

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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 \_\_\_\_\_

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**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 “(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.



19

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           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.