

Rubio Gun Violence Prevention Order Legislation

The legislation will incentivize states to enact laws to ensure that firearms and ammunition are kept out of the hands of individuals who have been determined by a court to be a significant danger to themselves or others.

PROBLEM: Currently, law enforcement and family members who have identified dangerous and threatening behavior of an individual have limited options to remove firearms from that individual's possession, or ensure they cannot purchase firearms. We tell people if "you see something, say something." This bill ensures that we empower them to *do* something.

SOLUTION: To address this problem, the legislation will:

Incentivize states to enact and implement gun violence prevention order laws.

Authorize a grant program within the Department of Justice to provide funding to assist states implementing gun violence prevention order laws. In order to be eligible, a state must have enacted legislation that:

- Allows family members or law enforcement officers to petition a court for a gun violence prevention order to preclude firearm possession and purchases by individuals who pose a significant threat of injury to themselves or others.
- Provides a court the authority to issue an emergency gun violence prevention order, for up to 14 days, in limited circumstances to immediately prevent an individual from purchasing firearms.
- Requires due process protections, including proper notice and a formal hearing where the individual has an opportunity to be heard.
- Authorizes a court to issue a gun violence prevention order for up to one year if it determines, after notice and hearing, there is probable cause that possession of a firearm by an individual poses a significant risk of injury to himself or herself or others.
- Requires a court to issue a warrant ordering the temporary seizure of firearms and ammunition if it determines that an individual subject to a gun violence prevention order has a firearm in his custody or control.
- Establishes a minimum penalty for false allegations to deter fraudulent claims.
- Requires proper notification to the Department of Justice and other relevant law enforcement agencies.

Prohibit the sale of firearms to an individual subject to a gun violence prevention order. Makes it unlawful for an individual who is subject to a gun violence prevention order to purchase or possess any firearm.