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**ACTION ALERT! SUPPORT [HB19-1177](#)**  
**EXTREME RISK PROTECTIVE ORDER**

Sponsors: **Reps. Sullivan & Garnett; Sens. Court & Petterson**

**RED FLAG ACT WILL INCREASE SAFETY FOR EVERYONE**

Whenever we hear about yet another mass killing, most of us wonder, “Why didn't someone take those guns away?” **HB 1177 Extreme Risk Protective Order (ERPO)**, proposes to do just that. This measure, known as the **Red Flag Act**, is sponsored by Reps. Sullivan and Garnett and Sens. Court and Petterson. It has already been enacted in some form in 14 states.

The bill creates the ability for a family or household member or a law enforcement officer to petition the court for an ERPO if a person appears to be a danger to him/herself or others. A petition must, among other things:

- Allege that the respondent poses a significant risk of causing injury to self or others by having access to a firearm;
- Be accompanied by an affidavit stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent; and
- If possible, identify the number, types, and locations of any firearms the petitioner believes to be in the respondent's possession.

There is not a requirement that the respondent “appears to have a mental health disorder” as in current law. Several other conditions would suffice, such as a credible threat of violence, a pattern of acts during the past year, a conviction of domestic violence, corroborated evidence of abuse of drugs or alcohol, and others. The bill also allows the judge, if it seems appropriate, to issue a mental health hold under current law, which is not changed by this bill.

Once issued, the ERPO prohibits the respondent from possessing, controlling, purchasing, or receiving a firearm for 364 days and must surrender all firearms

The respondent can motion the court once during the 364-day ERPO for a hearing to terminate the ERPO.

Please call or email your legislators to support this bill! The NRA and the Rocky Mountain Gun Owners are lobbying heavily against it.

**Please contact your State Representative  
and voice why this issue is important to you.  
Urge her/him to vote YES on HB19-1177.**

**Don't know your State Representative?** [Find her/him here.](#)

### **EXTREME RISK PROTECTIVE ORDER BACKGROUND**

- Since 1990, the League has supported regulating firearms for consumer safety.
- As of February 2019, 14 states – California, Connecticut, Delaware, Florida, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington – had enacted laws authorizing courts to issue extreme risk protection orders.
- HB 1177 passed the House Judiciary Committee on Feb. 21 by a vote of 7-4. Once it passes out of House Appropriations, it is on its way to a full House vote.
- Last year, S.2607 - Extreme Risk Protection Order and Violence Prevention Act of 2018 - was introduced federally by Sen. Marco Rubio but was not enacted.

NOTE: INDIVIDUAL LEAGUE MEMBERS CAN'T SPEAK FOR THE WHOLE LEAGUE, BUT YOU CAN REFER LEGISLATORS TO THE LWVCO POSITION ON A BILL FOUND IN THE [LEGISLATIVE LETTER](#).

**EMPOWERING VOTERS. DEFENDING DEMOCRACY.**

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