

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

ENGROSSED

LLS NO. 26-0724.02 Payton Gibson x2365

HOUSE BILL 26-019

SENATE SPONSORSHIP

Forbes

HOUSE SPONSORSHIP

Walker, Stokes, Price

House Committees

Judiciary

Senate Committees

Not assigned

A BILL FOR AN ACT

CONCERNING EXTREME RISK PROTECTION ORDERS

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill establishes a civil court process allowing temporary restrictions on firearm possession for individuals determined by a court to pose a significant risk of causing harm to themselves or others. The bill creates an Extreme Risk Protection Order (ERPO) process, commonly referred to as a “red flag law,” intended to provide a preventative tool while maintaining procedural safeguards and judicial oversight.

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing law.

Dashes through the words or numbers indicate deletions from existing law.

Under the bill, specified individuals — including law enforcement officers, family or household members, and certain medical or mental health professionals — may petition a court for a temporary order when credible evidence demonstrates an immediate risk of harm. Courts may issue short-term temporary orders upon a finding of probable cause, followed by a required hearing where a final order may be issued only upon clear and convincing evidence.

A final ERPO may remain in effect for up to one year, and respondents are provided an opportunity to request early termination if circumstances change. The bill requires temporary surrender of firearms during the duration of the order and provides for their return once the order expires or is terminated, provided the individual remains legally eligible to possess firearms.

The legislation also includes penalties for knowingly filing false or malicious petitions and establishes confidentiality provisions for court records related to ERPO proceedings.

The purpose of the Act is to provide a narrowly tailored mechanism to prevent violence and self-harm while preserving due process protections and judicial review.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and cited
4 as the “Extreme Risk Protection Order Act.” **SECTION 2.**
5 **LEGISLATIVE FINDINGS AND INTENT.** (a) The General
6 Assembly finds and declares that: (I) Preventing acts of violence
7 and self-harm is a compelling public safety interest of the State of
8 San Andreas; (II) In certain circumstances, individuals may
9 present a temporary and immediate risk of harm to themselves or
10 others while still otherwise lawfully possessing firearms; (III)
11 Courts are best positioned to evaluate evidence and determine
12 whether temporary restrictions are necessary to prevent imminent
13 harm; (IV) Any temporary restriction on firearm possession must
14 include strong procedural safeguards, notice requirements, and

1 opportunities for timely judicial review; (V) It is the intent of the
2 General Assembly to create a narrowly tailored civil process
3 allowing courts to temporarily restrict access to firearms where
4 clear and convincing evidence demonstrates a significant risk of
5 harm. **SECTION 3. DEFINITIONS.** For purposes of this Act,
6 unless the context otherwise requires: (a) “Extreme Risk
7 Protection Order” or “ERPO” means a civil court order
8 temporarily prohibiting a person from possessing, purchasing, or
9 receiving firearms. (b) “Respondent” means the individual against
10 whom an ERPO is sought. (c) “Petitioner” means a person
11 authorized under this Act to request an ERPO. (d) “Firearm” has
12 the same meaning as provided elsewhere in the San Andreas
13 Revised Statutes. (e) “Significant risk” means a substantial and
14 articulable likelihood that the respondent will cause personal
15 injury to themselves or others based upon recent acts, threats, or
16 patterns of behavior demonstrating dangerous conduct.

17 **SECTION 4. PERSONS AUTHORIZED TO PETITION.** (a) A
18 petition for an Extreme Risk Protection Order may be filed by: (I)
19 A law enforcement officer or agency; (II) A family or household
20 member of the respondent; (III) A person who has regularly
21 resided with the respondent within the previous six months; or
22 (IV) A licensed medical or mental health professional who has
23 treated the respondent. **SECTION 5. ISSUANCE OF**
24 **TEMPORARY EXTREME RISK PROTECTION ORDER.** (a) A
25 court may issue a temporary ERPO without notice only upon
26 specific written findings establishing probable cause that
27 immediate and irreparable harm is likely to occur before the
28 respondent can be heard. (b) A temporary ERPO shall expire
29 within fourteen days unless extended following a hearing under
30 Section 6. (c) The court shall schedule a hearing within fourteen
31 days of issuance. (d) Upon service of a temporary ERPO, the
32 respondent shall receive written notice of the right to obtain legal
33 counsel and to present evidence and witnesses at the hearing

1 required under Section 6. (e) A temporary ERPO shall be
2 personally served upon the respondent as soon as practicable and
3 no later than forty-eight hours following issuance unless service is
4 impracticable for documented safety reasons. **SECTION 6.**
5 **HEARING AND FINAL EXTREME RISK PROTECTION**
6 **ORDER.** (a) At the hearing, the court shall consider evidence
7 presented by both parties. (b) A final ERPO may be issued only
8 upon a finding by clear and convincing evidence that the
9 respondent poses a significant risk of causing personal injury to
10 themselves or others. (c) A final ERPO may remain in effect for a
11 period not to exceed one year and may be renewed only upon a
12 new petition supported by clear and convincing evidence
13 demonstrating continued significant risk. (d) The respondent may
14 request one hearing during the order period to seek early
15 termination upon a showing that the risk no longer exists. (e) In
16 determining whether a significant risk exists, the court may
17 consider: (I) Recent threats or acts of violence; (II) Violations of
18 protection orders; (III) Evidence of dangerous firearm use or
19 brandishing; (IV) Recent acquisition of firearms combined with
20 threatening conduct; (V) Substance abuse associated with violent
21 behavior; and (VI) Any other relevant evidence demonstrating
22 risk of harm. **SECTION 7. SURRENDER AND STORAGE OF**
23 **FIREARMS.** (a) Upon issuance of an ERPO, the respondent shall
24 surrender firearms in their possession to a law enforcement
25 agency or licensed firearm dealer within twenty-four hours. (b)
26 Firearms surrendered pursuant to this Act shall be returned within
27 five business days following expiration or termination of the
28 order, provided the respondent remains legally eligible to possess
29 firearms. (c) Upon approval of the court, a respondent may
30 transfer firearms to a qualified third party or licensed firearm
31 dealer for secure storage rather than surrender directly to law
32 enforcement. **SECTION 8. FALSE OR MALICIOUS**
33 **PETITIONS.** (a) A person who knowingly files a false or

1 malicious petition under this Act commits a misdemeanor offense
2 and may be subject to civil liability for damages. (b) A petition
3 filed primarily for purposes of harassment, retaliation, or
4 advantage in domestic, custody, or civil disputes shall constitute a
5 malicious petition under this section. **SECTION 9. RECORDS**
6 **AND CONFIDENTIALITY.** (a) Court records relating to ERPO
7 proceedings shall be confidential except as necessary for law
8 enforcement purposes or judicial proceedings. (b) Orders issued
9 under this Act shall be entered into applicable law enforcement
10 databases for enforcement purposes. **SECTION 9.5.**
11 **REPORTING.** (a) The Judicial Branch shall publish an annual
12 report including: (I) Number of petitions filed; (II) Temporary and
13 final orders issued; (III) Orders denied or terminated early; (IV)
14 Instances of malicious petition findings; and (V)
15 Recommendations for statutory improvement. **SECTION 10.**
16 **RULEMAKING AUTHORITY.** The Department of Public Safety
17 and the Judicial Branch may promulgate rules necessary to
18 implement this Act. **SECTION 11. EFFECTIVE DATE -**
19 **SAFETY CLAUSE.** The General Assembly hereby finds,
20 determines, and declares that this Act is necessary for the
21 immediate preservation of the public peace, health, and safety.
22 Accordingly, this Act shall take effect immediately upon signature
23 by the Governor or upon otherwise becoming law.