

117TH CONGRESS
1ST SESSION

S. 292

To provide family members of an individual who they fear is a danger to himself, herself, or others, or law enforcement, with new tools to prevent gun violence.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. RUBIO (for himself, Mr. REED, Mr. KING, and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide family members of an individual who they fear is a danger to himself, herself, or others, or law enforcement, with new tools to prevent gun violence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Extreme Risk Protec-
5 tion Order and Violence Prevention Act of 2021”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) each State and Indian Tribe should enact
9 extreme risk protection order legislation described in

1 part OO of title I of the Omnibus Crime Control and
 2 Safe Streets Act of 1968, as added by section 3; and

3 (2) such extreme risk protection order legisla-
 4 tion is an important tool in the efforts of States and
 5 Indian Tribes to ensure that firearms and ammuni-
 6 tion are kept out of the hands of individuals whom
 7 a court has determined to be a significant danger to
 8 themselves or others.

9 **SEC. 3. EXTREME RISK PROTECTION ORDER GRANT PRO-**
 10 **GRAM.**

11 (a) IN GENERAL.—Title I of the Omnibus Crime
 12 Control and Safe Streets Act of 1968 (34 U.S.C. 10101
 13 et seq.) is amended by adding at the end the following:

14 **“PART OO—EXTREME RISK PROTECTION ORDER**
 15 **GRANT PROGRAM**

16 **“SEC. 3051. DEFINITIONS.**

17 “In this title—

18 “(1) the terms ‘ammunition’ and ‘firearm’ have
 19 the meanings given those terms in section 921(a) of
 20 title 18, United States Code;

21 “(2) the term ‘extreme risk protection order’
 22 means a written order, issued by a State or Tribal
 23 court or signed by a magistrate that, for a period
 24 not to exceed 12 months—

1 “(A) prohibits the individual named in the
2 order from having under the custody or control
3 of the individual, purchasing, possessing, or re-
4 ceiving any firearms; and

5 “(B) requires a firearm be removed;

6 “(3) the term ‘family or household member’
7 means, with respect to a respondent, any—

8 “(A) individual related by blood, marriage,
9 or adoption to the respondent;

10 “(B) dating partner (as defined in section
11 2266 of title 18, United States Code) of the re-
12 spondent;

13 “(C) individual who has a child in common
14 with the respondent, regardless of whether the
15 individual has—

16 “(i) been married to the respondent;

17 or

18 “(ii) lived together with the respond-
19 ent at any time;

20 “(D) individual who resides or has resided
21 with the respondent during the past year;

22 “(E) spouse or intimate partner (as de-
23 fined in section 2266 of title 18, United States
24 Code) of the respondent;

1 “(F) individual who has a biological or
2 legal parent-child relationship with the respond-
3 ent, including a stepparent-stepchild and grand-
4 parent-grandchild relationship; and

5 “(G) individual who is acting or has acted
6 as the legal guardian of the respondent;

7 “(4) the term ‘Indian Tribe’ has the meaning
8 given the term in section 4 of the Indian Self-Deter-
9 mination and Education Assistance Act (25 U.S.C.
10 5304);

11 “(5) the term ‘petitioner’ means the law en-
12 forcement officer, or family or household member of
13 an individual, who submits a petition for an extreme
14 risk protection order under section 3052(b)(1);

15 “(6) the term ‘qualifying State or Tribal law’
16 means a law of a State or Indian Tribe that the At-
17 torney General has determined to be in compliance
18 with the minimum requirements described in section
19 3052;

20 “(7) the term ‘respondent’ means an individual
21 who is named in a petition for an extreme risk pro-
22 tection order under section 3052(b)(1);

23 “(8) the term ‘State’ means—

24 “(A) a State;

25 “(B) the District of Columbia;

1 “(C) the Commonwealth of Puerto Rico;
2 and

3 “(D) any other territory or possession of
4 the United States; and

5 “(9) the term ‘temporary ex parte extreme risk
6 protection order’ means a written order, issued by a
7 State or Tribal court or signed by a magistrate pro-
8 hibiting a named individual from possessing, pur-
9 chasing, receiving, or transporting a firearm during
10 the period beginning on the date on which the order
11 is issued and ending on the date on which the hear-
12 ing for the extreme risk protection order is held.

13 **“SEC. 3052. EXTREME RISK PROTECTION ORDER LEGISLA-**
14 **TION.**

15 “(a) ENACTMENT OF EXTREME RISK PROTECTION
16 ORDER LEGISLATION.—In order to receive a grant under
17 section 3053, a State or Indian Tribe shall have in effect
18 a qualifying State or Tribal law.

19 “(b) MINIMUM REQUIREMENTS FOR EXTREME RISK
20 PROTECTION ORDERS.—A qualifying State or Tribal law
21 shall impose the following minimum requirements for the
22 issuance of an extreme risk protection order:

23 “(1) PETITION FOR EXTREME RISK PROTEC-
24 TION ORDER.—

1 “(A) IN GENERAL.—A law enforcement of-
2 ficer, or family or household member of an indi-
3 vidual, may submit a petition to a State or
4 Tribal court, on a form designed by the courts
5 administrator or similar office of the State or
6 Indian Tribe, that—

7 “(i) describes the facts and cir-
8 cumstances necessitating that an extreme
9 risk protection order be issued against the
10 respondent because the respondent poses a
11 significant danger of causing personal in-
12 jury to himself or herself or others by—

13 “(I) having a firearm or ammuni-
14 tion in his or her custody or control;
15 or

16 “(II) purchasing, possessing, or
17 receiving a firearm or ammunition;

18 “(ii) is accompanied by a sworn affi-
19 davit, signed by the petitioner, stating the
20 specific facts that give rise to reasonable
21 fear of significant dangerous acts by the
22 respondent;

23 “(iii) identifies the quantities, types,
24 and locations of all firearms and ammuni-
25 tion the petitioner believes to be in the cur-

1 rent ownership, possession, custody, or
2 control of the respondent; and

3 “(iv) identifies whether there is a
4 known extreme risk protection order al-
5 ready in effect against the respondent.

6 “(B) GOOD FAITH NOTICE.—A petitioner
7 who submits a petition under subparagraph (A)
8 shall be required to make a good faith effort to
9 provide notice to other family or household
10 members of the respondent, or to any other
11 known third party, who may be at risk of vio-
12 lence because of the submission of such peti-
13 tion.

14 “(2) ISSUANCE OF EXTREME RISK PROTECTION
15 ORDERS.—

16 “(A) HEARING.—

17 “(i) IN GENERAL.—Upon receipt of a
18 petition under paragraph (1), the court
19 shall—

20 “(I) order a hearing to be held
21 not later than 14 days after the date
22 of such order; and

23 “(II) issue a notice of the hear-
24 ing ordered under subclause (I) to the
25 respondent.

1 “(ii) TELEPHONE HEARING.—A court
2 may conduct the hearing required under
3 clause (i) by telephone, pursuant to local
4 court rules.

5 “(iii) DETERMINATION.—If the court
6 finds by clear and convincing evidence that
7 the respondent poses a significant danger
8 of causing personal injury to himself or
9 herself or others by having in his or her
10 custody or control, or by purchasing, pos-
11 sessing, or receiving, a firearm or ammuni-
12 tion, the court shall issue an extreme risk
13 protection order for a period the court de-
14 termines is appropriate, which may not ex-
15 ceed 12 months.

16 “(B) CONSIDERATION OF EVIDENCE.—

17 “(i) IN GENERAL.—In determining
18 whether to issue an extreme risk protection
19 order, the court—

20 “(I) may consider relevant evi-
21 dence, such as—

22 “(aa) a recent threat or act
23 of violence by the respondent
24 against himself or herself or oth-
25 ers;

1 “(bb) a threat or act of vio-
2 lence by the respondent against
3 himself or herself or others in the
4 past 12 months;

5 “(cc) evidence that the re-
6 spondent has a serious mental ill-
7 ness;

8 “(dd) an extreme risk pro-
9 tection order previously issued to
10 the respondent or a violation by
11 the respondent of a previously
12 issued extreme risk protection
13 order;

14 “(ee) whether the respond-
15 ent has been convicted of a crime
16 of domestic violence or other vio-
17 lence;

18 “(ff) whether the respondent
19 has used or threatened to use
20 weapons against himself or her-
21 self or others;

22 “(gg) the unlawful use of a
23 firearm by the respondent;

24 “(hh) the recurring use or
25 threat of use of physical force by

1 the respondent against another
2 person or the respondent stalking
3 another person;

4 “(ii) corroborated evidence
5 of the abuse of controlled sub-
6 stances or alcohol by the re-
7 spondent;

8 “(jj) relevant information
9 from family or household mem-
10 bers concerning the respondent;
11 and

12 “(kk) witness testimony
13 taken while the witness is under
14 oath relating to the matter before
15 the court; and

16 “(II) shall consider whether a
17 mental health evaluation or chemical
18 dependency evaluation is appropriate.

19 “(ii) PRESENTATION OF EVIDENCE.—
20 Anyone who offers evidence or rec-
21 ommendations relating to the petition sub-
22 mitted under paragraph (1) shall—

23 “(I) present the evidence or rec-
24 ommendations in writing to the court
25 and submit a copy of such evidence or

1 recommendations to each party or the
2 attorney for a party; or

3 “(II) present the evidence under
4 oath at a hearing at which all parties
5 are present.

6 “(iii) MENTAL HEALTH AND CHEM-
7 ICAL DEPENDENCY EVALUATIONS.—If a
8 court determines that a mental health eval-
9 uation or chemical dependency evaluation
10 is appropriate under clause (i)(II), the
11 court may order the appropriate evalua-
12 tion.

13 “(C) CONTENTS OF ORDER.—If a court
14 issues an extreme risk protection order, the
15 order shall contain—

16 “(i) a statement on the grounds sup-
17 porting the issuance of the order;

18 “(ii) the date on which the order was
19 issued;

20 “(iii) the date on which the order ex-
21 pires;

22 “(iv) whether a mental health evalua-
23 tion or chemical dependency evaluation of
24 the respondent is required;

1 “(v) the address of the court in which
2 a responsive pleading may be filed;

3 “(vi) a description of the requirements
4 for surrender of all firearms and ammuni-
5 tion owned by the respondent; and

6 “(vii) a clear statement of instruction
7 on surrendering to the appropriate local
8 law enforcement agency all firearms and
9 ammunition owned by the respondent or in
10 the custody, control, or possession of the
11 respondent and any license to carry a con-
12 cealed weapon or firearm issued pursuant
13 to the laws of the State or Indian Tribe,
14 which shall include—

15 “(I) a clear statement that the
16 respondent may not, during the period
17 for which the order is in effect—

18 “(aa) have in the control or
19 custody of the respondent a fire-
20 arm or ammunition; or

21 “(bb) purchase, possess, or
22 receive, or attempt to purchase,
23 possess, or receive, a firearm or
24 ammunition; and

1 “(II) a clear description of the
2 right of the respondent to request not
3 less than 1 hearing to vacate the
4 order and, if the order is renewed, to
5 request a hearing to vacate such re-
6 newal.

7 “(D) DENIAL OF EXTREME RISK PROTEC-
8 TION ORDER.—If a court declines to issue an
9 extreme risk protection order for which the
10 court receives a petition under paragraph (1),
11 the court shall issue a written statement de-
12 scribing the specific reasons for declining to
13 issue such order.

14 “(3) TEMPORARY EX PARTE EXTREME RISK
15 PROTECTION ORDER.—

16 “(A) IN GENERAL.—Upon receipt of a pe-
17 tition under paragraph (1), the court may issue
18 a temporary ex parte extreme risk protection
19 order before conducting the hearing required
20 under paragraph (2), if—

21 “(i) a request for a temporary ex
22 parte extreme risk protection order is in-
23 cluded in the petition and includes detailed
24 allegations based on personal knowledge
25 that the respondent poses a significant

1 danger of causing personal injury to him-
2 self or herself or others in the near future
3 by having in his or her custody or control,
4 or by purchasing, possessing, or receiving,
5 a firearm or ammunition; and

6 “(ii) the court finds there is probable
7 cause to believe that the respondent poses
8 a significant danger of causing personal in-
9 jury to himself or herself or others in the
10 near future by having in his or her custody
11 or control, or by purchasing, possessing, or
12 receiving, a firearm or ammunition.

13 “(B) REQUIREMENTS.—In determining
14 whether to issue a temporary ex parte extreme
15 risk protection order, the court shall—

16 “(i) conduct a hearing, either in per-
17 son or by telephone, pursuant to local
18 court rules, on the date on which the peti-
19 tion is filed or on the business day imme-
20 diately following such date; and

21 “(ii) consider all relevant evidence,
22 such as—

23 “(I) a recent threat or act of vio-
24 lence by the respondent against him-
25 self or herself or others;

1 “(II) a threat or act of violence
2 by the respondent against himself or
3 herself or others in the past 12
4 months;

5 “(III) evidence that the respond-
6 ent has a serious mental illness;

7 “(IV) an extreme risk protection
8 order previously issued to the re-
9 spondent or a violation by the re-
10 spondent of a previously issued ex-
11 treme risk protection order;

12 “(V) whether the respondent has
13 been convicted of a crime of domestic
14 violence or other violence;

15 “(VI) whether the respondent
16 has used or threatened to use weap-
17 ons against himself or herself or oth-
18 ers;

19 “(VII) the unlawful use of a fire-
20 arm by the respondent;

21 “(VIII) the recurring use or
22 threat of use of physical force by the
23 respondent against another person or
24 the respondent stalking another per-
25 son;

1 “(IX) corroborated evidence of
2 the abuse of controlled substances or
3 alcohol by the respondent;

4 “(X) relevant information from
5 family or household members con-
6 cerning the respondent; and

7 “(XI) witness testimony taken
8 while the witness is under oath relat-
9 ing to the matter before the court.

10 “(C) NOTICE.—If a court issues a tem-
11 porary ex parte extreme risk protection order,
12 the court shall provide notice of the temporary
13 ex parte firearm violence order to the respond-
14 ent concurrently with the notice of hearing re-
15 quired under paragraph (2)(A)(i)(II).

16 “(D) CONTENTS OF ORDER.—If a court
17 issues a temporary ex parte extreme risk pro-
18 tection order, the order shall include, at a min-
19 imum—

20 “(i) a statement for the grounds of
21 the order;

22 “(ii) the date on which the order was
23 issued;

24 “(iii) the date and time of the hearing
25 on the extreme risk protection order;

1 “(iv) the address of the court in which
2 a responsive pleading may be filed;

3 “(v) a clear description of the require-
4 ments and process for surrender of fire-
5 arms and ammunition; and

6 “(vi) a clear statement outlining the
7 prohibitions and rights of the respondent
8 under the order, including—

9 “(I) a clear statement that the
10 respondent may consult an attorney;
11 and

12 “(II) a clear statement that fail-
13 ure of the respondent to appear at the
14 hearing described in clause (iii) may
15 result in an extreme risk protection
16 order being issued for a period not to
17 exceed 12 months.

18 “(4) TERMINATION AND EXTENSION OF EX-
19 TREME RISK PROTECTION ORDERS.—

20 “(A) HEARING TO VACATE ORDER.—

21 “(i) IN GENERAL.—A respondent may
22 request not less than 1 hearing to vacate
23 an extreme risk protection order issued
24 against the respondent.

1 “(ii) HEARING.—Not later than 30
2 days after the date on which a petitioner
3 is notified of the request of the respondent
4 to vacate an extreme risk protection order,
5 the court shall conduct a hearing on the
6 request.

7 “(iii) DETERMINATION.—

8 “(I) IN GENERAL.—The court
9 shall vacate an extreme risk protec-
10 tion order if the respondent dem-
11 onstrates by clear and convincing evi-
12 dence that the respondent does not
13 pose a significant danger of causing
14 personal injury to himself or herself
15 or others by having in his or her cus-
16 tody or control, or by purchasing, pos-
17 sessed, or receiving, a firearm or am-
18 munition.

19 “(II) CONSIDERATIONS.—In
20 making a determination under this
21 subparagraph, the court may consider
22 relevant evidence, such as—

23 “(aa) a recent threat or act
24 of violence by the respondent

1 against himself or herself or oth-
2 ers;

3 “(bb) a threat or act of vio-
4 lence by the respondent against
5 himself or herself or others in the
6 past 12 months;

7 “(cc) evidence that the re-
8 spondent has a serious mental ill-
9 ness;

10 “(dd) an extreme risk pro-
11 tection order previously issued to
12 the respondent or a violation by
13 the respondent of a previously
14 issued extreme risk protection
15 order;

16 “(ee) whether the respond-
17 ent has been convicted of a crime
18 of domestic violence or other vio-
19 lence;

20 “(ff) whether the respondent
21 has used or threatened to use
22 weapons against himself or her-
23 self or others;

24 “(gg) the unlawful use of a
25 firearm by the respondent;

1 “(hh) the recurring use or
2 threat of use of physical force by
3 the respondent against another
4 person or the respondent stalking
5 another person;

6 “(ii) corroborated evidence
7 of the abuse of controlled sub-
8 stances or alcohol by the re-
9 spondent;

10 “(jj) relevant information
11 from family or household mem-
12 bers concerning the respondent;
13 and

14 “(kk) witness testimony
15 taken while the witness is under
16 oath relating to the matter before
17 the court.

18 “(iv) NOTICE TO LAW ENFORCEMENT
19 OFFICIALS.—If a court vacates an extreme
20 risk protection order under this subpara-
21 graph, the court shall provide notice to the
22 relevant law enforcement agency of such
23 determination and the law enforcement
24 agency shall promptly return any surren-

1 dered firearms and ammunition to the re-
2 spondent.

3 “(B) EXTENSION OF ORDER.—

4 “(i) NOTICE TO PETITIONER.—Not
5 later than 30 days before the date on
6 which an extreme risk protection order is
7 set to expire, the court shall provide notice
8 to the petitioner of such expiration date.

9 “(ii) REQUEST FOR EXTENSION.—
10 During the 30-day period preceding the ex-
11 piration date described in clause (i), a peti-
12 tioner may submit a request to extend the
13 extreme risk protection order.

14 “(iii) HEARING.—Upon receipt of a
15 request for an extension under clause (ii),
16 the court shall schedule, provide notice for,
17 and conduct a hearing in accordance with
18 the requirements described in paragraph
19 (2)(A).

20 “(iv) DETERMINATION.—If a court
21 finds that there is clear and convincing evi-
22 dence that the respondent poses a signifi-
23 cant danger of causing personal injury to
24 himself or herself or others by having in
25 his or her custody or control, or by pur-

1 chasing, possessing, or receiving, a firearm
2 or ammunition, the court shall extend the
3 extreme risk protection order for a period
4 the court determines is appropriate, which
5 may not exceed 12 months.

6 “(5) AUTHORITY TO SUBMIT PETITION.—For
7 purposes of this subsection, a qualifying State or
8 Tribal law shall be considered to have met the min-
9 imum requirement described in paragraph (1)(A) if,
10 under the qualifying State or Tribal law, only a law
11 enforcement officer is authorized to submit a peti-
12 tion for an extreme risk protection order.

13 “(c) MINIMUM REQUIREMENTS FOR SURRENDER OF
14 FIREARMS AND AMMUNITION.—A qualifying State or
15 Tribal law shall have in effect the following minimum re-
16 quirements for the surrender of firearms and ammunition:

17 “(1) SURRENDER OF FIREARMS AND AMMUNI-
18 TION.—Upon issuance of a temporary ex parte ex-
19 treme risk protection order or extreme risk protec-
20 tion order as described in subsection (b), a respond-
21 ent shall surrender all firearms and ammunition in
22 the custody or control of the respondent to the ap-
23 propriate local law enforcement agency, as deter-
24 mined by the State or Indian Tribe.

1 “(2) RECEIPT FOR SURRENDERED FIREARMS
2 AND AMMUNITION.—The local law enforcement
3 agency that takes custody of any firearms or ammu-
4 nition surrendered under paragraph (1) shall—

5 “(A) issue to the respondent a receipt
6 identifying all firearms and ammunition that
7 have been surrendered; and

8 “(B) not later than 72 hours after taking
9 custody of the firearms and ammunition, file a
10 copy of such receipt with the court.

11 “(3) ISSUANCE OF WARRANT.—If a court re-
12 ceives sworn testimony from an individual alleging
13 that not all firearms required to be surrendered by
14 a respondent under a temporary ex parte extreme
15 risk protection order or extreme risk protection
16 order have been surrendered, the court shall issue a
17 warrant for the seizure of the remaining firearms or
18 ammunition if the court determines that probable
19 cause exists to believe the respondent has failed to
20 surrender any firearms or ammunition.

21 “(d) OTHER REQUIREMENTS.—A qualifying State or
22 Tribal law shall—

23 “(1) make clear accommodations for the case in
24 which an individual other than the respondent
25 claims title to any firearms or ammunition required

1 to be surrendered under a temporary ex parte ex-
2 treme risk protection order or extreme risk protec-
3 tion order;

4 “(2) have clear instruction about the immediate
5 return of firearms to a respondent upon the expira-
6 tion of a temporary ex parte extreme risk protection
7 order or extreme risk protection order;

8 “(3) provide clear instructions for the reporting
9 of a temporary ex parte extreme risk protection
10 order or extreme risk protection order to the appro-
11 priate Federal, State, and Tribal databases;

12 “(4) establish a felony criminal offense for
13 knowingly making a false statement under oath in a
14 hearing relating to a temporary ex parte extreme
15 risk protection order or extreme risk protection
16 order regarding any material matter;

17 “(5) establish a felony criminal offense for an
18 individual to receive or possess a firearm or ammu-
19 nition with knowledge that the individual is subject
20 to a temporary ex parte extreme risk protection
21 order or extreme risk protection order;

22 “(6) a clear statement that use of the authority
23 in the qualifying State or Tribal law does not affect
24 the ability of a law enforcement officer to use any

1 other lawful authority to effect the surrender of a
2 firearm, ammunition, or concealed carry permit; and

3 “(7) clear direction for State or Tribal courts to
4 implement the procedures described in this section.

5 “(e) ADDITIONAL AUTHORITY.—A qualifying State
6 or Tribal law may provide for—

7 “(1) notice and hearing requirements in addi-
8 tion to the requirements described in this section;

9 “(2) a timely background check under Federal
10 and State law before a law enforcement agency re-
11 turns any surrendered firearms and ammunition to
12 a respondent after the expiration of a temporary ex
13 parte extreme risk protection order or extreme risk
14 protection order;

15 “(3) a requirement that family or household
16 members of a respondent be notified before a law
17 enforcement agency returns any surrendered fire-
18 arms and ammunition to the respondent; and

19 “(4) an option for a respondent to elect to
20 transfer all firearms and ammunition owned by the
21 respondent that have been ordered to be surrendered
22 or seized to another individual who is willing to re-
23 ceive them, if the individual—

24 “(A) is eligible at the time of transfer to
25 own or possess such firearms and ammunition

1 under Federal and State law, and a background
2 check is conducted;

3 “(B) attests that the individual will store
4 the firearms or ammunition in a manner so
5 that the respondent does not have access; and

6 “(C) attests that the individual will not
7 transfer the firearms or ammunition back to
8 the respondent until after the date on which the
9 order expires or is vacated.

10 “(f) LIMITATIONS.—A qualifying State or Tribal law
11 may not—

12 “(1) at any point require or allow for the sur-
13 render of any firearm or ammunition without the
14 issuance of a court order;

15 “(2) provide for the issuance of a temporary ex
16 parte extreme risk protection order or extreme risk
17 protection order without sworn affidavits or testi-
18 mony;

19 “(3) establish criminal penalties for false allega-
20 tions or false testimony in connection with a tem-
21 porary ex parte extreme risk protection order or ex-
22 treme risk protection order that are less than a fel-
23 ony under State or Tribal law;

24 “(4) allow for witness testimony in connection
25 with a temporary ex parte extreme risk protection

1 order or extreme risk protection order that is not
2 sworn or under oath;

3 “(5) prohibit or otherwise discourage the re-
4 spondent from consulting or retaining an attorney;

5 “(6) allow a law enforcement officer or other
6 custodian of a firearm or any ammunition surren-
7 dered pursuant to a court order under the qualifying
8 State or Tribal law to destroy, disable, sell, assert
9 ownership over, dispose of, use or otherwise employ,
10 harm, or dispense with the firearm or ammunition;
11 or

12 “(7) allow for the ordering of a sequential se-
13 ries of ex parte extreme risk protection orders
14 against a respondent based on the same evidence
15 used to order the initial ex parte extreme risk pro-
16 tection order against the respondent.

17 “(g) RULE OF CONSTRUCTION.—Nothing in sub-
18 section (f)(1) shall be construed to limit or have an effect
19 on any Federal, State, or Tribal law other than a quali-
20 fying State or Tribal law.

21 **“SEC. 3053. VIOLENCE PREVENTION GRANT PROGRAM.**

22 “(a) IN GENERAL.—The Assistant Attorney General
23 shall make grants to an eligible State or Indian Tribe to
24 assist the State or Indian Tribe in carrying out the provi-
25 sions of a qualifying State or Tribal law.

1 “(b) ELIGIBLE STATE OR INDIAN TRIBE.—

2 “(1) IN GENERAL.—Except as provided in para-
3 graph (2), a State or Indian Tribe shall be eligible
4 to receive grants under this section on and after the
5 date on which the Attorney General determines that
6 a law enacted by the State or Indian Tribe is a
7 qualifying State or Tribal law.

8 “(2) FIRST YEAR ELIGIBILITY EXCEPTION.—

9 “(A) IN GENERAL.—A covered State or In-
10 dian Tribe shall be eligible to receive a grant
11 under this section during the 1-year period be-
12 ginning on the date of enactment of this part.

13 “(B) COVERED STATE OR INDIAN TRIBE.—
14 In this paragraph, the term ‘covered State or
15 Indian Tribe’ means a State or Indian Tribe
16 that, before the date of enactment of this part,
17 enacted legislation that—

18 “(i) authorizes the issuance of a gun
19 violence restraining order or extreme risk
20 protection order similar to a violence pre-
21 vention order described in this part; and

22 “(ii) requires a standard of proof for
23 the issuance of a gun violence restraining
24 order or extreme risk protection order de-
25 scribed in clause (i) that is substantially

1 similar to the standard of proof required
2 under this part.

3 “(c) USE OF FUNDS.—Funds awarded under this
4 section may be used by a State or Indian Tribe to assist
5 law enforcement agencies or the courts of the State or In-
6 dian Tribe in carrying out the provisions of the qualifying
7 State or Tribal law.

8 “(d) APPLICATION.—An eligible State or Indian
9 Tribe desiring a grant under this section shall submit to
10 the Assistant Attorney General an application at such
11 time, in such manner, and containing or accompanied by
12 such information, as the Assistant Attorney General may
13 reasonably require.

14 “(e) INCENTIVES.—For each of fiscal years 2021
15 through 2025, the Attorney General shall give affirmative
16 preference to all Bureau of Justice Assistance discre-
17 tionary grant applications of a State or Indian Tribe that
18 has enacted a qualifying State or Tribal law.

19 **“SEC. 3054. FULL FAITH AND CREDIT.**

20 “Any violence prevention order issued under a State
21 or Tribal law enacted in accordance with this part shall
22 have the same full faith and credit in every court within
23 the United States as the order has by law or usage in
24 the courts of such State or Indian Tribe from which the
25 order is issued.”

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 1001(a) of title I of the Omnibus Crime Control and Safe
3 Streets Act of 1968 (34 U.S.C. 10261(a)) is amended by
4 adding at the end the following:

5 “(29) There are authorized to be appropriated to
6 carry out part OO \$20,000,000 for each of fiscal years
7 2021 through 2025.”.

8 **SEC. 4. FEDERAL FIREARMS PROHIBITION.**

9 Section 922 of title 18, United States Code, is
10 amended—

11 (1) in subsection (d)—

12 (A) in paragraph (8)(B)(ii), by striking
13 “or” at the end;

14 (B) in paragraph (9), by striking the pe-
15 riod at the end and inserting “; or”; and

16 (C) by inserting after paragraph (9) the
17 following:

18 “(10) is subject to a court order that—

19 “(A) was issued after a hearing of which
20 such person received actual notice, and at which
21 such person had an opportunity to participate;

22 “(B) restrains such person from possessing
23 and purchasing a firearm; and

24 “(C) includes a finding that such person
25 poses a significant danger of causing personal

1 injury to himself or herself or other persons.”;

2 and

3 (2) in subsection (g)—

4 (A) in paragraph (8)(C)(ii), by striking
5 “or” at the end;

6 (B) in paragraph (9), by striking the
7 comma at the end and inserting “; or”; and

8 (C) by inserting after paragraph (9) the
9 following:

10 “(10) who is subject to a court order that—

11 “(A) was issued after a hearing of which
12 such person received actual notice, and at which
13 such person had an opportunity to participate;

14 “(B) restrains such person from possessing
15 and purchasing a firearm; and

16 “(C) includes a finding that such person
17 poses a significant danger of causing personal
18 injury to himself or herself or other persons,”.

19 **SEC. 5. SEVERABILITY; RULES OF CONSTRUCTION.**

20 (a) SEVERABILITY.—If any provision of this Act, or
21 an amendment made by this Act, or the application of
22 such provision to any person or circumstance, is held to
23 be invalid, the remainder of this Act, or an amendment
24 made by this Act, or the application of such provision to
25 other persons or circumstances, shall not be affected.

1 (b) RULES OF CONSTRUCTION.—Nothing in this Act,
2 or an amendment made by this Act, shall be construed
3 to—

4 (1) limit the ability of a State or Indian Tribe
5 to enact legislation with additional due process pro-
6 tections, additional rights for a respondent or sub-
7 ject of an extreme risk protection order, or higher
8 standards of proof; or

9 (2) supersede or contradict any State or Tribal
10 law enacted before or after the date of enactment of
11 this Act relating to the removal of firearms from in-
12 dividuals determined to be a danger to themselves or
13 others.

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