

House Bill 75: Gun Violence Protective Orders

WHAT THE BILL DOES: House Bill 75 creates a system for Gun Violence Protective Orders (GVPOs) so an immediate family member* or peace officer can petition the court for temporary removal of firearms when a person is a danger to themselves or others. During the time the GVPO is in effect the person may not possess, own, purchase, or receive a firearm.

Gun Violence Protective Orders are:

Temporary in nature, from 3 days to 6 months

Limited in scope to a crisis situation where a person is a danger to themselves or others

House Bill 75 creates 3 types of Gun Violence Protective Orders: Gun Violence Protective Order, an Ex Parte Gun Violence Protective Order, and an Emergency Gun Violence Protective Order

TYPE	WHO CAN PETITION	EVIDENCE STANDARD	DURATION	DANGER TO SELF OR OTHERS	CAN BE MODIFIED?
GVPO	Immediate family member and peace officer (includes a hearing and court must provide at least 10 days notice to respondent)	Clear and Convincing Evidence	6 months unless earlier dissolved by the Court	Reasonably believes	Yes, within 20 days
Ex Parte	Immediate family member and peace officer	Preponderance of the Evidence	Expires 20 days after it is issued unless dissolved earlier by the Court at the request of either the petitioner or the respondent after notice and, if requested, a hearing	Poses a significant danger	Yes, on 3 days notice
Emergency	Peace officer	Preponderance of the Evidence	Expires 72 hours after it is issued unless dissolved earlier by the court at the request of the petitioner	Immediate danger	Yes, by the petitioner

SURRENDER OF FIREARMS: The respondent must surrender to a local law enforcement agency or sell to a firearms dealer all firearms and ammunition that the person possesses, owns, or has within the respondent's custody or control within 24 hours of receipt of the protective order.

RETURN OF FIREARMS: When the protective order expires, the law enforcement agency shall return the firearms or ammunition to the respondent. Prior to being returned, any firearms or ammunition surrendered to a law enforcement agency shall be retained by the law enforcement agency until the expiration of the gun violence protective order.

TEMPORARY HEALTH REPORTING: The bill requires reporting of serious threats conveyed to a health care provider during the year of gun violence against a reasonably identifiable victim. The reporting may not include any personally identifiable information. This would result in one report in 2019 and this section is repealed February 1, 2020.

* Immediate family member means a spouse, child, step-child, parent, or step-parent