection Orders Work?

A. Extreme Risk Protection Orders are modeled on our established systems of Domestic Violence and Sexual Assault Protection Orders with careful protections for due process and standards for evidence. After a family member files a petition, the court holds a hearing and determines whether the person poses a serious threat of violence to themselves or others. The judge can issue an order restricting access to firearms for up to one year and can also refer the person in crisis for mental health or chemical dependency evaluation to ensure they get the help they need. Once a petition is filed, the court notifies the subject and a hearing is held. If the judge finds sufficient evidence of danger to oneself or others, the order is put in place for one year and can be renewed annually should circumstances warrant. The subject may request one hearing a year to rescind the order. Violation of the order carries a criminal penalty.

Q. Why are Extreme Risk Protection Orders needed?

A. Even though we know that mass shooters and people who commit suicide show warning signs of their intentions, our current law renders families - often the first to see those signs - unable to take life saving action.

California, Indiana and Connecticut all have versions of this tool in place. Most recently, California passed this law in 2014 after the UC Santa Barbara shooting - law enforcement had been unable to remove the firearms possessed by the shooter despite the family's reports of mental distress and threats of violence. Here at home, family members of the perpetrators of the Café Racer and Jewish Federation tragedies have expressed anguish for the lack of tools for family members who see signs that their loved ones may do terrible harm.

In addition, nearly 70% of firearm deaths in the U.S. are suicides. Depression is treatable and more than a quarter of a million people every year survive suicide attempts. Access to firearms is associated with significantly higher risks of suicide. Extreme Risk Protection Orders will give family members a tool to intervene in a crisis, remove access to firearms, and get their loved one access to treatment.

Q. Who supports this policy?

A. The Extreme Risk Protection Order policy is supported by a broad coalition of Washingtonians. Supporters include law enforcement, prosecutors, and judges, public health experts and mental health professionals, gun owners, teachers, gun violence survivors and family members, domestic violence prevention advocates, moms, grandmothers, and many more.

Q. Who is sponsoring the initiative?

A. The campaign is led by the Alliance for Gun Responsibility, a coalition of concerned citizens and organizations working together to forge common-sense solutions to reduce gun violence. The Alliance also conducted the successful Initiative 594 campaign to close the background check loophole in Washington in 2014 and has been working on common sense gun policies to keep guns out of the hands of children, reduce suicides, and improve enforcement of existing laws since then.

Q. Could this law have stopped any of the mass shootings that have dominated the news in recent years?

A. Survivors and family members of those killed in mass shootings at the Jewish Federation of Greater Seattle in 2006, Seattle's Cafe Racer in 2012, University of California Santa-Barbara in 2014, and others have said that they believe this type of law could have been used to prevent these tragedies.

Studies also show that the majority of public mass shooters in the last 20 years demonstrated signs of serious crisis prior to their actions. And eighty percent of those attempting suicide make their intentions known prior to an attempt. Extreme Risk Protection Orders empower those in the best position to see a tragedy coming - family members and law enforcement- to prevent it.

Q. Don't protection order laws already exist? Why is another law needed?

A. Under Washington State law, an individual must be involuntarily committed (mentally adjudicated) for 14 consecutive days before they are restricted from buying firearms. Unfortunately, this standard lets a lot of people experiencing mental health crises slip through the cracks. It also does nothing to prevent tragedy when a person has no existing criminal record.

Extreme Risk Protection Orders are modeled after other protection orders in Washington State and around the country. They fill an important gap in our law that the Legislature has failed to address.

Q. How long does it take to get an Extreme Risk Protection Order, and how long does it last?

A. Family members or police who petition for an Extreme Risk Protection Order can receive a hearing within one business day, as with existing protection orders. Within 14 days, the court would hold a hearing and determine whether the person poses a serious threat of violence to themselves or other people, the judge can issue an order restricting access to firearms for up to one year and can also refer the subject of the order for mental health or chemical dependency evaluations.

Q. Who can apply for an Extreme Risk Protection Order?

A. Family and household members, romantic partners, and law enforcement can ask a judge to temporarily suspend a person's access to firearms if there is documented evidence that the person poses a serious threat to themselves or others. We know that family members and law enforcement are often in the best position to see the warning signs of violence, Extreme Risk Protection Orders would give them a tool to prevent a tragedy before it happens.

Q. Do Extreme Risk Protection Orders offer any protections against false accusations?

A. Extreme Risk Protection Orders are overseen by the courts and is modeled on domestic violence and other protection orders already in use in Washington State. As with all Washington State protection orders, the person seeking an Extreme Risk Protection Order files their petition with a court. Within two weeks, the judge holds a hearing and both parties may present their sworn evidence before a judge. The judge will determine whether the evidence is sufficient to show that the subject is a significant danger to themselves or others and grant or deny the order. If the order is granted, it will be in effect for one year, during which time, the subject of the order may request a hearing to overturn the order. Knowingly filing a false petition or presenting false evidence is a criminal offense.

