



NEW YORK STATE SENATOR

Brian Kavanagh

## New York City District Attorneys Call for Inclusion of "Extreme Risk Protection Orders" Legislation in the State Budget

BRIAN KAVANAGH March 25, 2018

| ISSUE: [GUNS](#), [GUN VIOLENCE](#), [GUN VIOLENCE PREVENTION](#), [GUN LAWS](#), [GUN CONTROL](#)

*DAs from the Bronx, Brooklyn, Manhattan, Queens, and Staten Island Join “New York ERPO Coalition”*

*Law would empower District Attorneys, as well as families and other law enforcement officials, to obtain court orders restricting access to guns when individuals are a danger to themselves or others*

(New York, NY) -- Today, Bronx District Attorney Darcel Clark, Kings County (Brooklyn) District Attorney Eric Gonzalez, New York County (Manhattan) District Attorney Cy Vance, Jr., Queens District Attorney Richard Brown, and Richmond County (Staten Island) District Attorney Michael McMahon called for the State Budget to include extreme risk protection orders legislation, and announced they joined the New York ERPO Coalition, led by New York State Senator Brian Kavanagh, Senator Brad Hoylman, Assemblymember Jo Anne Simon, and New Yorkers Against Gun Violence.

Law enforcement officials like District Attorneys often see warning signs of gun violence, but currently have limited tools to address the situation before a crime is committed. Extreme risk protection orders (ERPO) fill that gap, allowing them to take action to save lives and prevent gun violence before a tragedy occurs. Support from the five New York City District Attorneys comes as the coalition [urges](#) the Governor, Senate, and Assembly to

include the extreme risk protection orders legislation in the budget.

**Queens District Attorney Richard A. Brown said,** “This bill is an appropriate balance in providing ample protection for law-abiding and peaceful gun owners while also providing a mechanism to make sure those who potentially pose a danger - where evidence is sufficient to show there is a likely risk to others - are evaluated and the appropriate steps taken. This law will help to protect all of us from needless gun violence.”

**Bronx District Attorney Darcel D. Clark said,** “I wholeheartedly support the legislation creating Extreme Risk Protection Orders because it would help to save lives. No one who poses a danger to the public or themselves should have a gun. We have seen far too many deaths that might have been prevented if warning signs had been acted upon.”

**Brooklyn District Attorney Eric Gonzalez said,** “The Extreme Risk Protection Order bill is an important tool that can save lives by helping us keep New Yorkers safe from gun violence. It is common sense: a person who engages in conduct that poses a serious threat of harm should not possess firearms. It is time that New York joins the six other states that have enacted similar legislation and I commend Senators Brian Kavanagh and Brad Hoylman and Assemblymember Jo Anne Simon for their leadership on this issue.”

**Manhattan District Attorney Cyrus R. Vance, Jr., co-founder of Prosecutors Against Gun Violence, said,** “While New York has long been a leader on gun control, there is still urgent work to be done to prevent gun violence in our homes and in our communities. Keeping guns out of the hands of those in the midst of a mental health crisis is critical to keeping New Yorkers safe, and the Extreme Risk Protection Order bill would empower families and law enforcement to do just that. I am proud to stand with this coalition to urge our Legislature to pass this measure as quickly as possible.”

**Staten Island District Attorney Michael McMahon said,** “Our fight to prevent gun violence by emotionally or mentally disturbed individuals calls for immediate action, and the Extreme Risk Protection Orders bill is an important tool that can help keep our communities safe and save lives. It allows us to take guns out of the hands of those who pose a risk to the public or their family members before a tragedy occurs. This is especially critical when dealing with domestic violence incidents, which can escalate quickly and are an almost everyday occurrence on Staten Island. I am proud to support this legislation and I commend Senator Kavanagh and the coalition for their tireless efforts on this issue.”

The bill ([S7133A/A8976B](#)), which is sponsored by Senators Brian Kavanagh and Brad Hoylman and Assemblymember Jo Anne Simon, would create a new type of civil order called an “extreme risk protection order.” Family members, household members, and law enforcement officials -- including District Attorneys -- would be able to petition a judge for an ERPO, and if the court finds the respondent is likely to harm themselves or others, the judge would issue an order which temporarily restricts their right to possess or purchase guns. Those subject to the order would also be required to temporarily surrender any guns they currently own.

Earlier this month, the bill passed the Assembly with strong bipartisan support. The Senate bill has 29 co-sponsors, including all members of the Democratic Conference and the Independent Democratic Conference (IDC). The legislation was included in the Assembly Budget Resolution, and Democrats in the Senate have also called for its inclusion in the budget.

Six other states — Connecticut, Indiana, California, Washington, Oregon, and Florida — have similar laws. The Florida bill was enacted this month in response to the shooting at Marjory Stoneman Douglas High School on February 14th.

“Even though New York has one of the lowest rates of gun-related death in the country, we are no stranger to gun violence. District Attorneys know the tragic effects guns can have on New Yorkers firsthand -- and that’s why we’re so glad New York City’s District Attorneys are joining this coalition,” **said State Senator Brian Kavanagh, sponsor of S7133.** “Extreme risk protection orders save lives. It’s that simple. We are grateful to have support from our District Attorneys, who already play a critical role in preventing gun violence, as we push to have extreme risk protection orders included in the budget.”

**State Senator Brad Hoylman, sponsor of S7133, said,** "New Yorkers need stronger gun violence prevention laws now -- we can't wait for the next tragedy. There's a reason why all five New York City District Attorneys support ERPO legislation: ERPOs are a commonsense solution to keep guns out of the hands of dangerous individuals before they harm themselves or others. Passing ERPO in New York State will save lives and I'm proud to fight for the end of gun violence with Senator Kavanagh and New York City's District Attorneys."

“We are proud to stand with New York City’s district attorneys in support of Extreme Risk Protection Order legislation,” **said Rebecca Fischer, executive director of New Yorkers Against Gun Violence.** “Our prosecutors recognize, first hand, that law enforcement and families need a legal process to remove guns from individuals who are dangerous to protect our New York communities.”

**Nico Bocour, State Legislative Director at Giffords said,** “The Extreme Risk Protection Order is an important, evidence-based tool that will help keep New York families and communities safe from gun violence by keeping guns away from those at risk of harming themselves or others. We urge the Governor, Senate, and Assembly to rise to the call made by hundreds of thousands of young people across the nation this weekend and include the ERPO in the budget. “

“We elect district attorneys in our communities to protect public safety, but current law limits their ability to effectively prevent gun violence. Our elected legislators need to give district attorneys the tools to do their jobs,” **said Richard M. Aborn, President of the Citizens Crime Commission of New York City.** “We are proud to stand with the five New York City District Attorneys and the other coalition members in support of the Extreme Risk Protection Order bill that will give district attorneys the power to effectively protect public safety. The New York State legislators should show law enforcement and families that saving New Yorkers’ lives is a statewide priority by including ERPO in the state budget this year.”

#### **About the New York ERPO Coalition:**

Formed earlier this year, the New York ERPO Coalition includes Senators Brian Kavanagh and Brad Hoylman, Assemblymember Jo Anne Simon, New Yorkers Against Gun Violence, Giffords, Everytown for Gun Safety, the New York Chapter of Moms Demand Action for Gun Sense in America, Brady Campaign to Prevent Gun Violence, Citizens Crime Commission of New York City, Coalition to Stop Gun Violence, and Prosecutors Against Gun Violence. Now, it also includes District Attorneys Clark, Gonzalez, Vance, Jr., Brown, and McMahon.

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#### RELATED LEGISLATION

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### **2017-S7133A**

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- Introduced

- ◦ In Committee Assembly
  - In Committee Senate
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate
- ◦ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
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Establishes extreme risk protection orders as a court-issued order of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun

December 08, 2017

In Senate Committee [Codes](#)

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Do you support this bill?