

HB 545 -- EXTREME RISK PROTECTION ACT

SPONSOR: Green

This bill establishes the "Extreme Risk Protection Act," and makes it a crime to possess a firearm while subject to an extreme risk protection order. Under the provisions of this bill, a spouse, former spouse, person who shares a child with or has been or is in a dating relationship with, a person who resides in the same household, a family member, or any other person who has a close relationship with a person who poses a significant risk of personal injury to him or herself or others may file a petition for an extreme risk protection order with a court. If the court, based on testimony, documents, or other evidence, finds that there is reasonable cause to believe that the defendant poses a significant risk to him or herself or others the court shall issue an extreme risk protection order.

The court may issue the order without notice to the individual posing the danger if it finds by clear and convincing evidence that irreparable injury will result from the delay required for notification. But the restrained individual can file a motion to modify or rescind the order within 14 days of receiving notice of the order. The court must then conduct a hearing on the motion within five days of it being filed.

An extreme risk protection order shall not be good for more than a year. An order may give law enforcement the authority to seize firearms owned by the restrained person but firearms shall be returned to the owner once the order is no longer in effect.

Methods for enforcing the order and seizing and returning firearms are specified in the bill. Orders may be extended after notice and a hearing.

This bill is similar to HB 2664 (2018).