

HB 1857 -- FIREARM VIOLENCE PREVENTION ACT

SPONSOR: Razer

The bill allows a family or household member or a law enforcement officer to petition the court for an extreme risk protection order (ERPO). A warrant may be issued to search and seize a firearm from a person subject to an ERPO if there is probable cause that the person possesses a firearm.

A family member of the person subject to the protection order may request a temporary ERPO without notice to the person by including relevant evidence in the petition. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed. If the court finds that the respondent is a significant risk of causing personal injury to his or herself or others by having a firearm, the court must issue a temporary ERPO. The court must then schedule a hearing within 7 days of the issuance of the temporary order to determine if an 182 day ERPO should be issued.

The ERPO must include a statement of the ground for the order, the date and time the order is issued and expires, and the requirements for the surrender of firearms.

Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

The bill also requires the State Court Administrator to develop and prepare standard petitions and ERPO forms.