



115TH CONGRESS  
2D 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. NELSON, and Mr. REED) 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 2018”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) each State and Indian tribe should enact ex-  
9 treme risk protection order legislation described in

1 part NN of title I of the Omnibus Crime Control  
2 and Safe Streets Act of 1968, as added by section  
3 3; and

4 (2) such extreme risk protection order legisla-  
5 tion is an important tool in the efforts of States and  
6 Indian tribes to ensure that firearms and ammuni-  
7 tion are kept out of the hands of individuals whom  
8 a court has determined to be a significant danger to  
9 themselves or others.

10 **SEC. 3. EXTREME RISK PROTECTION ORDER GRANT PRO-**  
11 **GRAM.**

12 (a) IN GENERAL.—Title I of the Omnibus Crime  
13 Control and Safe Streets Act of 1968 (34 U.S.C. 10101  
14 et seq.) is amended by adding at the end the following:

15 **“PART NN—EXTREME RISK PROTECTION ORDER**  
16 **GRANT PROGRAM**

17 **“SEC. 3041. DEFINITIONS.**

18 “In this title—

19 “(1) the terms ‘ammunition’ and ‘firearm’ have  
20 the meanings given those terms in section 921(a) of  
21 title 18, United States Code;

22 “(2) the term ‘extreme risk protection order’  
23 means a written order, issued by a State or tribal  
24 court or signed by a magistrate that, for a period  
25 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 an individual, 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) an individual who resides or has re-  
21          sided with the respondent during the past year;

22          “(E) a 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) any individual who is acting or has  
6           acted 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 family or  
12          household member, or law enforcement officer, who  
13          submits a petition for an extreme risk protection  
14          order under section 3042(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          3042;

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 3042(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 court or signed by a magistrate prohibiting a  
8                   named individual from possessing, purchasing, re-  
9                   ceiving, or transporting a firearm after the date on  
10                  which the order is issued until the date on which the  
11                  hearing for the extreme risk protection order is held.

12   **“SEC. 3042. EXTREME RISK PROTECTION ORDER LEGISLA-**  
13                   **TION.**

14                  “(a) ENACTMENT OF EXTREME RISK PROTECTION  
15   ORDER LEGISLATION.—In order to receive a grant under  
16   section 3043, each State or Indian tribe shall have in ef-  
17   fect a qualifying State or tribal law.

18                  “(b) MINIMUM REQUIREMENTS FOR EXTREME RISK  
19   PROTECTION ORDERS.—A qualifying State or tribal law  
20   shall have in effect the following minimum requirements  
21   for the issuance of an extreme risk protection order:

22                   “(1) PETITION FOR EXTREME RISK PROTEC-  
23   TION ORDER.—

24                   “(A) IN GENERAL.—A family or household  
25                   member of an individual, or a law enforcement

1 officer, may submit a petition to a State or  
2 tribal court, on a form designed by the courts  
3 administrator of the State or similar office,  
4 that—

5 “(i) describes the facts and cir-  
6 cumstances necessitating that an extreme  
7 risk protection order be issued against the  
8 respondent because the respondent poses a  
9 significant danger of causing personal in-  
10 jury to himself or herself or others by—

11 “(I) having a firearm or ammuni-  
12 tion in his or her custody or control;  
13 or

14 “(II) purchasing, possessing, or  
15 receiving a firearm or ammunition;

16 “(ii) is accompanied by a sworn affi-  
17 davit, signed by the petitioner, stating the  
18 specific facts that give rise to reasonable  
19 fear of significant dangerous acts by the  
20 respondent;

21 “(iii) identifies the quantities, types,  
22 and locations of all firearms and ammuni-  
23 tion the petitioner believes to be in the cur-  
24 rent ownership, possession, custody, or  
25 control of the respondent; and

“(iv) identifies whether there is a known extreme risk protection order already in effect against the respondent.

“(B) GOOD FAITH NOTICE.—A petitioner who submits a petition under subparagraph (A) shall be required to make a good faith effort to provide notice to other family or household members of the respondent, or to any other known third party, who may be at risk of violence because of the submission of such petition.

12                   “(2) ISSUANCE OF EXTREME RISK PROTECTION  
13           ORDERS.—

14                       “(A) HEARING.—

15                                   “(i) IN GENERAL.—Upon receipt of a  
16                                   petition under paragraph (1), the court  
17                                   shall—

18 “(I) order a hearing to be held  
19 not later than 14 days after the date  
20 of such order; and

21 “(II) issue a notice of the hear-  
22 ing ordered under subclause (I) to the  
23 respondent.

24 “(ii) TELEPHONE HEARING.—A court  
25 may conduct the hearing required under

1 clause (i) by telephone, pursuant to local  
2 court rules.

3 “(iii) DETERMINATION.—If the court  
4 finds by clear and convincing evidence that  
5 the respondent poses a significant danger  
6 of causing personal injury to himself or  
7 herself or others by having in his or her  
8 custody or control, or by purchasing, pos-  
9 sessing, or receiving, a firearm or ammuni-  
10 tion, the court shall issue an extreme risk  
11 protection order for a period the court de-  
12 termines is appropriate, which may not ex-  
13 ceed 12 months.

14 “(B) CONSIDERATION OF EVIDENCE.—

15 “(i) IN GENERAL.—In determining  
16 whether to issue an extreme risk protection  
17 order, the court—

18 “(I) may consider relevant evi-  
19 dence, such as—

20 “(aa) a recent threat or act  
21 of violence by the respondent  
22 against himself or herself or oth-  
23 ers;

24 “(bb) a threat or act of vio-  
25 lence by the respondent against



1 himself or herself or others in the  
2 past 12 months;

3 “(cc) evidence of a serious  
4 mental illness;

5 “(dd) a previously issued ex-  
6 treme risk protection order or a  
7 violation of a previously issued  
8 extreme risk protection order;

9 “(ee) whether the respond-  
10 ent has been convicted of a crime  
11 of domestic violence or other vio-  
12 lence;

13 “(ff) whether the respondent  
14 has used or threatened to use  
15 weapons against himself or her-  
16 self or others;

17 “(gg) the unlawful use of a  
18 firearm by the respondent;

19 “(hh) the recurring use or  
20 threat of use of physical force  
21 against another person or stalk-  
22 ing another person;

23 “(ii) corroborated evidence  
24 of the abuse of controlled sub-

1 stances or alcohol by the re-  
2 spondent;

3 “(jj) relevant information  
4 from family or household mem-  
5 bers concerning the respondent;  
6 and

7 “(kk) witness testimony  
8 taken while the witness is under  
9 oath relating to the matter before  
10 the court; and

11 “(II) shall consider whether a  
12 mental health evaluation or chemical  
13 dependency evaluation is appropriate.

14 “(ii) PRESENTATION OF EVIDENCE.—  
15 Anyone who offers evidence or rec-  
16 ommendations relating to the petition sub-  
17 mitted under paragraph (1) shall—

18 “(I) present the evidence or rec-  
19 ommendations in writing to the court  
20 and submit a copy of such evidence or  
21 recommendations to each party or the  
22 attorney for a party; or

23 “(II) present the evidence under  
24 oath at a hearing at which all parties  
25 are present.

1           “(iii) MENTAL HEALTH AND CHEM-  
2           ICAL DEPENDENCY EVALUATIONS.—If a  
3           court determines that a mental health eval-  
4           uation or chemical dependency evaluation  
5           is appropriate under clause (i)(II), the  
6           court may order the appropriate evalua-  
7           tion.

8           “(C) CONTENTS OF ORDER.—If a court  
9           issues an extreme risk protection order, the  
10          order shall contain—

11           “(i) a statement on the grounds sup-  
12           porting the issuance of the order;

13           “(ii) the date on which the order was  
14           issued;

15           “(iii) the date on which the order ex-  
16           pires;

17           “(iv) whether a mental health evalua-  
18           tion or chemical dependency evaluation of  
19           the respondent is required;

20           “(v) the address of the court in which  
21           a responsive pleading may be filed;

22           “(vi) a description of the requirements  
23           for surrender of all firearms and ammuni-  
24           tion owned by the respondent, and

1           “(vii) a clear statement of instruction  
2           on surrendering to the appropriate local  
3           law enforcement agency all firearms and  
4           ammunition owned by the respondent or in  
5           the custody, control, or possession of the  
6           respondent and any license to carry a con-  
7           cealed weapon or firearm issued pursuant  
8           to the laws of the State or Indian tribe,  
9           which shall include—

10           “(I) a clear statement that the  
11           respondent may not, during the period  
12           for which the order is in effect—

13           “(aa) have in the control or  
14           custody of the respondent a fire-  
15           arm or ammunition; or

16           “(bb) purchase, possess, or  
17           receive, or attempt to do so, a  
18           firearm or ammunition; and

19           “(II) a clear description of the  
20           right of the respondent to request not  
21           less than 1 hearing to vacate the  
22           order and, if the order is renewed, to  
23           request a hearing to vacate such re-  
24           newal.

1           “(D) DENIAL OF EXTREME RISK PROTEC-  
2           TION ORDER.—If a court declines to issue an  
3           extreme risk protection order applied for under  
4           this paragraph, the court shall issue a written  
5           statement describing the specific reasons for de-  
6           clining to issue such order.

7           “(3) TEMPORARY EX PARTE EXTREME RISK  
8           PROTECTION ORDER.—

9           “(A) IN GENERAL.—Upon receipt of a pe-  
10          tition under paragraph (1), the court may issue  
11          a temporary ex parte extreme risk protection  
12          order before conducting the hearing required  
13          under paragraph (2), if—

14               “(i) a request for a temporary ex  
15               parte extreme risk protection order is in-  
16               cluded in the petition and includes detailed  
17               allegations based on personal knowledge  
18               that the respondent poses a significant  
19               danger of causing personal injury to him-  
20               self or herself or others in the near future  
21               by having in his or her custody or control,  
22               or by purchasing, possessing, or receiving,  
23               a firearm or ammunition; and

24               “(ii) the court finds there is probable  
25               cause to believe that the respondent poses

1 a significant danger of causing personal in-  
2 jury to himself or herself or others in the  
3 near future by having in his or her custody  
4 or control, or by purchasing, possessing, or  
5 receiving, a firearm or ammunition.

6 “(B) REQUIREMENTS.—In determining  
7 whether to issue a temporary ex parte extreme  
8 risk protection order, the court shall—

9 “(i) conduct a hearing, either in per-  
10 son or by telephone, pursuant to local  
11 court rules, on the date on which the peti-  
12 tion is filed or on the business day imme-  
13 diately following such date; and

14 “(ii) consider all relevant evidence,  
15 such as—

16 “(I) a recent threat or act of vio-  
17 lence by the respondent against him-  
18 self or herself or others;

19 “(II) a threat or act of violence  
20 by the respondent against himself or  
21 herself or others in the past 12  
22 months;

23 “(III) evidence of a serious men-  
24 tal illness;

1                   “(IV) a previously issued extreme  
2 risk protection order or a violation of  
3 a previously issued extreme risk pro-  
4 tection order;

5                   “(V) whether the respondent has  
6 been convicted of a crime of domestic  
7 violence or other violence;

8                   “(VI) whether the respondent  
9 has used or threatened to use weap-  
10 ons against himself or herself or oth-  
11 ers;

12                   “(VII) the unlawful use of a fire-  
13 arm by the respondent;

14                   “(VIII) the recurring use or  
15 threat of use of physical force against  
16 another person or stalking another  
17 person;

18                   “(IX) corroborated evidence of  
19 the abuse of controlled substances or  
20 alcohol by the respondent;

21                   “(X) relevant information from  
22 family or household members con-  
23 cerning the respondent; and

1                   “(XI) witness testimony taken  
2                   while the witness is under oath relat-  
3                   ing to the matter before the court.

4                   “(C) NOTICE.—If a court issues a tem-  
5                   porary ex parte extreme risk protection order,  
6                   the court shall provide notice of the temporary  
7                   ex parte firearm violence order to the respond-  
8                   ent concurrently with the notice of hearing re-  
9                   quired under paragraph (2)(A)(i)(II).

10                  “(D) CONTENTS OF ORDER.—If a court  
11                  issues a temporary ex parte extreme risk pro-  
12                  tection order, the order shall include, at a min-  
13                  imum—

14                       “(i) a statement for the grounds of  
15                       the order;

16                       “(ii) the date on which the order was  
17                       issued;

18                       “(iii) the date and time of the hearing  
19                       on the extreme risk protection order;

20                       “(iv) the address of the court in which  
21                       a responsive pleading may be filed;

22                       “(v) a clear description of the require-  
23                       ments and process for surrender of fire-  
24                       arms and ammunition; and



1 “(vi) a clear statement outlining the  
2 prohibitions and rights of the respondent  
3 under the order, including—

4 “(I) a clear statement that the  
5 respondent may consult an attorney;  
6 and

7 “(II) a clear statement that fail-  
8 ure of the respondent to appear at the  
9 hearing described in clause (iii) may  
10 result in an extreme risk protection  
11 order being issued for a period not to  
12 exceed 12 months.

13 “(4) TERMINATION AND EXTENSION OF EX-  
14 TREME RISK PROTECTION ORDERS.—

15 “(A) HEARING TO VACATE ORDER.—

16 “(i) IN GENERAL.—A respondent may  
17 request not less than 1 hearing to vacate  
18 an extreme risk protection order issued  
19 against the respondent.

20 “(ii) HEARING.—Not later than 30  
21 days after the date on which a petitioner  
22 is notified of the request of the respondent  
23 to vacate an extreme risk protection order,  
24 the court shall conduct a hearing on the  
25 request.

1 “(iii) DETERMINATION.—

2 “(I) IN GENERAL.—The court  
3 shall vacate an extreme risk protec-  
4 tion order if the respondent dem-  
5 onstrates by clear and convincing evi-  
6 dence that the respondent does not  
7 pose a significant danger of causing  
8 personal injury to himself or herself  
9 or others by having in his or her cus-  
10 tody or control, or by purchasing, pos-  
11 sessing, or receiving, a firearm or am-  
12 munition.

13 “(II) CONSIDERATIONS.—In  
14 making a determination under this  
15 subparagraph, the court may consider  
16 relevant evidence, such as—

17 “(aa) a recent threat or act  
18 of violence by the respondent  
19 against himself or herself or oth-  
20 ers;

21 “(bb) a threat or act of vio-  
22 lence by the respondent against  
23 himself or herself or others in the  
24 past 12 months;

1                   “(cc) evidence of a serious  
2                   mental illness;

3                   “(dd) a previously issued ex-  
4                   treme risk protection order or a  
5                   violation of a previously issued  
6                   extreme risk protection order;

7                   “(ee) whether the respond-  
8                   ent has been convicted of a crime  
9                   of domestic violence or other vio-  
10                  lence;

11                  “(ff) whether the respondent  
12                  has used or threatened to use  
13                  weapons against himself or her-  
14                  self or others;

15                  “(gg) the unlawful use of a  
16                  firearm by the respondent;

17                  “(hh) the recurring use or  
18                  threat of use of physical force  
19                  against another person or stalk-  
20                  ing another person;

21                  “(ii) corroborated evidence  
22                  of the abuse of controlled sub-  
23                  stances or alcohol by the re-  
24                  spondent;

1                   “(jj) relevant information  
2                   from family or household mem-  
3                   bers concerning the respondent;  
4                   and

5                   “(kk) witness testimony  
6                   taken while the witness is under  
7                   oath relating to the matter before  
8                   the court.

9                   “(iv) NOTICE TO LAW ENFORCEMENT  
10                  OFFICIALS.—If a court vacates an extreme  
11                  risk protection order under this subpara-  
12                  graph, the court shall provide notice to the  
13                  relevant law enforcement agency of such  
14                  determination and the law enforcement  
15                  agency shall promptly return any surren-  
16                  dered firearms and ammunition to the re-  
17                  spondent.

18                  “(B) EXTENSION OF ORDER.—

19                  “(i) NOTICE TO PETITIONER.—Not  
20                  later than 30 days before the date on  
21                  which an extreme risk protection order is  
22                  set to expire, the court shall provide notice  
23                  to the petitioner of such expiration date.

24                  “(ii) REQUEST FOR EXTENSION.—  
25                  During the 30-day period described in

1 clause (i), a petitioner may submit a re-  
2 quest to extend the extreme risk protection  
3 order.

4 “(iii) HEARING.—Upon receipt of a  
5 request for an extension under clause (ii),  
6 the court shall schedule, provide notice for,  
7 and conduct a hearing in accordance with  
8 the requirements described in paragraph  
9 (2)(A).

10 “(iv) DETERMINATION.—If a court  
11 finds that there is clear and convincing evi-  
12 dence that the respondent poses a signifi-  
13 cant danger of causing personal injury to  
14 himself or herself or others by having in  
15 his or her custody or control, or by pur-  
16 chasing, possessing, or receiving, a firearm  
17 or ammunition, the court shall extend the  
18 extreme risk protection order for a period  
19 the court determines is appropriate, which  
20 may not exceed 12 months.

21 “(c) MINIMUM REQUIREMENTS FOR SURRENDER OF  
22 FIREARMS AND AMMUNITION.—A qualifying State or trib-  
23 al law shall have in effect the following minimum require-  
24 ments for the surrender of firearms and ammunition:

1           “(1) SURRENDER OF FIREARMS AND AMMUNI-  
2           TION.—Upon issuance of a temporary ex parte ex-  
3           treme risk protection order or extreme risk protec-  
4           tion order under subsection (b), a respondent shall  
5           surrender all firearms and ammunition in the cus-  
6           tody or control of the respondent to the appropriate  
7           local law enforcement agency, as determined by the  
8           State or Indian tribe.

9           “(2) RECEIPT FOR SURRENDERED FIREARMS  
10          AND AMMUNITION .—The local law enforcement  
11          agency that takes custody of any firearms or ammu-  
12          nition surrendered under paragraph (1) shall—

13               “(A) issue to the respondent a receipt  
14               identifying all firearms and ammunition that  
15               have been surrendered; and

16               “(B) not later than 72 hours after taking  
17               custody of the firearms and ammunition, file a  
18               copy of such receipt with the court.

19          “(3) ISSUANCE OF WARRANT.—If a court re-  
20          ceives sworn testimony from an individual alleging  
21          that not all firearms required to be surrendered by  
22          a respondent under a temporary ex parte extreme  
23          risk protection order or extreme risk protection  
24          order have been surrendered, the court shall issue a  
25          warrant for the seizure of the remaining firearms or

1       ammunition if the court determines that probable  
2       cause exists to believe the respondent has failed to  
3       surrender any firearms or ammunition.

4       “(d) OTHER REQUIREMENTS.—A qualifying State or  
5       tribal law shall—

6               “(1) make clear accommodations for the case in  
7       which an individual other than the respondent  
8       claims title to any firearms or ammunition required  
9       to be surrendered under a temporary ex parte ex-  
10      treme risk protection order or extreme risk protec-  
11      tion order;

12              “(2) have clear instruction about the immediate  
13      return of firearms to a respondent upon the expira-  
14      tion of a temporary ex parte extreme risk protection  
15      order or extreme risk protection order;

16              “(3) provide clear instructions for the reporting  
17      of a temporary ex parte extreme risk protection  
18      order or extreme risk protection order to the appro-  
19      priate Federal, State, and tribal databases;

20              “(4) establish a felony criminal offense for  
21      knowingly making a false statement under oath in a  
22      hearing relating to a temporary ex parte extreme  
23      risk protection order or extreme risk protection  
24      order regarding any material matter;

1           “(5) establish a felony criminal offense for an  
2           individual to receive or possess a firearm or ammu-  
3           nition with knowledge that the individual is subject  
4           to a temporary ex parte extreme risk protection  
5           order or extreme risk protection order;

6           “(6) a clear statement that use of the authority  
7           in the qualifying State or tribal law does not affect  
8           the ability of a law enforcement officer to use any  
9           other lawful authority to effect the surrender of a  
10          firearm, ammunition, or concealed carry permit; and

11          “(7) clear direction for State or tribal courts to  
12          implement the procedures described in this section.

13          “(e) ADDITIONAL AUTHORITY.—A qualifying State  
14          or tribal law may provide for—

15               “(1) notice and hearing requirements in addi-  
16               tion to the requirements described in this section;

17               “(2) a timely background check under Federal  
18               and State law before a law enforcement agency re-  
19               turns any surrendered firearms and ammunition to  
20               a respondent after the expiration of a temporary ex  
21               parte extreme risk protection order or extreme risk  
22               protection order;

23               “(3) a requirement that family or household  
24               members of a respondent be notified before a law



1 enforcement agency returns any surrendered fire-  
2 arms and ammunition to the respondent; and

3 “(4) an option for a respondent to elect to  
4 transfer all firearms and ammunition owned by the  
5 respondent that have been ordered to be surrendered  
6 or seized to another individual who is willing to re-  
7 ceive them, if such individual—

8 “(A) is currently eligible to own or posses  
9 such firearms and ammunition under Federal  
10 and State law, and a background check is con-  
11 ducted;

12 “(B) attests to storing the firearms or am-  
13 munition in a manner so that respondent does  
14 not have access; and

15 “(C) attests to not transfer the firearms or  
16 ammunition back to respondent until after the  
17 date on which the order expires or is vacated.

18 “(f) LIMITATIONS.—A qualifying State or tribal law  
19 may not—

20 “(1) at any point require or allow for the sur-  
21 render of any firearm or ammunition without the  
22 issuance of a court order;

23 “(2) provide for the issuance of a temporary ex  
24 parte extreme risk protection order or extreme risk

1 protection order without sworn affidavits or testi-  
2 mony;

3 “(3) establish criminal penalties for false allega-  
4 tions or false testimony in connection with a tem-  
5 porary ex parte extreme risk protection order or ex-  
6 treme risk protection order that are less than a fel-  
7 ony under State or tribal law;

8 “(4) allow for witness testimony in connection  
9 with a temporary ex parte extreme risk protection  
10 order or extreme risk protection order that is not  
11 sworn or under oath;

12 “(5) prohibit or otherwise discourage the re-  
13 spondent from consulting or retaining an attorney;

14 “(6) allow a law enforcement officer or other  
15 custodian of a firearm or any ammunition surren-  
16 dered pursuant to a court order under the qualifying  
17 State or tribal law to destroy, disable, sell, assert  
18 ownership over, disposes of, use or otherwise employ,  
19 harm, or dispense with the firearm or ammunition;  
20 or

21 “(7) allow for the ordering of a sequential se-  
22 ries of ex parte extreme risk protection orders  
23 against a respondent based on the same evidence  
24 used to order the initial ex parte extreme risk pro-  
25 tection order against the respondent.

1       “(g) RULE OF CONSTRUCTION.—Nothing in sub-  
2 section (f)(1) shall be construed to limit or have an effect  
3 on any State or Federal law other than a qualifying State  
4 or tribal law.

5       **“SEC. 3043. VIOLENCE PREVENTION GRANT PROGRAM.**

6       “(a) IN GENERAL.—The Assistant Attorney General  
7 shall make grants to an eligible State or Indian tribe to  
8 assist the State or Indian tribe in carrying out the provi-  
9 sions of a qualifying State or tribal law.

10       “(b) ELIGIBLE STATE OR INDIAN TRIBE.—

11               “(1) IN GENERAL.—Except as provided in para-  
12 graph (2), a State or Indian tribe shall be eligible  
13 to receive grants under this section on and after the  
14 date on which—

15                       “(A) the State or Indian tribe enacts a  
16 qualifying State or tribal law; and

17                       “(B) the Attorney General determines that  
18 the State or tribal law complies with the re-  
19 quirements of section 3042.

20       “(2) FIRST YEAR ELIGIBILITY EXCEPTION.—

21               “(A) IN GENERAL.—A covered State or In-  
22 dian tribe shall be eligible to receive a grant  
23 under this section during the 1-year period be-  
24 ginning on the date of enactment of this part.

1                   “(B) COVERED STATE OR INDIAN TRIBE.—

2                   In this paragraph, the term ‘covered State or  
3                   Indian tribe’ means a State or Indian tribe  
4                   that, before the date of enactment of this part,  
5                   enacted legislation that—

6                   “(i) authorizes the issuance of a gun  
7                   violence restraining order or extreme risk  
8                   protection order similar to a violence pre-  
9                   vention order described in this part; and

10                  “(ii) requires a standard of proof for  
11                  the issuance of a gun violence restraining  
12                  order or extreme risk protection order de-  
13                  scribed in clause (i) that is substantially  
14                  similar to the standard of proof required  
15                  under this part.

16                  “(c) USE OF FUNDS.—Funds awarded under this  
17                  section may be used by a State or Indian tribe to assist  
18                  law enforcement agencies or the courts of the State or In-  
19                  dian tribe in carrying out the provisions of the qualifying  
20                  State or tribal law.

21                  “(d) APPLICATION.—An eligible State or Indian tribe  
22                  desiring a grant under this section shall submit to the As-  
23                  sistant Attorney General an application at such time, in  
24                  such manner, and containing or accompanied by such in-

1 formation, as the Assistant Attorney General may reason-  
2 ably require

3 “(e) INCENTIVES.—For each of fiscal years 2019  
4 through 2023, the Attorney General shall give affirmative  
5 preference to all Bureau of Justice Assistance discre-  
6 tionary grant applications of a State or Indian tribe that  
7 has enacted a qualifying State or tribal law.

8 **“SEC. 3044. FULL FAITH AND CREDIT.**

9 “Any violence prevention order issued under a State  
10 or tribal law enacted in accordance with this part shall  
11 have the same full faith and credit in every court within  
12 the United States as they have by law or usage in the  
13 courts of such State or Indian tribe from which they are  
14 issued.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
16 1001(a) of title I of the Omnibus Crime Control and Safe  
17 Streets Act of 1968 (34 U.S.C. 10261(a)) is amended by  
18 adding at the end the following:

19 “(28) There are authorized to be appropriated to  
20 carry out part NN \$20,000,000 for each of fiscal years  
21 2019 through 2023.”.

22 **SEC. 4. FEDERAL FIREARMS PROHIBITION.**

23 Section 922 of title 18, United States Code, is  
24 amended—

25 (1) in subsection (d)—

1 (A) in paragraph (8)(B)(ii), by striking  
2 “or” at the end;

3 (B) in paragraph (9), by striking the pe-  
4 riod at the end and inserting “; or”; and

5 (C) by inserting after paragraph (9) the  
6 following:

7 “(10) is subject to a court order that—

8 “(A) was issued after a hearing of which  
9 such person received actual notice, and at which  
10 such person had an opportunity to participate;

11 “(B) restrains such person from possessing  
12 and purchasing a firearm; and

13 “(C) includes a finding that such person  
14 poses a significant danger of causing personal  
15 injury to himself or herself or other persons.”;  
16 and

17 (2) in subsection (g)—

18 (A) in paragraph (8)(C)(ii), by striking  
19 “or” at the end;

20 (B) in paragraph (9), by striking the  
21 comma at the end and inserting “; or”; and

22 (C) by inserting after paragraph (9) the  
23 following:

24 “(10) who is subject to a court order that—

1           “(A) was issued after a hearing of which  
2           such person received actual notice, and at which  
3           such person had an opportunity to participate;  
4           “(B) restrains such person from possessing  
5           and purchasing a firearm; and  
6           “(C) includes a finding that such person  
7           poses a significant danger of causing personal  
8           injury to himself or herself or other persons,”.

9   **SEC. 5. SEVERABILITY; RULES OF CONSTRUCTION.**

10       (a) SEVERABILITY.—If any provision of this Act, or  
11       an amendment made by this Act, or the application of  
12       such provision to any person or circumstance, is held to  
13       be invalid, the remainder of this Act, or an amendment  
14       made by this Act, or the application of such provision to  
15       other persons or circumstances, shall not be affected.

16       (b) RULES OF CONSTRUCTION.—Nothing in this Act,  
17       or an amendment made by this Act, shall be construed  
18       to—

19           (1) limit the ability of a State or Indian tribe  
20           to enact legislation with additional due process pro-  
21           tections, additional rights for a respondent or sub-  
22           ject of an extreme risk protection order, or higher  
23           standards of proof; or

24           (2) supersede or contradict any State or tribal  
25           law enacted before or after the date of enactment of

1       this Act relating to the removal of firearms from in-  
2       dividuals determined to be a danger to themselves or  
3       others.