

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

INTRODUCED

LLS NO. 26-0724.01 Payton Gibson x2365

HOUSE BILL 26-019

SENATE SPONSORSHIP

Forbes

HOUSE SPONSORSHIP

Walker, Stokes, Price

House Committees

Not assigned

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. **SECTION 4. PERSONS AUTHORIZED TO**
14 **PETITION.** (a) A petition for an Extreme Risk Protection Order
15 may be filed by: (I) A law enforcement officer or agency; (II) A
16 family or household member of the respondent; (III) A person
17 who has regularly resided with the respondent within the previous
18 six months; or (IV) A licensed medical or mental health
19 professional who has treated the respondent. **SECTION 5.**
20 **ISSUANCE OF TEMPORARY EXTREME RISK**
21 **PROTECTION ORDER.** (a) A court may issue a temporary
22 ERPO without notice to the respondent if the court finds probable
23 cause that: (I) The respondent poses a significant risk of causing
24 personal injury to themselves or others in the near future; and (II)
25 Immediate action is necessary to prevent harm. (b) A temporary
26 ERPO shall expire within fourteen days unless extended
27 following a hearing under Section 6. (c) The court shall schedule
28 a hearing within fourteen days of issuance. **SECTION 6.**
29 **HEARING AND FINAL EXTREME RISK PROTECTION**
30 **ORDER.** (a) At the hearing, the court shall consider evidence
31 presented by both parties. (b) A final ERPO may be issued only
32 upon a finding by clear and convincing evidence that the
33 respondent poses a significant risk of causing personal injury to

1 themselves or others. (c) A final ERPO may remain in effect for a
2 period not to exceed one year. (d) The respondent may request
3 one hearing during the order period to seek early termination upon
4 a showing that the risk no longer exists. **SECTION 7.**
5 **SURRENDER AND STORAGE OF FIREARMS.** (a) Upon
6 issuance of an ERPO, the respondent shall surrender firearms in
7 their possession to a law enforcement agency or licensed firearm
8 dealer within twenty-four hours. (b) Firearms shall be returned
9 upon expiration or termination of the order, provided the
10 respondent is otherwise eligible to possess firearms under law.
11 **SECTION 8. FALSE OR MALICIOUS PETITIONS.** (a) A
12 person who knowingly files a false or malicious petition under
13 this Act commits a misdemeanor offense and may be subject to
14 civil liability for damages. **SECTION 9. RECORDS AND**
15 **CONFIDENTIALITY.** (a) Court records relating to ERPO
16 proceedings shall be confidential except as necessary for law
17 enforcement purposes or judicial proceedings. (b) Orders issued
18 under this Act shall be entered into applicable law enforcement
19 databases for enforcement purposes. **SECTION 10.**
20 **RULEMAKING AUTHORITY.** The Department of Public Safety
21 and the Judicial Branch may promulgate rules necessary to
22 implement this Act. **SECTION 11. EFFECTIVE DATE.** This Act
23 shall take effect after the 90 day period following the final
24 adjournment of the Seventy-Seventh general assembly.