

HB 126 -- EXTREME RISK PROTECTION

SPONSOR: Mackey

This bill establishes an "Extreme Risk Protection Order" (ERPO) and a "Firearm Seizure Warrant", and prohibits certain persons from possessing a firearm. The bill allows any individual to file an application with a court for an ERPO which bans the possession of firearms based on specified criteria. The court shall issue the order if the court finds the respondent poses a significant risk of personal injury to himself or herself, or others.

The bill allows a Firearm Seizure Warrant to be issued when there is probable cause to believe that the individual issued the restraining order possesses or owns a firearm. Criteria for determining whether jointly owned guns may be seized are provided in the bill.

A hearing is required no later than 14 days after the execution of the protection order and seizure warrant. The state's burden of proof is by clear and convincing evidence. An order prohibiting the individual from purchasing, owning, possessing, or controlling a firearm, rifle, or shotgun cannot be extended longer than one year unless it is renewed by a judge after a new hearing as specified in the bill.

The bill specifies criteria for seizing firearms discovered in plain sight during specified police investigations involving domestic violence or gun violence. The bill specifies that it is unlawful and a class E felony for certain individuals to possess a firearm.

This bill is similar to HB 2396 (2020).