



Bridging the Divide

ON FIREARM POLICY



POLICY PROPOSALS

February 2026

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I. PROHIBITORS FOR FIREARM PURCHASE AND POSSESSION

A. PREAMBLE

The primary principle upon which both gun owners and non-gun owners base their opinions about gun policy was identified to be the following.

Firearm policies should be aimed at reducing the opportunities for those at high risk for violence to access firearms, while interfering minimally with the ability of responsible gun owners to purchase, possess, and use firearms.

This principle was found in our research to be an area of solid common ground, shared by a wide swath of nearly all gun owners and non-gun owners alike. Critically, the policies that are highlighted below derive directly from this area of common ground and at the same time are those that are most effective at reducing population level gun-related deaths, based on a preponderance of research.

Based on the widely shared principle that people at high risk for violence should not be able to access firearms, the centerpiece of a firearm policy platform must be prohibiting the purchase and possession of firearms by anyone who is at high risk for violence. This is a natural extension of the widely held principle among gun owners that people who are at high risk for violence should not be able to access a firearm. Because a prior history of violence is the greatest predictor of risk for future violence, this is the prohibitor for firearm purchase and possession at the center of the firearm policy package. All other aspects of the package depend on it.

Who is at high risk for violence? By far, the greatest risk for violence is a history of violence or threatened violence (Battered Women's Justice Project 2017; Braga & Cook, 2016; Cook et al., 2005; Tomsich et al., 2022; Webster & Wintemute, 2015; Wintemute et al., 1998; Wright & Wintemute, 2010). There is abundant evidence that prior violence is a predictive indicator for future violence (Battered Women's Justice Project 2017; Braga & Cook, 2016; Cook et al., 2005; Tomsich et al., 2022; Webster & Wintemute, 2015; Wintemute et al., 1998; Wright & Wintemute, 2010) and that policies which prevent violent misdemeanants from obtaining guns significantly reduce homicide rates (Castillo-Carniglia et al., 2019; Diez et al., 2017; Knopov et al., 2019; Neufeld et al., 2022; Prickett et al., 2018; Siegel & Boine, 2019; Siegel et al., 2019; Siegel et al., 2020; Wallin et al., 2022; Webster & Wintemute, 2015; Wintemute et al., 2001; Zeoli & Webster, 2010). There is also growing evidence that suggests that the number of prior convictions for a crime of violence is a

positive indicator of recidivism. Research suggests that violent misdemeanor laws are the single most effective law to prevent firearm homicide (Knopov et al., 2019; Siegel & Boine, 2019; Siegel et al., 2020). Our research estimated that these laws may reduce overall homicide rates by as much as 19% (Siegel et al., 2020). Other studies have shown that **violent misdemeanor laws, when properly enforced, prevent firearm homicide**, whether overall homicide (Castillo-Carniglia et al., 2019; Neufeld et al., 2022; Webster & Wintemute, 2015; Wintemute et al., 2001) or intimate partner homicide (Zeoli & Webster, 2010).

Table 1: Effectiveness of State Level Violent Misdemeanor Laws in Reducing Homicide Rates

Study	Estimated Percent Decrease in Overall Homicide Rates (%)	95% CI	
		LL	UL
Siegel and Boine (Siegel & Boine, 2019)	-19.3	-12.4	-25.6
Siegel, et al, 2019 (Siegel et al., 2019)	-18.1	-8.1	-27.1

With the exception of domestic violence-related offenses, current federal law allows convicted violent criminals to purchase and possess firearms as long as their crime did not rise to the level of a felony (technically, as long as their crime is not punishable by a prison sentence of more than one year). This is an oversight in federal law that allows many people who are at high risk of violence to legally purchase and possess firearms. Violent misdemeanor laws would address this oversight by ensuring that the commission of any violent crime—regardless of whether it is adjudicated as a misdemeanor or felony and regardless of the length of the prison sentence—is prohibiting for firearm purchase and possession. It also ensures that other misdemeanor level offenses that involve threatened or potential violence are prohibiting for gun purchase and possession.

B. RACIAL IMPLICATIONS OF VIOLENT MISDEMEANOR LAWS

Question

When evaluating any proposed policy, it is essential to consider its potential impact on various demographics. When proposing changes to criminal justice legislation, it is especially pertinent to consider its effects on racial minority groups. Thus, this report seeks to examine the following question: **what are the potential racial implications of violent misdemeanor prohibitions for firearm possession?**

Background

According to the Harvard Law Review, many of the gun laws (both federal and state level) passed between 1798 and 1940 were driven at least in part, to differing degrees, by a racially motivated agenda to limit firearm access to people of color. The first law prohibiting firearm access by someone who has committed a violent misdemeanor was passed in 1972 by the State of Delaware; violent misdemeanor laws thus were not a part of the initial wave of gun control laws passed with (at least partially) racially motivated purposes. However, it is important to remember that even facially neutral laws were and can be implemented in a racially discriminatory fashion; as an example, even after his house was firebombed, Martin Luther King Jr. was denied a concealed carry permit. Thus, violent misdemeanor laws, if not crafted and applied intentionally, certainly have the potential to lead to a racial discrepancy in who can legally access firearms.

Research

All else the same, there is evidence suggesting that prosecutorial overcharging is more common among Black and Hispanic defendants than among White defendants (Rehavi & Starr, 2014), and that charge reductions are more common for White defendants than for Black defendants. Simply put, Black and Hispanic people are more likely to get harsher convictions than their White counterparts, all else the same. Further, the probability of a Black defendant receiving a charge reduction is 10% lower than for a White defendant (a statistically significant finding) (Romain Dagenhardt et al., 2022). There is evidence that this discrepancy extends to instances of downgraded convictions from felonies to misdemeanors: while White defendants with downgraded felony-to-misdemeanor convictions showed a greater risk of committing future violent crimes compared to White defendants whose convictions were not downgraded, the opposite was true for Black and Hispanic defendants, whose risk of committing future violent crimes was lower among

those with downgraded convictions (Schleimer et al., 2024). In sum, misdemeanor convictions likely *understate* the risk of future violence among White defendants with initial felony charges, while felony charges likely *overstate* the risk of violence for Black and Hispanic defendants. This supports a growing body of evidence that Black and Hispanic defendants are often overcharged with violent felonies. Two of the critical places where racial bias enters the criminal justice system are in the initial principal charges that are filed against defendants and in the probability of having initial charges subsequently reduced.

Initial Charges

A study of racial disparities in criminal case outcomes in San Francisco discovered that “Black defendants are convicted of 60% more felony charges than White defendants, and 10% fewer misdemeanors (Owens et al., 2017).” The primary reason identified in the study for this disparity was that “people of color receive more serious charges at the initial booking stage, reflecting decisions made by the officers of the San Francisco Police Department (Owens et al., 2017).” Differences in initial booking charges explained half of the Black-White disparity in outcomes and 70% of the disparity in Latinx-White outcomes (Owens et al., 2017).

Charge Reductions

Numerous studies have demonstrated that Black defendants are less likely than White defendants to receive charge reductions, one of the earliest of which was published in 1977 (Bernstein et al., 1977). More recently, one study quantified this effect: “White defendants are 25% more likely than Black defendants to have their principal initial charge dropped or reduced to a lesser crime. As a result, White defendants who face initial felony charges are less likely than Black defendants to be convicted of a felony (Berdejó, 2017).” Hartley and Tillyer also found that Black defendants are less likely to have their initial charge downgraded (Hartley & Tillyer, 2019), and Bloch *et al* found that Black men were the least likely to have their charges downgraded from a felony to a misdemeanor compared to White men and Black and White women (Bloch, 2014). Farnworth and Teske reported that for the specific charge of assault, Black men were less likely than White men to be granted a charge reduction (Farnworth & Teske, 1995). Romain Dagenhardt found that both Black

and Hispanic men were less likely than White men to receive a charge reduction (Romain Dagenhardt et al., 2022).

However, they did not find any racial bias in the downgrading of violent offense charges. Summarizing the literature, Devers concluded, “Studies that assess the effects of race find that Blacks are less likely to receive a reduced charge compared with Whites (Devers, 2011).” Schleimer et al. have pointed out that the difference between felony convictions and misdemeanor convictions is critical because of difference in what they call “collateral consequences,” which include “firearm ownership (Schleimer et al., 2024).” They conclude that: “If downgraded convictions occur because of initial overcharging, which could happen more often for people of color than for White people, these penalties may impart undue harm and reify racial inequities, especially considering the oversurveillance of communities of color. Likewise, if downgrading disproportionately privileges White defendants, White defendants will disproportionately avoid felony conviction and collateral consequences (Schleimer et al., 2024). This leads the authors to conclude, “Felony firearm prohibitions fail to capture the subset of White defendants whose felony charges were downgraded to misdemeanors, yet who are at elevated risk of violence. In that way, the federal felony prohibition may be underinclusive (Schleimer et al., 2024).”

What About Racial Injustice in Misdemeanor Convictions?

There is no question that there are racial disparities in misdemeanor convictions, primarily because Black people are “disproportionately likely to be arrested and charged with misdemeanors in the first place (Butcher & Rempel, 2022).” A study of racial disparities in misdemeanor justice in New York City found that although there are clear racial disparities, most of these occurred for specific charges “stemming from interactions with police officers and involving significant officer discretion, not charges involving a civilian complainant (Butcher & Rempel, 2022).” This study also found that, once charges were filed, conviction rates for misdemeanor charges were actually slightly lower for Black defendants than for White defendants. Interestingly, the study found that “relatively few people charged with misdemeanors are convicted of a crime (Butcher & Rempel, 2022).” Just 12% of misdemeanor defendants were convicted of a crime. Only 4% of domestic violence misdemeanor charges resulted in conviction for a crime.

Implications

The findings above hold significant implications for potential violent misdemeanor laws: firearm prohibitions for felony convictions are overinclusive to Black and Hispanic individuals, capturing those who were overcharged and eventually convicted, while failing to capture the subset of White defendants who were initially charged with a felony before their charges were downgraded, yet are statistically at an elevated risk of violence. Thus, by adding violent misdemeanors as a prohibitor for possession of a firearm, the racial disparity of firearm prohibitions would decrease, as more White defendants would be included. This would have obvious benefits to public safety, as the best predictor of violent behavior is previous violent behavior. In fact, violent misdemeanor prohibition laws have been found to decrease firearm homicide rates by as much as 26.7% (Siegel & Boine, 2019). Despite the public safety benefits and the decrease in racial disparity, simply enacting violent misdemeanor prohibition laws would likely do little in practice to decrease the often- undue burden of Black and Hispanic individuals prohibited from possessing a firearm, as it would simply increase the number of (mostly White) individuals that are prohibited. Thus, proposals for violent prohibition misdemeanor laws are best combined with proposals to stop enforcing firearm prohibitions for nonviolent felonies. In sum, only those convicted of a crime of violence, whether a misdemeanor or a felony, would be prohibited from owning a firearm. By no longer enforcing prohibitions for nonviolent felonies, this would benefit Black and Hispanic individuals who are often overcharged at the felony level and who rarely have their convictions downgraded to the misdemeanor level (provided their convictions are for nonviolent crimes) while including in the prohibitors the subset of White individuals who have committed a violent crime but are undercharged with a violent misdemeanor or who have had their convictions downgraded from a felony to the misdemeanor level—again, this group is statistically at an elevated risk of violence.

Conclusions

Although there are racial disparities in violent misdemeanor laws, the evidence suggests that these laws would decrease, rather than increase existing racial disparities for the following reasons.

The primary source of racial discrimination in terms of firearm ownership today occurs because Black people are far more likely to be charged with and convicted for felony crimes, while for the same offense, White people are less likely to be charged initially with a felony and more likely to receive a downgraded charge from felony to misdemeanor. As the

primary source of racial injustice in firearm prohibitions, eliminating this discrepancy by extending the firearm prohibitor to all persons convicted of crimes of violence—even at the misdemeanor level—would substantially reduce the main current source of racial discrimination in the right to purchase and possess firearms.

Although Black people are more likely to be arrested and charged with misdemeanor crimes, these disparities are much more likely for non-violent offenses where police are interacting with the defendant and the crimes are “victimless.” When violent crimes are committed and there is a victim, it is much less likely that White defendants are going to be able to avoid arrest or charges. In addition, there is evidence that once charges are finalized, White and Black defendants are equally likely to be convicted of misdemeanor offenses.

Only about 12% of misdemeanor charges result in a conviction. This means that the majority of Black defendants who are charged with misdemeanor crimes will not be convicted. Therefore, when someone is convicted of a misdemeanor crime, it likely represents a serious offense for which there is abundant evidence, whether the defendant is Black or White. In contrast, many felonies committed by Black defendants do not represent crimes that were any more serious than misdemeanor crimes committed by White defendants. The evidence suggests that we can have more confidence that misdemeanor convictions for violent crimes are more equal between Black defendants and White defendants than felony convictions. Thus, violent misdemeanor laws should decrease overall racial inequities in the right to carry firearms.

Finally, it is important to suggest that the primary way to eliminate or reduce racial disparities in crime convictions and sentencing is to reform the criminal justice system directly.

C. PERIODS OF DISQUALIFICATION FROM FIREARM OWNERSHIP FOR VIOLENT MISDEMEANOR CRIMES

To provide evidence-based guidance in determining the minimum, maximum, and recommended periods of disqualification for violent misdemeanor crimes, we reviewed the literature on recidivism among people who have been convicted of crimes (see [Table 2](#)). Most of the relevant studies have examined people released from prison, following them over time to determine the proportion of released prisoners who are re-arrested each year. Based on the data from the largest study – a 9-year follow-up of newly released state prisoners, we created a graph showing the cumulative percentage of recidivism by year over this 9-year period ([Figure 1](#)). This figure, along with the other data, was used in developing the periods of disqualification in the proposal.

Based on this figure, the majority (about 55%) of recidivism occurred within the first 2 years, about two-thirds (68%) occurred during the first 3 years, and the overwhelming majority (79%) occurred within the first 6 years. Only 4% of the sample was re-arrested between 6 and 9 years post-release. These landmarks—2 years, 3 years, and 6 years—served as the basis for the policy’s recommended periods of disqualification.

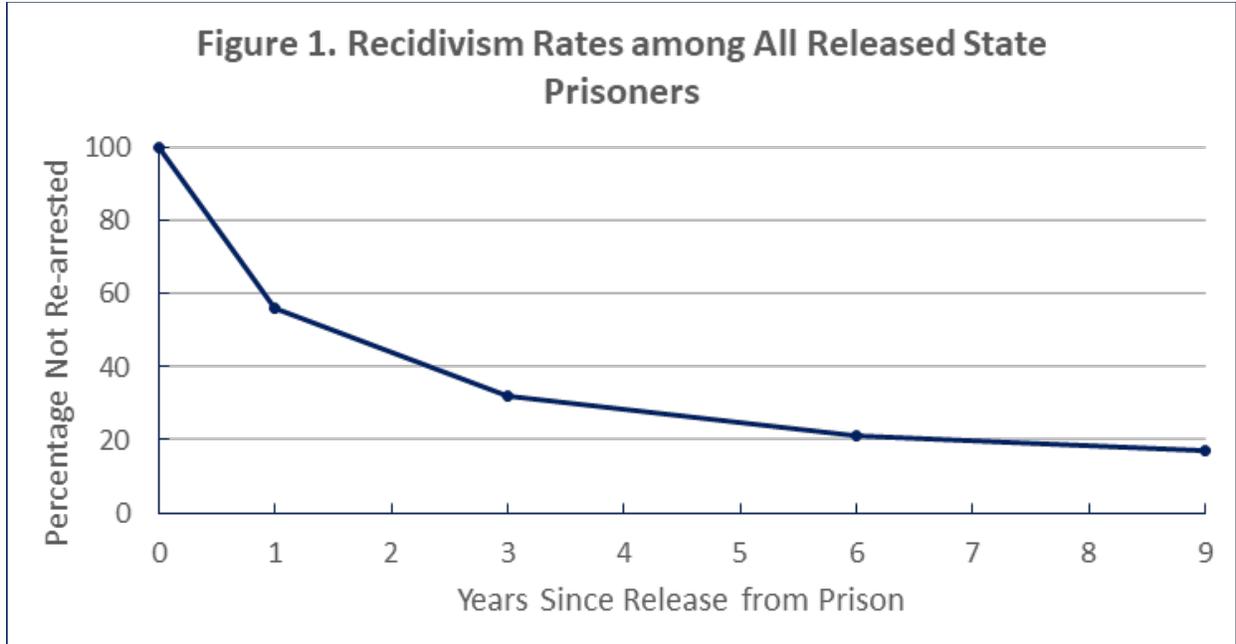
An important limitation of these studies is that they were not restricted to people who had specifically committed violent misdemeanor crimes. As most of the samples consisted of people who were incarcerated, a large number of the crimes committed were felony offenses and many of them occurred among repeated offenders. Thus, the figures from these studies probably overestimate the recidivism rate for misdemeanor offenders. On the other hand, some of the offenses were non-violent, such as drug-related offenses. These might be expected to underestimate the recidivism rate for violent misdemeanor crimes. On balance, we believe that the reported recidivism rates probably overestimate the rates that would be observed among violent misdemeanants.

Table 2. Summary of Recidivism Studies

Source	Population	Findings
<p>U.S Department of Justice 2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014) (Alper et al., 2018)</p>	<p>State prisoners released in 2005 studied over a 9-year follow up period</p>	<ul style="list-style-type: none"> • 68% were arrested within 3 years • 79% were arrested within 6 years • 83% were arrested within 9 years • 44% were arrested during the year 1 • 24% were arrested during year 9 • The first 3 years accounted for 82% of the arrests • Nearly half (47%) of the prisoners who had not been arrested within 3 years of release were arrested during years 4-9.
<p>U.S. Sentencing Commission (Hunt & Dumville, 2016)</p>	<p>Federal prisoners who were released after serving an imprisonment sentence or placed on probation in 2005, assessed over an 8-year follow up period</p>	<p><u>Overall Rearrest Rates</u></p> <ul style="list-style-type: none"> • Offenders released from incarceration in 2005: 52% • Offenders released to a probationary sentence: 35.1% <p><u>Time to Recidivism</u></p> <ul style="list-style-type: none"> • Most recidivism occurred within the first 2 years, with a 21-month median time to re-arrest <p><u>Crimes Leading to Recidivism</u></p> <ul style="list-style-type: none"> • Nearly half (49.3%) of released federal offenders were re-arrested for a new crime or for violations of supervisory conditions • Nearly a third (31.7%) of offenders were re-convicted, and a quarter (24.6%) were re-incarcerated within 8 years • A quarter of the rearrests occurred due to assault (as the most serious charge) • Other common (most serious) charges leading to rearrest included drug trafficking, larceny, and public order offenses <p><u>Prior Criminal History</u></p> <ul style="list-style-type: none"> • Federal offenders with higher Criminal History Categories were more likely to recidivate <ul style="list-style-type: none"> ○ Offenders with no criminal history points: 30.2% rearrest rates ○ Offenders in the highest Criminal History Category (VI): 80.1% rearrest rates • Younger federal offenders were more likely to recidivate <ul style="list-style-type: none"> ○ Release prior to age 21: 67.6% rearrest rate ○ Release over 60 years old: 16% recidivism rate

Source	Population	Findings
<p>U.S. Sentencing Commission Recidivism and the “First Offender” (U.S. Sentencing Commission 2004)</p>	<p>Federal First Offenders</p>	<p>3 First Offender Groups</p> <ul style="list-style-type: none"> • Group A: No prior arrests <ul style="list-style-type: none"> ○ Recidivism rate: 6.8% ○ Culpability and recidivism assessment: Group A most strongly meets conceptual definition of first offender category; least likely to re-offend • Group B: Arrests, but no prior convictions <ul style="list-style-type: none"> ○ Recidivism rate: 17.2% (highest rate of re-offense) ○ 45.4%: prior arrests dismissed or not prosecuted ○ 42.2%: may be prosecuted, which may lead to conviction <ul style="list-style-type: none"> ▪ 26.5%: pending disposition of prior arrest ▪ 15.7%: under warrant for prior arrest ○ 40.0%: Drug trafficking, drug possession, violence, larceny offenses ○ Overall greater prior and potentially more culpable involvement than represented by criminal history points • Group C: Minor conviction only (no criminal history points) <ul style="list-style-type: none"> ○ 69.8% arrests dismissed or not prosecuted ○ No prosecution means no conviction ○ Often minor traffic and public order offenses with no criminal history points ○ Recidivism rate: 8.8%
<p>Illinois Sentencing Policy Advisory Council Misdemeanor Sentencing: Trends and Analysis (Illinois Sentencing Policy Advisory Council 2018)</p>	<p>2017 arrests, dispositions, and recidivism patterns in a 2014 group of Illinois misdemeanants</p>	<p>3 Misdemeanor Case Groups</p> <ul style="list-style-type: none"> • Group I (52% cases) <ul style="list-style-type: none"> ○ Nearly no prior felony or misdemeanor arrests or convictions ○ 3-Year rearrest recidivism rate: 26% • Group III (30% cases) <ul style="list-style-type: none"> ○ Few prior felony/misdemeanor arrests; some prior convictions ○ 3-Year rearrest recidivism rate: 57% • Group II (18% cases) <ul style="list-style-type: none"> ○ Many prior arrests and convictions for felonies and/or misdemeanors ○ 3-Year rearrest recidivism rate: 76%

Figure 1: Recidivism Rates Among All Released State Prisoners
(Alper et al., 2018)



D. PROPOSED STATE POLICY

1.1 Codification of certain federal prohibitors

- a. The following people are prohibited from purchasing or possessing a firearm in this state. Any person:
 - i. who has been convicted in a court of law of a violent felony (a violent felony is defined as a felony conviction for a crime that involves serious bodily harm, including any crime listed in section 1.1 or section 1.2, or for a crime that is a conviction for offenses that are precursors to violence, which shall include harassment, stalking, cyberstalking, menacing, hate crimes, and animal cruelty, as defined in section 1.2, or is an offense for firearm trafficking, straw purchasing, other firearm-specific violations, or any offense committed with the use of a firearm; a person convicted of a non-violent felony is not a prohibited person.
 - ii. who has been convicted in a court of law of a misdemeanor crime of domestic violence;
 - iii. who is subject to a permanent domestic violence restraining order;
 - iv. who is a fugitive from justice, with the exception of a person who fled from a state to avoid giving testimony in a criminal proceeding against another person for fear of retaliation or personal injury or death.;
 - v. who has been declared by a court, professional judicial board, or tribunal, upon the assessment of a mental health professional, of being an ongoing threat to themselves or others because of mental illness.
 1. If the court subsequently deems that a person is no longer a threat, that is sufficient for lifting the prohibitions relating to mental health issues.
 2. A person who has been prohibited under this paragraph has the right to petition a court for a private hearing to determine whether they represent an ongoing threat to themselves or others because of mental illness.
 - vi. A non-documented immigrant, except to allow for possession of firearms at training courses, gun ranges, and possession of unloaded firearms at trade shows.

1.2 Additional prohibitors

- a. Any person who has been convicted in a court of law of a crime of violence as defined in section 1.2(b) is prohibited from purchasing or possessing a firearm in this state.
- b. A crime of violence is defined as a misdemeanor conviction in a court of law for a crime involving the use, attempted use, or threatened use of physical force against another person. Crimes of violence include the following but only after a conviction for the offense at a misdemeanor level in a court of law:
 - i. aggravated assault (defined as an attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury, especially when accompanied by the use of a weapon or by other means likely to produce death or great bodily harm);
 - ii. assault (defined as intentionally, knowingly, or recklessly causing bodily injury to another, intentionally or knowingly threatening another with imminent bodily injury, or intentionally or knowingly causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative). This shall not apply to those who have no prior criminal conviction and are not sentenced to serve any prison time;
 - iii. battery (defined as the intentional application of force directly or indirectly upon another person or their personal belongings, causing bodily injury or offensive contact). This shall not apply to those who have no prior criminal conviction and are not sentenced to serve any prison time;
 - iv. commission of a hate crime, defined as willfully causing bodily injury to someone or, through using a firearm, a dangerous weapon, or an explosive or incendiary device, attempting to cause bodily injury to anyone, because of the actual or perceived race, color, religion, sexual orientation, gender identity, or national origin of any person; engaging in a course of conduct that involves repeatedly committing acts which would cause a reasonable person to fear physical harm. This includes harassment, stalking, cyberstalking, or menacing when the behavior is intentional, repeated and causes fear of physical harm;
 - v. felony-equivalent juvenile conviction for a crime of violence as defined above, if the juvenile is tried as an adult;
 - vi. criminal possession or use of a firearm when the act is committed knowingly or intentionally;

- vii. violation of the following provisions of the Preventing Animal Cruelty and Torture ([PACT](#)) Act of 2019, or violation of an equivalent crime prosecuted at the state level;
 - 1. Intentional crushing, burning, drowning, suffocating, impaling or otherwise serious bodily injury to animals.
 - 2. There shall be exceptions granted to protect conduct that is necessary for self-protection, medical or scientific research, hunting/trapping/fishing, a customary and normal veterinary or animal husbandry practice.
- viii. An attempt to commit any of the above offenses. Attempt is defined as an act, done with specific intent to commit an offense under this section, amounting to more than mere preparation and tending, even though failing, to effect its commission.
- c. Any person who is subject to an ex-parte domestic violence restraining order is prohibited from purchasing or possessing a firearm in this state. If the restraining order is not extended following a court hearing, the prohibitor is no longer in effect. If a court hearing does not take place within 10 business days of the issuance of the ex-parte order, the prohibitor will be nullified until the hearing is held.
 - i. Any person who files a petition for an ex-parte domestic violence restraining order, knowing the information in the petition to be false or with the intent to harass, is guilty of a misdemeanor.
 - ii. Any person whose firearms are removed due to an ex-parte domestic violence restraining order, and the order is not extended at a due process hearing shall not be responsible for paying the costs for firearm storage during the intervening period. If the firearms have been stored with law enforcement, they may not charge the respondent for storage fees. If the firearms have been held by a licensed dealer, the state will be responsible for covering any storage fees.
 - iii. The period of disqualification for firearm purchase and possession shall equal the length of time that the restraining order is in effect. Upon expiration or suspension of the restraining order, any firearms confiscated shall be returned promptly and in no case more than 5 business days following the expiration or suspension of the order. Once the restraining order is expired or suspended, law enforcement can no longer charge for the storage of confiscated firearms, and in the event that the firearms are held by a licensed dealer, the state will

heretofore be responsible for any additional storage costs incurred after the expiration or suspension of the order.

1.3 Period of disqualification for crimes of violence

- a. After conviction for a misdemeanor crime of violence, the period of disqualification for purchasing or possessing a firearm shall be no less than 2 years, and no more than 6 years, to be assigned at the time of sentencing, with the exception of section 1.2(b)(1), for which the maximum will be 10 years. While encouraged to consult the guidelines below, the sentencing court will ultimately have the discretion to determine the specific period of disqualification based on the circumstances of the case, so long as it falls within the timeframe of 2-6 years, with the exception of convictions for offenses listed in 1.2(b)(1), for which the time frame will be 2-10 years.
 - i. In making this determination, the court may consider the number of, nature of, and recency of previous criminal convictions, particularly crimes of violence; a greater number of previous convictions may result in a longer period of disqualification.
 - ii. The period of disqualification shall begin at the time of conviction. If the offender is incarcerated and then placed on probation, a court shall make a decision at the time of release as to whether the probation shall include a disqualification to purchase and possess firearms based on a judgment as to whether the person represents an ongoing threat to others.
 - iii. The recommended periods of disqualification are as follows:
 1. for offenses listed in section 1.2(b)(2) through 1.2(b)(3), three years;
 2. for offenses listed in section 1.2(b)(4) through 1.2(b)(7), two years;
 3. for offenses listed in section 1.2(b)(8), the length of disqualification is recommended to correspond to the period of disqualification of the crime that was being attempted.
- b. If, within one year of the expiration of the period of disqualification, allowing the person to possess a firearm is deemed to still pose an imminent risk to others, law enforcement may petition a court for an extension of the period of disqualification. The court will consider all relevant evidence and may extend the prohibited period if there is clear and convincing evidence that the possession of a firearm by the person remains an imminent threat to public safety.
- c. Prior to the expiration of the period of disqualification, the prohibited person may petition a court for discontinuance of the prohibition. The court will consider all relevant evidence and may remove the prohibition if there is clear and convincing

evidence that the possession of a firearm by the person is no longer an imminent threat to public safety.

1.4 Surrender of firearms upon disqualification

- a. Upon conviction for a disqualifying crime of violence, the person convicted shall, without delay, deliver or surrender all firearms and all ammunition to the law enforcement authority where the person resides. The law enforcement authority will have the obligation to keep the firearms secure and return them at the end of the prohibition period.
 - i. If a newly prohibited person has not turned in their firearms within 48 hours upon notification, law enforcement shall be authorized to remove their firearms.
 - ii. The person or persons' legal representative shall have the right, after the delivery or surrender, to have the firearms and ammunition transferred to a licensed dealer or to a person legally permitted to purchase or take possession of the firearms and ammunition. The purchaser or transferee shall affirm in writing that they will not transfer the firearms or ammunition to the former owner prior to the end of the prohibition period, under penalty of law.

II. Background Checks

A. PREAMBLE

Based on the principle that people at high risk of violence should not have access to firearms, it is not enough merely to prohibit gun purchase and possession by people who are at a high risk for violence. There must be a mechanism to check potential gun purchasers to determine whether they have a history of an adjudicated crime of violence. Thus, some sort of background check must be performed.

Most people knowledgeable about the federal NICS background check system and at least half of all gun owners acknowledge that the current system is deeply flawed because of inadequate and non-timely reporting of criminal records by states to the federal databases that are part of the NICS system (Gallegos & Goggins, 2016). States are more likely than the federal government to hold criminal records that would identify a prohibited person. Simply put, there is no substitute for a state background check system to achieve a high level of sensitivity and specificity in identifying people eligible for firearm ownership based on the absence of a history of violent crime.

In addition to providing the benefit of a much more comprehensive, sensitive, and efficient way to access records and determine whether there is a criminal history of violence, state background checks would likely be completed in a much timelier fashion, thus lowering the waiting period for transfer of a purchased firearm.

B. PROPOSED STATE POLICY

2.1. Definitions

- a. For the purposes of this document, “immediate family member” shall mean a person who meets any of the following criteria:
 - i. the spouse of the person;
 - ii. the natural or adoptive parent, child, or sibling of the person;
 - iii. the stepparent, stepchild, or stepsibling of the person;
 - iv. the grandparent or adult grandchild of the person;
 - v. people living in the same household who are related by blood or marriage;
 - vi. people living in the same household who are in a substantive dating relationship or are engaged to each other.
 - vii. people who have been in a continuous, substantive dating relationship for a minimum of one year.
 - viii. domestic partners.

2.2. General Requirements for Firearm Sale or Transfer

- a. Any person, dealer, store, or other operation that sells or transfers a firearm in this state shall first either:
 - i. conduct a state-operated background check on the prospective buyer or transferee to determine whether they are prohibited from purchasing and possessing a firearm under federal and state law; or
 - ii. conduct an automated approval check to ensure that the prospective buyer or transferee is not prohibited from purchasing and possessing a firearm under federal and state law.
- b. The prospective buyer or transferee shall indicate to the seller or transferor which option they prefer.
- c. If the prospective buyer or transferee opts for the automated approval check and is found not to be a prohibited person, then no point-of-sale background check will be required by the state.
- d. The state shall request a waiver from the Bureau of Alcohol, Tobacco, Firearms, & Explosives (ATF) that exempts prospective buyers from completing a point-of-sale background check when using the automated approval check system.
- e. The above provisions shall not apply to any person who is selling or transferring a firearm to an immediate family member who is not a prohibited person under section 1.
- f. The above provisions shall not apply to a temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the firearm in a crime, is in imminent risk of self-harm in accordance with the provisions of Section 6, or is

prohibited from possessing firearms, and the transfer takes place and the transferee's possession of the firearm is exclusively to:

- i. a shooting range or in a shooting gallery or other area designated for target shooting, or;
 - ii. for hunting, trapping, or fishing so long as transferee has no reason to believe the firearm will be used in a place where it is illegal and has reason to believe all necessary licensing and permitting requirements will be followed.
- g. Selling or transferring a firearm to anyone the seller or transferor knows or has reason to believe is a prohibited person, and any other violation of section 2.2, shall be a felony offense.

2.3. State-operated background check

- a. A state-operated background check shall consist of the following:
 - i. A check of state and local criminal justice and court records by the state law enforcement agency. The purpose of this check is to determine whether the prospective buyer or transferee is a prohibited person under Section 1 of this chapter (Prohibitors for Firearm Purchase and Possession).
- b. Should the state background check determine that the attempted purchaser is a prohibited person, the law enforcement agency conducting the background check shall investigate the attempted transaction to determine if a crime was committed.
- c. In accordance with section 1, whenever a person becomes prohibited from purchase and possession of a firearm, the relevant state law enforcement entity shall within 24 hours be notified and shall update the automated approval check system to indicate that the person is prohibited.

2.4. Automated approval check

- a. An automated approval check shall consist of an instantaneous check, requested by the seller or transferor, of a secure, driver's license number or state-issued identification-linked record system, maintained by the state law enforcement agency, that—upon entry of the prospective buyer's or transferee's driver's license or state-issued identification number—will provide a “red light” or “green light” indicating whether the buyer or transferee is currently deemed as a prohibited person. No other personal information will be returned by the record system, and the record system shall not keep record of searches.
 - i. To enable the automated approval check, the prospective buyer or transferee must present a current, valid driver's license that is REAL ID-compliant or an alternative state-issued identification.
 - ii. Upon any conviction for a prohibited crime or act under section 1 of this chapter, the court will within 24 hours notify the law enforcement agency to update the automated approval check record for the convicted person,

indicating the period of disqualification determined under the provisions of section 1 of this chapter.

- iii. Should a seller run an automated approval check on a person who the system flags as prohibited, the seller shall, within 24 hours, report to the state law enforcement agency that the prospective buyer attempted to purchase a firearm.
- b. Any current or prospective firearm owner may, at their discretion, have the option of linking their driver's license or state-issued identification number to the automated approval check system. This may be done online at any time.
- c. Upon receipt of a request to have a person's driver's license or state-issued identification number added to the automated approval check system, the state law enforcement agency will conduct a one-time state-operated background check. The result of the check will be added to the automated approval check system.
- d. Upon any new state resident applying for a state driver's license or state-issued identification and upon any state resident ages 18 or above applying for a driver's license or state-issued identification, they may opt to undergo a state-operated background check for the purpose of determining whether or not the applicant is a prohibited person. This status will be entered into the automated approval check system to indicate the person's status at that time.
- e. No person shall be denied access to, or unduly burdened in being entered into, the automated approval check system on the basis of sex, gender identity, sexual orientation, race, religion, or national origin.

2.5. Transactions conducted through federally licensed dealers

- a. If the prospective buyer requests a state-operated background check, the federally licensed dealer shall contact the state law enforcement agency and request a state-operated background check. The state-operated check must be completed within three business days.
 - i. If the law enforcement agency has not completed the check within three business days, the seller may transfer the firearm(s) to the buyer, unless the law enforcement agency provides notification to the buyer of the reason for the delay in the background check and, if necessary, provides the prospective buyer the opportunity to provide clarity and rectify any concerning records. Once any requested records are submitted, or if no additional records are requested, the law enforcement agency will have no more than three additional business days to complete the background check. Should the background check not be completed within those three additional days, the seller may transfer the firearm(s) to the buyer. If an automated approval check shows that the purchaser was prohibited after a firearm has been transferred due to a delay in the background check, the seller must notify state law

enforcement that the transfer took place, and the transferor shall be immune from any criminal or civil liability related to that transfer.

- ii. If the prospective buyer requests an automated approval check, the buyer shall provide a REAL ID-complaint driver's license or state-issued identification and the dealer shall conduct the automated approval check as described in section 2.4.

2.6. Transactions conducted through non-licensed sellers

- a. If the prospective buyer or transferee requests a state-operated background check, the private seller or transferor shall contact the state law enforcement agency and request a state-operated background check. The state-operated check must be completed within three business days. If the check is not completed within three business days, the firearm sale or transfer may proceed while the check is being completed.
 - i. If the law enforcement agency has not completed the check within three business days, they must promptly disclose the reason for the delay to the prospective buyer or transferee and give the prospective buyer or transferee the opportunity to provide clarity and rectify any concerning records. Once the records are submitted, the law enforcement agency will have no more than three additional business days to complete the background check. If an automated approval check shows that the purchaser was prohibited after a firearm has been transferred due to a delay in the background check, the seller must notify state law enforcement that the transfer took place, and the transferor shall be immune from any criminal or civil liability related to that transfer.
- b. If the prospective buyer or transferee requests an automated approval check, the buyer or transferee shall provide a REAL ID-complaint driver's license or state-issued identification and the private seller or transferor shall conduct the automated approval check as described in section 2.4.
- c. Unless the transferor/seller knows or has reason to know that the prospective buyer is prohibited from possessing or buying a firearm, private sellers are exempt from conducting a state-operated background check and an automated approval check if the prospective buyer is:
 - i. A member of the seller's or transferor's immediate family who is not a prohibited person;
 - ii. An active or retired law enforcement agent or active or militarily retired military officer or serviceperson with appropriate documentation who is not a prohibited person; or
 - iii. A paid member of the seller/transferor's gun club, if that gun club runs a physical range facility, is licensed by the state as a business, has been in existence for at least 2 years, and both the transferor and transferee have been

members in good standing of the gun club continuously for at least the past one year.

- iv. Anyone who is a certified firearm safety/shooting instructor by a national organization and is not a prohibited person.

2.7. Firearm safety training

- a. Purchase or acquisition of a firearm shall not require mandatory firearm safety training; however, gun owners who successfully complete an in-person firearm safety training conducted by an instructor certified by a national organization or state agency may claim a state sales tax exemption or state tax deduction.

2.8. Disclaimer

- a. Nothing in this section shall be construed as limiting the right of state residents to manufacture or assemble firearms beyond the requirements of the Gun Control Act of 1968 and any other relevant federal or state laws or regulations.

2.9 National Firearms Act Restrictions

- a. Restrictions on the ownership of short-barreled rifles, short-barreled shotguns, and silencers (suppressors) shall be governed by federal law.
- b. It is recommended that any existing state prohibitions of the purchase or possession of short-barreled rifles, short-barreled shotguns, or suppressors be repealed.

III. Extreme Risk Protection Orders

A. PREAMBLE

Extreme risk protection order (ERPO) laws cover cases where a person may not yet have committed a crime but where there is strong and credible evidence that an individual currently represents a threat to themselves or others. These are situations in which the individual poses a very high and imminent risk of violence that has been noted by family members or law enforcement officials. In the case of ERPOs, access to firearms should be curtailed only for the length of time during which the person remains a danger.

There is strong empirical evidence that ERPOs significantly reduce suicide rates (Dalafave, 2020; Kivisto & Phalen, 2018; Swanson et al., 2017). Two of these studies (Kivisto & Phalen, 2018; Swanson et al., 2017) examined effects in only two states (Connecticut and Indiana) but a more recent study that was able to examine the effects in five states found that ERPOs were associated with a 6.4% decline in firearm suicide rates and a 3.7% decline in overall suicide rates (Dalafave, 2020).

Table 3: Studies Demonstrating the Effectiveness of State Red Flag Laws in Reducing Suicide

Author(s)	Estimated Change in Firearm Suicide Rates	Estimated Change in Overall Suicide Rates
Kivisto, et al (Kivisto & Phalen, 2018)	Indiana: -10% (-6 to -13%) Connecticut: -16% (-11% to -20%)	Indiana: -5% (-1 to -8%) Connecticut: 0% (-4 to +4%)
Dalafave (Dalafave, 2020)	-6.4% (-6.0 to -6.8%)	-3.7% (-1.3% to -6.1%)

ERPOs are a mechanism which prevents those at risk of committing near term future violence from accessing a gun. These laws allow a family member or law enforcement official to petition a court to require removal of firearms from a person who is deemed to represent a threat to themselves or others. Currently, 19 states have ERPO laws in place. Of these 19 states, only 12 states allow any family members to petition for a protective order. In the remaining 7 states, only law enforcement officers can initiate such a petition, despite family members being much more likely to be able to identify a person who is at high risk of self-harm or harm to others in a timely fashion.

The main road block for passage of ERPO laws in certain state legislatures appears to be the absence of due process provisions, such as the right to a timely court hearing for subjects of ERPOs, procedures for the expeditious return of firearms after the order expires, and penalties for those who vindictively uses ERPOs against gun owners.

The approach taken in this proposed ERPO policy differs from many earlier laws in its focus on fair procedures and on the well-being of the subject of the order rather than merely their ownership of guns. The policy is designed to address the mental health needs of the subject of an order and to provide a range of services to help them, beyond merely taking their guns away. For example, the policy requires that a respondent be offered a free mental health evaluation with appropriate referral for further treatment if deemed necessary or helpful. In addition, for subjects who are deemed to be a risk to themselves, the policy requires law enforcement personnel and, if available, mental health professionals working with law enforcement, to work with the subject and their family or household members on a safety intervention plan.

B. PROPOSED STATE POLICY

3.1. Definitions

- a. For the purposes of this document, “immediate family member” shall mean a person who meets any of the following criteria:
 - i. the spouse of the person;
 - ii. the natural or adoptive parent, child, or sibling of the person;
 - iii. the stepparent, stepchild, or stepsibling of the person;
 - iv. the grandparent or adult grandchild of the person;
 - v. people living in the same household who are related by blood or marriage;
 - vi. people living in the same household who are in a substantive dating relationship or are engaged to each other;
 - vii. people who have been in a continuous, substantive dating relationship for a minimum of one year;
 - viii. domestic partners.
- b. For the purposes of this document, “certified law enforcement officer” shall mean an officer who has undergone a minimum of one full day of training on the implementation of extreme risk protection orders, including procedures for safely serving orders, safely retrieving firearms from the subject of an order, and safely investigating reported threats and requests for ex parte orders.
- c. For the purposes of this document, “non-law enforcement reporter” shall mean a person who meets any of the following criteria:
 - i. Health professionals, defined as people with a direct professional relationship, who have treated the respondent, including a licensed health care professional, a licensed school nurse, a physician, a physician assistant, an advanced practice registered nurse, a psychiatrist, and licensed emergency department medical providers, and emergency medical technicians.
 - ii. Mental health professionals, including psychologists and psychologist candidates, emergency psychiatric staff, licensed professional social workers and clinical social workers, marriage and family therapists and candidates, licensed professional counselors, and addiction counselors who are licensed, registered, or certified.
 - iii. Educators, including public, private, charter school institute, or charter school teachers or school administrators, higher education faculty, presidents, deans, and instructors who have taught or directly interacted with the respondent.
- d. For the purposes of this document, “respondent” or “subject” shall mean the person against whom an extreme risk protection order has been sought or granted.
- e. For the purposes of this document, “Safety Intervention Plan” shall a written plan that includes the following:

- i. Warning signs that a suicidal crisis may be developing;
- ii. Specific things — activities and/or places — that will distract a person’s attention away from suicidal thoughts;
- iii. People who can help an individual distract themselves;
- iv. People with whom they can discuss their distress and suicidal thoughts and feel heard or supported;
- v. Professionals available for consultation;
- vi. Emergency contacts such as the 988 Suicide & Crisis Lifeline (988) and the Crisis Textline (text ‘TALK’ to 741741) and other relevant help lines;
- vii. Reduction in access to or elimination of lethal means in the home or immediate environment; and
- viii. The person’s unique hopes for the future and reasons for living.

3.2. Petition for ex parte extreme risk protection order

- a. Any certified law enforcement officer who has a good faith belief that a person poses a risk of imminent personal injury to himself or herself or to another person may petition a court for an ex parte extreme risk protection order. Such law enforcement officer may not make such a petition unless they have conducted an independent investigation and determined that such probable cause exists.
- b. Any immediate family member who has a good faith belief that a person poses a risk of imminent personal injury to himself or herself or to another person may petition a court for an ex parte extreme risk protection order.
- c. Any non-law enforcement reporter in the state may request that the appropriate law enforcement agency petition a court for an ex parte extreme risk protection order if, in their professional judgment, the person is deemed to represent an imminent threat of harm to themselves or others.
- d. If the law enforcement agency denies the request to petition the court for an ex parte extreme risk order, a non-law enforcement reporter may directly petition the court for such an order, provided that:
 - i. The non-law enforcement reporter must deem that the subject represents an imminent threat to themselves and others; and
 - ii. The non-law enforcement reporter believes that there is no alternative less intrusive way of adequately protecting the subject and others from harm other than through the issuance of an extreme risk protection order.
- e. In accordance with provisions of the Health Insurance Portability and Accountability Act (HIPAA) (45 C.F.R. § 164.512(j)), non-law enforcement reporters shall not be subject to penalty for breach of confidentiality merely for requesting or filing a petition for an extreme risk protection order.
- f. It shall be a misdemeanor crime for anyone to willingly and maliciously use this law in an attempt to harass or disarm the respondent by providing false information to a law enforcement officer, non-law enforcement reporter, or a court. The penalty for

such an action shall be equivalent to that specified in 18 U.S. Code § 35 (Imparting or conveying false information), which is a civil penalty of not more than \$1,000 which shall be recoverable in a civil action. If the same person makes a second or subsequent false claim as defined under this section, the civil penalty will increase to \$5,000.

- g. Simply seeking mental health treatment in cases that do not rise to the level of imminent risk of harm to oneself or others shall not be grounds for petitioning for an extreme risk protection order.

3.3. Issuance of ex parte extreme risk protection orders

- a. Upon receipt of a petition for an ex parte extreme risk protection order, the court shall, within 24 hours of receipt of the petition, issue such extreme risk protection order if in the court's judgment there is probable cause that the subject represents a danger of imminent harm to themselves or others.
- b. An order issued under this section shall –
 - i. prohibit the respondent from possessing, using, purchasing, manufacturing, or otherwise receiving a firearm;
 - ii. order the respondent to provisionally surrender any firearms in his or her possession or control to any law enforcement officer presenting the order or to a law enforcement agency as directed by the officer or the order; and
 - iii. inform the respondent of the time and place of the hearing under Section 3.4 to determine whether he or she will be subject to a continuing prohibition on possessing and acquiring firearms; and
 - iv. direct law enforcement to make an assessment of whether the subject has potential access to firearms under the ownership of other household members and if so, to require the owner of those firearms to take reasonable means to prevent access to those firearms by the subject of the order through means such as removal from the household, secure storage, and/or disabling the firearm so that it cannot be fired. The owner of such firearms shall affirm that they will remove from the respondent's control, ownership or possession all firearms and shall store the firearms in a manner such that the respondent does not have access to, or control of, the firearms. This requirement for prevention of access to firearms shall remain in effect for the duration of the ex parte extreme risk protection order and if issued, for the duration of the final extreme risk protection order.
- c. Upon issuance of an ex parte extreme risk protection order, the court shall direct that certified law enforcement officers and if available, a mental health professional working with the law enforcement agency, serve the order to the subject as soon as possible, but in no case later than the same day.
- d. Upon issuing an ex parte extreme risk protection order, the court shall order the respondent to surrender all firearms which the respondent then controls, owns or

possesses to the law enforcement agency of the municipality where the respondent resides, or to a licensed firearm dealer or a person who is legally permitted to purchase or take possession of the firearms as specified in section (g) below.

- e. Upon being served with an extreme risk protection order, the subject of the order shall, within 24 hours, deliver or surrender all firearms to the law enforcement authority where the person resides. The law enforcement authority will have the obligation to keep the firearms secure and return them at the end of the prohibition period. At the time of dispossession, a law enforcement officer taking possession of a firearm shall create a receipt and issue a copy of the receipt to the respondent.
- f. The person or persons' legal representative shall have the right, instead of having the firearms surrendered to law enforcement, to have the firearms transferred to a licensed dealer or to a person legally permitted to purchase or take possession of the firearms. The purchaser or transferee shall affirm in writing that they will not transfer the firearms to the former owner prior to the end of the prohibition period, under penalty of law. They shall also affirm that to the best of their knowledge, they have received all of the firearms in the possession or control of the subject. The receiving party is not subject to liability for receiving the firearm(s) so entrusted. They shall also be shielded from liability for any events that might occur once the firearm(s) are transferred back to the owner. Any person who knowingly provides the subject of an order with access to a firearm in violation of the assurance the person has provided in an affidavit under this subsection that they will safeguard the firearm against access by the respondent shall be guilty of a misdemeanor crime, subject to a fine of no more than \$1,000 and imprisonment for no more than one year and imprisonment for no more than one year.
- g. If, after serving the ex parte extreme risk protection order, the certified law enforcement officer has probable cause that the respondent has not delivered all of their firearms to the law enforcement officer or agency and still has access to a firearm on his or her person or in an identified place, the officer shall immediately notify the court and the court shall issue a warrant authorizing the law enforcement agency to search the person of the respondent and any such place for firearms and to seize any firearm therein to which the respondent would have access. The court may subsequently issue additional search warrants of this nature based on probable cause that the respondent has retained, acquired, or gained access to a firearm while an order under this section remains in effect.
- h. Upon serving an ex parte extreme risk protection order, the certified law enforcement officers shall inform the respondent that they are eligible to undergo a free mental health evaluation by a neutral licensed mental health professional who is independent of the court and of law enforcement, which will be scheduled no later than 24 hours after the issuance of the ex parte extreme risk protection order and shall take place prior to the evidentiary hearing. If the respondent agrees to the evaluation, the mental health professional shall conduct an evaluation to determine whether the subject represents an imminent threat of harm to themselves or others,

whether they need or would benefit from further mental health treatment, and to provide best practices recommendations on how to keep the respondent or others safe from harm. With the consent of the subject, the report of the behavioral risk assessment shall be submitted to the court for consideration at an evidentiary hearing to determine whether to issue a final extreme risk protection order. If deemed appropriate, the mental health professional shall offer the respondent referral for mental health treatment. The state shall provide this mental health care to the subject free of charge for as long as the extreme risk protection order is in effect.

- i. Upon serving an ex parte extreme risk protection order, if the subject is deemed to be a risk to themselves, a professional mental health provider working with law enforcement shall conduct a crisis investigation and discuss best practices recommendations on how to keep the respondent safe from harm. These recommendations may include:
 - i. Preventing the respondent from driving by requesting that they temporarily give their car keys to a trusted family member or friend;
 - ii. Storing medications in a safe or other secured container to which only a trusted household member will have access; and
 - iii. Eliminating access to other items that may pose a risk of self-harm.
- j. The certified law enforcement officers or mental health professional working with law enforcement shall attempt to help the respondent and/or household members draft a Safety Intervention Plan.
- k. Upon issuance of an ex parte extreme risk protection order, the court shall immediately notify the law enforcement agency to update the Automated Approval Check system outlined in section 2.4 to indicate that the subject of the order is now a prohibited person, subject to the outcome of the evidentiary hearing.
- l. The ex parte extreme risk protection order shall be in effect for 14 days, by which time an evidentiary hearing must be held to determine whether a final extreme risk order will be issued or whether the ex parte extreme risk order will expire. If an evidentiary hearing is not held within 14 days, the ex parte extreme risk protection order shall expire and the court shall immediately notify law enforcement to update the automated approval check system to indicate that the subject is no longer a prohibited person.
- m. The state shall maintain a list of attorneys and public defenders who have agreed to defend subjects of extreme risk protection order petitions and shall provide this list to the subject at the time that an ex parte extreme risk protection order is served.

3.4. Issuance of final extreme risk protection orders

- a. The court shall, within 14 days of receipt of a petition pursuant to section 3.3, conduct an evidentiary hearing on the petition. Upon receipt of the petition, the court shall issue a summons with the date, time and location of the hearing. The court shall direct a law enforcement officer to personally serve a copy of the petition and the

summons on the respondent or, if personal service by a law enforcement officer is not possible, the court may, after a hearing, order that service be made by some other identified means reasonably calculated to reach the respondent. Service shall be made not less than 7 days prior to the hearing.

- b. Notwithstanding the provisions of subsection (a), the court shall, within 2 days of receipt of a petition made pursuant to section 3.3, conduct a hearing on the petition if the respondent files an affidavit that a firearm is required in the performance of the respondent's employment.
- c. At the evidentiary hearing, the individual respondent shall be given an opportunity to be heard before the court and may present evidence challenging the petition.
- d. If after the evidentiary hearing pursuant to subsection (a) or subsection (b), the court finds clear and convincing evidence that the respondent poses a risk of causing imminent bodily injury to self or others by having in the respondent's control, ownership or possession a firearm, the court shall grant the petition and issue a final extreme risk protection order. In deciding whether to issue a final extreme risk protection order, the court shall consider, among other factors, the length of time that the petitioner or referring non-law enforcement reporter has known and had a relationship with the subject of the order. The court shall also consider the report from the behavioral risk assessment.
- e. The final extreme risk protection order shall prohibit the respondent from possessing, using, purchasing, or otherwise receiving a firearm. The court shall order the respondent to surrender any firearms which the respondent may still control, own, or possess, as specified in section 3.3(g). The law enforcement authority, firearm dealer, or responsible person will have the obligation to keep the firearms secure and return them at the end of the prohibition period. The receiving party is not subject to liability for receiving the firearm(s) so entrusted. They shall also be shielded from liability for any events that might occur once the firearm(s) are transferred back to the owner.
- f. If the law enforcement agency has probable cause that the respondent has not delivered all of their firearms to the law enforcement officer or agency and still has access to a firearm on his or her person or in an identified place, the agency shall immediately notify the court and the court shall issue a warrant authorizing the law enforcement agency to search the person of the respondent and any such place for firearms and to seize any firearm therein to which the respondent would have access. The court may subsequently issue additional search warrants of this nature based on probable cause that the respondent has retained, acquired, or gained access to a firearm while an order under this section remains in effect.
- g. Upon issuance of a final extreme risk protection order, the court shall immediately notify the law enforcement agency to update the Automated Approval Check system outlined in section 2.4 to indicate that the subject of the order remains a prohibited person. The court shall also notify law enforcement to update the NICS database to indicate that the subject of the order is a prohibited person. Entries of extreme risk

protection orders into background check databases should include order expiration dates, any renewals that are granted, and any discontinuations of orders.

- h. If, after the evidentiary hearing, the court denies the petition for a final extreme protection order, the court shall immediately notify the law enforcement agency to update the Automated Approval Check system outlined in section 2.4 to indicate that the subject of the order is no longer a prohibited person, provided that the subject is not otherwise prohibited from purchase and possession of a firearm.
- i. If, after the evidentiary hearing, the court denies the petition for a final extreme protection order, any firearms removed from the control, ownership, or possession of the subject of the order shall be returned promptly and in no case more than 2 business days following the expiration or suspension of the order. In such a case, the subject of the ex parte order shall not be responsible for paying the costs for firearm storage during the intervening period. If the firearms have been stored with law enforcement, they may not charge the respondent for storage fees. If the firearms have been held by a licensed dealer, the state will be responsible for covering any storage fees.
- j. If, after the evidentiary hearing, the court denies the petition for a final extreme protection order and the subject's firearms are not returned within 2 days, the subject may file a petition to the court for the immediate return of their firearms. If, while in storage, their firearms incur loss or damage, the subject may file an appeal to the court for reimbursement for the cost of repair or replacement of their firearms.
- k. If the respondent is not able to appear at a scheduled evidentiary hearing because of hospitalization, the hearing shall be rescheduled as early as possible after the respondent's release from the hospital, but in no case more than 7 business days after release.
- l. A final extreme risk protection order shall be in place for one year following its issuance, unless extended or discontinued as provided for in section 3.5.

3.5. Extension or Discontinuation of Final Extreme Risk Protection Order

- a. If, within 45 days before the expiration of the final extreme risk protection order, a person is deemed to still be a risk to themselves or others, law enforcement may petition a court for an extension of the order. In hearing the petition, the court may require the results of a current examination by a licensed mental health professional concluding that the person still represents a threat to themselves or others. The court will consider all relevant evidence and may extend the order for up to an additional one year if there is clear and convincing evidence that the person remains a threat to themselves and others.
- b. Prior to the expiration of an extreme risk protection order, the subject of a permanent extreme risk protection order may petition a court for removal of the order. The petition must include the results of a current examination by a licensed mental health professional concluding that the person no longer represents a threat to themselves

or others. The court will consider all relevant evidence and may remove the order if there is clear and convincing evidence that the person is no longer a threat to themselves and others. If the petition for expiration of the order is denied, the subject may not petition the court for a removal of the order until at least four months have elapsed.

3.6. Expiration of Final Extreme Risk Protection Orders

- a. At the expiration of a final extreme risk protection order, any firearms removed from the control, ownership, or possession of the subject of the order shall be made available for retrieval by the subject or return promptly and in no case more than 2 business days following the expiration or suspension of the order. Once the restraining order is expired, law enforcement can no longer charge for the storage of confiscated firearms, and in the event that the firearms are held by a licensed dealer, the state will heretofore be responsible for any additional storage costs incurred after the expiration or suspension of the order.
- b. If, after expiration of the final extreme protection order, the subject's firearms are not returned within 2 business days, the subject may file an appeal to the court for the immediate return of their firearms. If, while in storage, their firearms incur loss or damage, the subject may file an appeal to the court for reimbursement for the cost of repair or replacement of their firearms.
- c. At the expiration of a final extreme risk protection order, the law enforcement agency shall immediately update the Automated Approval Check database to indicate that the subject is no longer a prohibited person, provided that the subject is not otherwise prohibited from purchase and possession of a firearm. The law enforcement agency will also update the NICS database to indicate that the subject is no longer a prohibited person, provided that the subject is not otherwise prohibited from purchase and possession of a firearm.

3.7. Training of Law Enforcement Officers and Non-Law Enforcement Reporters

- a. The state shall establish a procedure for training of law enforcement officers who may be involved in petitioning for an extreme risk protection order, investigating a potential subject of an extreme risk protection order, receiving requests from non-law enforcement reporters to petition a court for an extreme risk protection order, serving ex parte orders, and removing firearms from subjects of an extreme risk protection order.
 - i. The training program shall include best practices to avoid harm to the subject, especially in cases where the order is being obtained because the subject is viewed as a danger to himself.

- ii. The training program shall include training in bias and cultural competency, de-escalation techniques, and crisis intervention. The training shall also include information on details of implementation of the Extreme Risk Protection Order law and the importance and implementation of due process rights.
- b. The state shall establish a training curriculum designed to help non-law enforcement reporters, such as school and campus faculty and staff, clinicians, and social workers, understand when and how to use extreme risk protection orders and the importance and implementation of due process rights.
- c. For mental health professionals, the course shall also include cultural competency training designed to help these reporters develop a better understanding of gun culture, the role that guns play in gun owners' lives, and the views of gun owners on extreme risk protection laws. An example of an existing training program that provides such training is the "firearms cultural competency course" provided by Walk the Talk America.

3.8. Evaluation of Effectiveness of Extreme Risk Protection Order Law

- a. The state shall conduct an ongoing evaluation of the effectiveness of the extreme risk protection law. As part of the evaluation, the state shall, at a minimum, collect information that includes the number of petitions for extreme risk protection orders filed and by whom, the number of ex parte and final extreme risk protection orders served, whether there was a mental health evaluation conducted, whether the results of the mental health evaluation supported the issuance of a permanent extreme risk protection order, and the ultimate disposition of extreme risk protection order process.

IV. DEALER REGULATION AND GUN TRAFFICKING

A. PREAMBLE

While some firearms used in crimes are legally purchased, many others are either purchased illegally from gun dealers or obtained illegally through firearms trafficking (Webster, 2019). Thefts from gun dealers and gun owners are a major source of trafficked firearms. Between 2017 and 2023, nearly 1.6 million of the 2.3 million crime guns traced by the ATF, were traced to federally licensed firearm dealers (ATF, 2026). Between 2017 and 2021, stolen firearms were found to be involved in 20% of recognized cases of firearm trafficking (ATF, 2026). One of the major causes of gun stealing is insecure gun storage, especially in vehicles. A separate proposal ([Section 5](#)) deals with the issue of secure gun storage and includes requirements for storing guns in vehicles, while this section focuses on ways to reduce gun trafficking.

Importantly, the overwhelming majority of gun dealers do not serve as a significant supply of crime guns. Instead, a very small minority of gun dealers are responsible for selling the majority of crime guns traced to dealers (Webster, 2019). The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) found that just 5% of gun stores are responsible for 90% of traced crime guns (ATF, 2000). The ATF is tasked with inspecting federally licensed gun dealers and preventing gun trafficking; however, staffing resources limit ATF's ability to conduct frequent inspections or to adequately reduce firearm trafficking.

A body of scientific evidence supports the contention that state regulation of firearm dealers can play a significant role in decreasing the sale of crime guns and reducing gun trafficking (ATF, 2026). According to a paper by Dr. Daniel Webster: "State regulation of firearm dealers, when coupled with regular compliance inspections, appears to curtail intra-state diversion of guns to criminals. This finding is consistent with other research showing that when firearm retailers are vulnerable to undercover stings, lawsuits for making illegal sales, or even bad publicity, the flow of guns to criminals decreases significantly (ATF, 2026)."

One study showed that major changes to the sales practices of a single licensed firearm dealer in Milwaukee resulted in a 44% decline in the trafficking of crime guns in the city as a whole (Webster, 2019). Prior to the store's change in sales practices, which involved the discontinuation of the sale of cheap pistols that were commonly used in crimes, it was responsible for more than half of traced crime guns in Milwaukee. The change in sales practices actually produced a 42% decline in **other** types of guns sold by that store and traced to the store shortly after recovery in crimes.

The approach taken in this policy is quite simple. Rather than place burdensome regulations on all gun dealers—the majority of whom are not responsible for the problem—this policy focuses on working with the small minority of dealers from whom the majority of traced crime guns originate. The centerpiece of the policy is the creation of a state task force that provides best practices training, materials, and signage to gun dealers, collects data on the sources of traced crime guns, reports this data annually, investigates potentially illegal sales activities, and meets with the small number of gun dealers that are found to supply the largest number of traced crime guns in the state.

This policy was designed to have the maximum effect on the reduction of gun trafficking and illegal gun sales while interfering minimally with the ability of law-abiding gun owners to purchase or obtain firearms. The policy uses education, training, and signage as the first resort in ensuring responsible sales practices. It then relies upon communication between law enforcement officials and gun dealers as a next step in addressing the small number of dealers who are found to be responsible for the provision of the majority of traced crime guns. Only as a last resort does the policy place civil sanctions on gun dealers, and only after multiple offenses. The policy requires the prompt reporting of lost and stolen firearms. Finally, the policy introduces a novel diversion program to attempt to rehabilitate persons involved in the trafficking or illegal purchase of firearms.

The policy also provides explicit, codified, state protections to shield gun dealers from baseless lawsuits, and from lawsuits in situations where the dealer took reasonable steps to ensure that the gun sale was legal. It codifies the gun dealer provisions of the Protection of Lawful Commerce in Arms Act (PLCAA) into law to provide gun dealers with a major incentive to support this proposal. Only as a last resort does the policy impose civil sanctions on gun dealers, and only after multiple offenses.

B. PROPOSED STATE POLICY

4.1 Definitions

- a. For the purposes of this document, the term “straw purchaser” refers to any individual or entity that purchases or receives firearms on behalf of another individual or entity, where the transaction is not a legal gift.
- b. For the purposes of this document, the term “gun trafficker” refers to any individual or entity involved in the facilitation of the illegal diversion of firearms.

4.2 Creation of State Responsible Firearm Dealer Practices Task Force

- a. There shall be established in the state a Responsible Firearm Dealer Practices Fund to which will be allocated 5% of the existing state sales tax on firearms and ammunition for firearms. This fund shall be used to create, maintain, and support a statewide Responsible Firearm Dealer Practices Task Force, consisting of members of the state police, state law enforcement agency, state criminal investigation bureau, and representative owners of federally licensed firearm retailers.
- b. The Responsible Firearm Dealer Practices Task Force shall develop firearm sales and retail security protocols, guidelines, and materials, and in-store signage, based on best practices in:
 - i. screening potential firearm purchasers to ensure that do not pose an unreasonable risk of harm to themselves or others, and/or are not prohibited from purchasing or possessing firearms;
 - ii. preventing purchase of firearms by straw purchasers or for use in gun trafficking; and
 - iii. secure storage of firearms and other security measures to prevent theft.

4.3. Training Protocols

- a. In creating training protocols, guidelines, and materials, and signage, the Task Force shall consult best practices screening protocols and guidelines, including those produced by the Bureau of Alcohol, Tobacco, Firearms, & Explosives (ATF) and the National Shooting Sports Foundation (NSSF), including the “Don’t Lie for the Other Guy” program.
- b. A firearms dealer in the State shall be required to follow and utilize the training protocols, guidelines, materials and signage created by the Task Force.
- c. The Responsible Firearms Dealer Practices Task Force will provide or make available digital or physical copies of the training protocols, guidelines, materials and signage to all licensed firearms dealers in the State.

- d. The Responsible Firearms Dealer Practices Task Force will provide training to new gun dealers, including best practices as well as familiarity with the dealer regulation provisions of state law.
 - i. Best practices shall be sufficiently explicit and understandable to clearly direct a dealer on specific steps that are expected for them to take prior to proceeding with a firearm sale.

4.4. Enforcement

- a. A state Firearm Sales Practices Investigation Team shall be established and shall consist of personnel assigned from state law enforcement and criminal investigation agencies. The Investigation Team shall, on a quarterly basis, prepare a list of firearm dealers to whom crime guns have been traced and the number of such guns traced to each store.
- b. At least once per year, the Investigation Team shall conduct an investigation of all firearm dealers within the top dealers in terms of the number of crime guns traced to their establishment in order to determine whether there were reasonable actions that the gun dealer could have taken to avoid having made the sales. The Investigation Team shall utilize their best judgment in deciding how many dealers to investigate, bearing in mind the ATF findings that 90% of crime guns come from 5% of dealers. The Investigation Team shall investigate dealers in the order in which they appear on the list they prepared as per 4.4(a), starting with the top seller of crime guns in the state and working down the list. The Investigation Team shall also investigate whether the gun dealer knew, or reasonably should have known, that the person to whom the firearm was supplied was likely to, and did, use the firearm in a manner involving unreasonable risk of physical injury to the person or others or that the firearm was purchased for the purpose of illegal gun selling or transferring.
 - i. If the Investigation Team determines that there is probable cause to believe that the dealer, before transferring or selling the firearms, knew that the firearm was likely to be used in an illegal or unsafe manner, including for illegal sale or transfer, then the Investigation Team shall refer the case to the appropriate prosecuting authority for a potential criminal action under this section.
 - ii. If the Investigation Team determines that the gun dealer did not know, but reasonably should have known, that the person to whom the firearm was supplied was likely to, and did, use the firearm in a manner involving unreasonable risk of physical injury to the person or others or that the firearm was purchased for the purpose of illegal gun selling or transferring, or if the Investigation Team determines that the gun dealer had no knowledge of the above, it shall, for the first such offense, conduct a meeting with the firearm dealer and inspection of the firearm dealership to: (a) attempt to determine

- whether there are any procedures or practices that are not being followed that may have resulted in the sale of guns that were subsequently used in criminal activity; (b) review the best practices listed in section 4.2(b); and (c) make recommendations for any changes in sales protocols in order to avoid further purchases that result in guns being used for criminal activity.
- c. If the same firearm dealer is reported to the Investigation Team a second or multiple times, the Investigation Team shall investigate whether the gun dealer knew, or reasonably should have known, that the person to whom the firearm was supplied was likely to, and did, use the firearm in a manner involving unreasonable risk of physical injury to the person or others or that the firearm was purchased for the purpose of illegal gun selling or transferring.
 - i. If the Investigation Team determines that there is probable cause to believe that the dealer, before transferring or selling the firearms, knew that the firearm was likely to be used in an illegal or unsafe manner, including for illegal sale or transfer, then the Investigation Team shall refer the case to the appropriate prosecuting authority for a potential criminal action under this section.
 - ii. If the Investigation Team determines that the gun dealer did not know, but reasonably should have known, that the person to whom the firearm was supplied was likely to, and did, use the firearm in a manner involving unreasonable risk of physical injury to the person or others or that the firearm was purchased for the purpose of illegal gun selling or transferring, it shall recommend that the appropriate prosecuting authority bring a civil action against the dealer, seeking a sanction for violation of this section.
 - d. The Investigation Team shall prepare an annual report summarizing the sources of traced crime guns in the state, listing the top sellers of trace crime guns in the state, and making recommendations to the governor and state legislature on policies, practices, or programs to reduce the acquisition of firearms that are used for criminal activity.

4.5. Penalties

- a. The appropriate prosecuting authority shall review the findings of the Investigation Team and based on those findings and an independent investigation may seek civil liability of the dealer in the form of a monetary penalty if there is strong reason to believe that the gun dealer did not know, but reasonably should have known that the person to whom the firearm was supplied was likely to, and did, use the firearm in a manner involving unreasonable risk of physical injury to the person or others or that the firearm was purchased for the purpose of illegal gun selling or transferring.
 - i. The civil sanctions for the first and second offenses shall be limited to an increasing schedule of fines. For the third and any subsequent offenses, the

appropriate prosecuting authority shall be authorized to file a complaint for criminal negligence. In determining whether to file a complaint, the appropriate prosecuting authority shall take into consideration the frequency of crime gun sales and the number of crime guns sold.

- b. If the appropriate prosecuting authority determines that there is probable cause to believe that the dealer, before transferring or selling the firearms, knew that the firearm was likely to be used in an illegal or unsafe manner, including for illegal sale or transfer, then the appropriate prosecuting authority may file a criminal action under this section.
- c. In considering whether the gun dealer reasonably should have known that the person to whom the firearm was supplied was likely to use the firearm in a manner involving unreasonable risk of physical injury to the person or others or that the firearm was purchased for the purpose of illegal gun selling or transferring, the court may consider whether the dealer made appropriate inquiries when presented with potential indicators of straw purchasing, including multiple or repeat sales, number of firearms or volume of ammunition purchased, inconsistencies in the buyer's information, reluctance to answer questions, being accompanied by multiple individuals, being in contact with someone off-site during the purchase, and buying multiple firearms of the same model.
- d. In all cases, the firearm dealer shall have the right to appeal the court's decision in accordance with state legal procedures and no sanctions shall be implemented unless and until an appellate court upholds the sanction.

4.6 Firearm Industry Liability Protections

- a. A qualified civil liability action may not be filed in any State court.
- b. The term "qualified civil liability action" means a civil action or proceeding or an administrative proceeding brought by any person against a seller of firearms or ammunition as defined in the Protection of Lawful Commerce and Arms Act, 15U.S.C.7903(2),(6), for damages, punitive damages, injunctive or declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting from the criminal or unlawful misuse of a qualified product by the person or a third party. The term "manufacturer or seller" from herein refers to the definition under the Protection of Lawful Commerce and Arms Act, 15 U.S.C.7903(2),(6).
- c. None of the following actions shall be considered a qualified civil liability action:
 - i. an action brought against a dealer, manufacturer, or distributor convicted of a state or federal felony crime by a party directly harmed by the conduct of which the manufacturer or seller is so convicted;
 - ii. an action brought against a seller for negligent entrustment or negligence per se;

- iii. an action in which a manufacturer or seller knowingly violated a State or Federal statute applicable to the sale or marketing of the product, and the violation was a proximate cause of the harm for which relief is sought, including—any case in which the manufacturer or seller knowingly made any false entry in, or failed to make appropriate entry in, any record required to be kept under Federal or State law with respect to the firearm, or aided, abetted, or conspired with any person in making any false or fictitious oral or written statement with respect to any fact material to the lawfulness of the sale or other disposition of a firearm; or
 - iv. any case in which the manufacturer or seller aided, abetted, or conspired with any other person to sell or otherwise dispose of a firearm, knowing, or having reasonable cause to believe, that the actual buyer of the qualified product was prohibited from possessing or receiving a firearm or ammunition under federal or state law.
- d. As used in this section, the term “negligent entrustment” means the supplying of a firearm by a seller for use by another person when the seller knows, or reasonably should know, the person to whom the product is supplied is likely to, and does, use the product in a manner involving unreasonable risk of physical injury to the person or others.
 - e. In any lawsuit brought under section 4.4, if the dealer can establish that it complied with best practices issued under this statute, then there shall be a rebuttable presumption that the dealer was not negligent.
 - f. In any lawsuit brought under section 4.4 against a manufacturer or distributor, the burden of proof is on the plaintiff to demonstrate by clear and convincing evidence that the alleged damages were directly related to negligent behavior on the part of the defendant and not solely negligent actions by retailer or third parties.

4.7. Purchase of Multiple Firearms in a Short Time Period

- a. Whenever a licensed firearm dealer sells at one time or during any five consecutive business days, more than five firearms to the same person, who is not a federally licensed gun dealer, the dealer selling the guns shall prepare a report on a form specified by the Attorney General and forwarded to the Firearm Sales Practices Investigation Team. The report shall be filed not later than the close of business on the first day following the reportable sale. The Firearm Sales Practices Investigation Team may launch an investigation to determine whether the purchaser is in violation of any federal or state firearm laws.

4.8. Legal Requirements for Firearm Sellers

- a. Licensed firearm dealers shall, through best business practices, ensure that employees who sell firearms are allowed to legally possess and buy firearms. If the firearm dealership is a store that sells firearms and non-firearm-related products, this requirement shall only apply to personnel who have direct involvement in the sale of firearms. This requirement shall go into effect no later than six months after the enactment of this legislation.

4.9. Straw Purchases and Illegal Sales and Transfers

- a. It shall be a felony offense for any person or firearm dealer to sell or transfer a firearm to a person who the seller knows or has reasonable cause to know:
 - i. is a straw purchaser or a gun trafficker;
 - ii. has engaged or attempted to engage in a straw purchase or gun trafficking;
 - iii. poses an unreasonable risk that they will attempt to harm themselves or others with the firearm; or
 - iv. is intoxicated or is impaired by the use of drugs.
- b. When a seller knows or has reasonable cause to know that a person meets any the criteria outlined in 4.9(a), the seller shall immediately notify the Responsible Firearm Dealer Practices Task Force, which may launch an investigation to determine whether the prospective purchaser is in violation of any federal or state firearm laws.

4.10. Explicit Prohibitions on Straw Purchases

- a. No person may purchase or receive a firearm for the unlawful use of another or for resale to or giving to a person who is prohibited by state or federal law from purchasing or possessing a firearm.
- b. No person may purchase or receive a firearm for resale to or giving to another person for the purpose of avoiding any state or federal requirement for a background check.
- c. Sections 4.10(a) and 4.10(b) shall not apply if the person purchasing or receiving the firearm:
 - i. intends to give the firearm as a gift to another person; and
 - ii. the intended recipient of the gift is legally permitted to own a firearm.
- d. It shall be unlawful for any person to:
 - i. sell, ship, transport, transfer, cause to be transported, or otherwise dispose of any firearm to another person if such person knows or has reasonable cause to believe that the use, carrying, or possession of a firearm by the recipient would constitute a felony;
 - ii. receive from another person any firearm if the recipient knows or has reasonable cause to believe that such receipt would constitute a felony; or

- iii. attempt or conspire to commit the conduct described in sections 4.10(d)(i) or 4.10(d)(ii).

4.11. Alternative Sentencing for First-Time Offenders

- a. The state shall develop an alternative sentencing program that may be offered by the appropriate prosecuting or judicial authority, their representatives, and district attorneys that gives people charged with a first-time felony offense under sections 4.9 through 4.10 an alternative to avoid incarceration and have their conviction dismissed and sealed after a six year period of no subsequent convictions. At the discretion of the court, the rigorous diversion program may include a nightly curfew, random drug tests, unannounced home visits by police, and weekly trips to the district attorney's office to see a social worker.

4.12. Reporting of Lost or Stolen Firearms

- a. Any loss or theft of a firearm shall be reported by the owner thereof to the state law enforcement agency within 48 hours of discovery of the loss or theft. Such report shall include any and all relevant information that the gun owner possesses with regard to both the circumstances of the theft or loss and identifying details of the individual firearm.

V. CHILD FIREARM ACCESS PREVENTION AND RESPONSIBLE GUN STORAGE

A. PREAMBLE

Research has shown that the secure storage of firearms, such as keeping them unloaded, and stored separately from ammunition, is associated with a decreased risk of firearm suicides and unintentional injuries, especially among youth (Wilson et al., 2023), while helping prevent firearms being stolen and potentially resold to the black market (ATF, 2026). However, any explicit secure storage requirement would be politically infeasible to many gun owners, who have voiced concerns that such laws would impede their ability to quickly access their firearms in cases of self-defense. Furthermore, in most cases, a law requiring secure storage practices in private property would be difficult, if not impossible, to enforce. Thus, instead of mandating secure storage practices, this proposal has two main purposes:

1. Explicitly state that firearm owners whose negligent practices have led to harm should be charged and prosecuted with criminal negligence under existing state laws;
2. Enculturating secure storage and staging practices within the firearm community through education, public health campaigns, and financial incentives.

Child Access Prevention Laws, which allow prosecutors to charge firearm owners when a child gains access to firearms that are not properly stored, are both enforceable and found to be quite effective (RAND, 2023). The liability clause under this proposal was written with this research in mind. We do not explicitly create a new law under which negligent firearm owners should be prosecuted. Instead, we direct states to prosecute under existing criminal negligence laws, but only when injury, death, or property damage occurs due to the firearm owner's negligence.

Accessibility and visibility of secure storage devices are key in their enculturation within the firearm community. Retailers can play a key role in this effect. A survey of firearm owners across three states found that when their firearm purchase included cable locks, those told about the cable locks by the retailer were four times more likely to use these devices (Bandel et al., 2023). Furthermore, there is evidence that secure storage and staging

education in a population with high levels of firearm suicides can result in sustained adoption of secure storage and staging practices (McCourt, 2021).

With these studies in mind, this proposal calls both for retailers to provide a locking or secure storage/staging device with each firearm sale or transfer, and for the adoption of a public health campaign to focus on the enculturation of these practices within the firearm community. Due to the prevalence of free gun cable locks available at local police departments as well as through various firearm organizations, we do not foresee this proposal leading to any additional financial cost for the retailer or the seller.

B. PROPOSED STATE POLICY

5.1. Definitions

- a. For the purposes of this section, a person is guilty of criminally negligent storage of a firearm if a person keeps any firearm on any premises under the person's control and if the person knows or reasonably should know that a minor or prohibited person is likely to gain access to the firearm without the permission of the owner, and such minor or prohibited person accesses the firearm, unless the person:
 - i. Keeps the firearm in a securely locked box or another securely locked container or rendered inoperable through the use of a cable lock or similar device or kept in another secure location; or
 - ii. Carries the firearm on the person or within a grabbable location (i.e., in such close proximity that the person can readily retrieve and use it as if it were carried on the person).
- b. For purposes of this section, "minor" means any person under the age of eighteen years.

5.2. Investigation and Liability

- a. When a firearm crime is committed or a firearm-related injury or death occurs, law enforcement shall conduct an investigation to identify the source of the firearm. If the firearm was obtained by the involved person due to criminally negligent storage of a firearm as defined in section 5.1, the prosecutor shall charge the firearm owner with criminal negligence.
- b. Any person who is found guilty of criminal negligence due to criminally negligent storage of a firearm as defined in section 5.1 shall be liable for damages incurred if the firearm obtained as a result of the violation is used to injure a person or property, provided that this subsection shall not apply if:
 - i. The injury results from a lawful act of self-defense or defense of another person; or
 - ii. The unsecured firearm was obtained by a person as a result of a person entering or remaining on the premises unlawfully.

5.3. FFLs on Responsible Storage Information and Devices

- a. All Federal Firearms Licensed Dealers must include a locking or secure storage or safe staging device, with each purchase.
- b. Federal Firearms Licensed Dealers will be required to provide information on responsible storage and staging practices with all point of purchase sales of firearms. This information must include instruction in the proper use of the specific locking device that is provided with the firearm. In addition, all licensed dealers shall post a

sign informing people about the terms of the Child Access Prevention and Responsible Gun Storage law.

5.4 Responsibility of Private Transferors

- a. All private transfers of firearms must include a locking or secure storage or safe staging device, to be provided by the transferor. The transferor must provide instruction in the proper use of the specific locking device that is provided with the firearm, unless the transferor knows that the transferee already knows how to use this locking device. Staging is defined as having a firearm prepared and ready for defensive use while also taking steps to prevent unauthorized access.

5.5 Responsible Storage Task Force

- a. The state shall commission a temporary task force, composed of, but not limited to, public health experts, medical professionals, including pediatricians, firearms dealers and trainers, violence prevention experts (including community violence intervention experts), law enforcement officers, and public relations experts, aimed at establishing a public health campaign to raise awareness on the importance of secure storage and safe and responsible staging practices.

5.6 Tax Incentives

- a. For a two year period starting with the effective date of this legislation, there shall be no sales tax on private sector firearms training or armed defense training expenses. The state shall evaluate the effectiveness of this proposal and the legislature, based on that evaluation, will decide whether to extend the tax incentive.
- b. For a two year period starting with the effective date of this legislation, safe locking/storage devices, safe staging devices, and firearms incorporating smart technology shall be either sales tax exempt or tax-deductible. The state shall evaluate the effectiveness of this proposal and the legislature, based on that evaluation, will decide whether to extend the tax incentive.
- c. The state shall offer tax incentives to in-state companies that are developing or manufacturing products designed specifically to improve firearms safety and/or security.

5.7. Amnesty for Responsible Reporters

- a. When a person reports the loss or theft of a stolen gun in accordance with section 4, they shall not be held civilly or criminally liable for violating this section or for events

resulting from the loss or theft, as long as they have complied with the reporting timing requirements in section 4.

5.8. Secure firearm storage in a vehicle

- a. No person shall intentionally, knowingly, or recklessly store or otherwise leave a loaded or unloaded firearm out of the person's immediate possession or control inside a vehicle without first securely locking the firearm in a secure storage depository.
- b. For purposes of this section, “secure storage depository” means a safe or other secure impact- and tamper-resistant container that, when locked, is incapable of being opened without a key, keypad, combination, or other unlocking mechanism, is part of or attached to the vehicle, and is capable of preventing an unauthorized person from obtaining access to or possession of the firearm contained therein.

VI. FIREARM SUICIDE PREVENTION

A. PREAMBLE

Of all suicides in the United States, over half are committed using firearms (Wilson et al., 2023). Firearm suicides make up nearly two-thirds of all gun deaths in the United States, and no existing firearm policy has adequately addressed this crisis. While it is certainly true that risk factors for suicide are multifaceted and often involve the convergence of various biological, psychological, and social factors, the use of a firearm greatly increases the likelihood of completion of a suicide attempt, due to the 80-90% case fatality rate (Goldstein & Prater, 2022). In contrast, 90% of individuals who survive a suicide attempt do not go on to die by suicide, suggesting that the overall suicide rate would decrease if firearm suicides were reduced (Convergence Center for Policy Resolution 2023).

The overall suicide rate in the United States has increased across the board in the past 20 years. That being said, there are certain groups and demographics that are considered especially high-risk. Native Americans, individuals who identify as members of the LGBTQ community or as gender non-conforming, veterans, White men, and males over 65 have particularly high rates of suicide (Convergence Center for Policy Resolution 2023). Gun ownership is a predictor of overall suicide rates in men but has no predictor power for overall suicide rates in women (Siegel & Rothman, 2016). There is no peer reviewed consensus for this gender gap in firearm suicides, but it has been speculated that men tend to be more impulsive.

The most effective policies aim to reduce firearm suicides primarily through enculturation of mental health destigmatization and collaborative practices for suicide prevention within the gun community. Such enculturation requires the collaboration of public health experts and health care practitioners, with stakeholders in the gun community, such as FFLs, firearms trainers, gun clubs and ranges, and gun rights organizations. Any policy must contend with the fact that men—who are most affected by firearm suicides—are already less likely to seek mental health care, a trend that is often exacerbated by the ownership of firearms due to fears that by asking for help and seeking treatment, they might get their guns taken away. This thus highlights the importance of both culturally competent training for health care providers when dealing with an at-risk patient who is a member of the gun

community, and of treating the larger gun community as assets in addressing firearm suicides as opposed to liabilities.

The policies below are based on the principle that by facilitating voluntary gun transfers for people in crisis, encouraging further collaboration between health care providers and the gun community, and educating the public about resources available to those in crisis, we could significantly reduce firearm suicides.

The policies outlined here are intended to work synergistically with other proven approaches to reducing firearm suicide, including extreme risk protection orders (section 3 of this policy package), dealer regulation (section 4 of this policy package), and responsible storage (section 5 of this policy package) laws.

B. PROPOSED STATE POLICY

6.1. Task Force

- a. The state shall commission a temporary task force to build an interactive map of federal firearms licensed dealers, gun clubs, and other organizations that are legally allowed to receive guns, for safekeeping from those in danger of suicide, and have indicated a willingness to do so. The task force shall be allotted a six-month period with which to do so. This map shall be easily accessible and publicly available on the relevant state government website.

6.2. FFL Materials for Distribution

- a. Federal Firearms Licensed Dealers will be required to distribute a suicide awareness pamphlet, brochure, posters, advertisements, or other media with all point-of-sale firearms purchases. The state shall have the option to create their own materials with input from relevant stakeholders such as but not limited to state chapters or organizations focused on gun rights, violence prevention experts, mental health practitioners, and Federal Firearms Licensed Dealers, or to utilize existing materials from organizations dedicated to addressing the issue of firearm suicide.
 - i. The materials shall be made easily accessible and publicly available to print on the relevant state government website.
 - ii. Any materials need to address health literacy by including language that states that seeking mental health treatment does not mean that one's firearms will be taken away.

6.3. Tax Incentives

- a. Patient-facing health care organizations (including educational institutions) that hold sessions or develop courses aimed at encouraging and training health care professionals to engage in culturally competent discussions about safe firearm storage options when treating people at risk of suicidal ideation or acts, shall have all costs associated with such training be tax-deductible. Such health care organizations have the option to employ or collaborate with qualified third-party organizations or individuals with existing training curriculums, or to partner with stakeholders in the firearms community, such as local, statewide or national organizations or initiatives, to create their own curriculum.
- b. Federal Firearms Licensed Dealers, shooting ranges, gun clubs, and certified firearms instructors that undergo training, or host sessions for, suicide awareness and prevention strategies, and/or sponsor related initiatives, shall have all costs associated with such activities be tax-exempt. The above groups have the option to employ or collaborate with qualified third party organizations or individuals with existing training curriculums, or to partner with stakeholders in the mental health and public health community to create their own curriculum.

6.4. Temporary Emergency Transfers

- a. The state shall facilitate transfers of firearms from those in danger of suicide to other entities who can legally receive them, by suspending restrictions such as waiting periods, transfer fees, or transport restrictions for firearm transfer from the owner in crisis to a relative, acquaintance, club, or organization that is legally allowed to receive guns, for safe keeping.
 - i. The parties are exempt from existing state requirements concerning the registration and/or recordkeeping of the transfer, provided that:
 - 1. The transfer was necessary due to risk of self-inflicted death or great bodily harm to the owner of the firearm(s) or others, or due to the risk posed by minors living in the home;
 - 2. The transfer is temporary in nature, lasting as long as deemed necessary to mitigate the risk of such self-inflicted death or imminent bodily harm, and;
 - 3. The receiving party shall not utilize the firearm(s) for any purpose for the duration of the temporary transfer.
 - ii. The transfer shall be temporary in nature, with the duration of the transfer being up to the discretion of both the owner of the firearm(s) and the receiving party.
 - 1. There shall be no additional restrictions or requirements imposed on either party when transferring back the firearm(s) to the owner.
 - iii. The state shall make available an optional Interpersonal Transfer form for both parties to sign, signifying that the original transfer has taken place, as well as that the receiving party has returned the firearm(s) back to its original owner. The Interpersonal Transfer form shall serve as presumptive record of the transfers. There shall be no requirement to file the form with the state.
 - iv. The receiving party shall be shielded from liability for receiving the firearm(s) so entrusted. They shall also be shielded from liability for any events that might occur once the firearm(s) are transferred back to the owner.
- b. Federal Firearms Licensed Dealers, as well as clubs or organizations that are legally allowed to receive guns for safekeeping and agree to do so under the circumstances outlined in 6.4(a), shall be eligible for a tax deduction equal to the cost of storage of the firearms, so long as they indicate their willingness to do so publicly on the interactive map outlined in 6.1.

VII. FIREARM INJURY AND PREVENTION EDUCATION

A. PREAMBLE

Firearm violence is inherently a public health issue and should be treated that way, both in public policy and in education. In accordance with this principle, this proposal includes a novel idea: including firearm injury and prevention as one of the public health problems that students learn about as part of the health curriculum, just as they learn about other public health problems, such as the harms associated with tobacco use, vaping, alcohol use, and the use of marijuana and other drugs. The proposal calls for the development of a firearm injury and education curriculum by a state task force convened by the Departments of Health and Education but leaves maximal autonomy to local school districts to decide exactly how to implement the program.

A state adopting this proposal will be the first in the nation, to our knowledge, to implement public health education about the problem of firearm injury as a part of the school health curriculum.

B. PROPOSED STATE POLICY

7.1. State Firearm Safety Fund

- a. There shall be established a State Firearm Safety Fund to which a given percentage of state sales tax on firearms and ammunition shall be allocated. This funding will be allocated to the development, implementation, and evaluation of the provisions of this section.

7.2 Curriculum Task Force

- a. The state shall commission a temporary task force, under the combined leadership of the Department of Education and the Department of Public Health, and composed of, but not limited to, child psychology experts and practitioners, teachers and educators, parents (gun-owning and non-gun-owning), medical professionals, including pediatricians, violence prevention experts (including community violence intervention experts), and firearms use experts, to be established in order to create a developmentally appropriate curriculum for firearm injury and prevention education geared toward youth or to adopt previously developed curricula that fulfill the goals of this section. The goal of the Task Force is to create a developmentally appropriate health curriculum concerning the public health problem of firearm-related injury in the United States and strategies to prevent it, for use in public school districts and open-enrollment public charter schools. The goal of this curriculum will be to teach youth about the public health problem of firearm violence, the risks associated with firearms, especially as they pertain to youth, and measures that can be taken to reduce firearm-related injury. No part of this proposal intends to mandate live fire experiences, gun handling by youth, or marksmanship. The curriculum shall not include explicit advocacy for or against any specific legislative proposal, nor shall it include explicit advocacy for or against gun ownership. If this program is implemented in schools, any parent or guardian may choose for their child to opt out of this curricular activity.
- b. The curriculum or program of instruction used to educate students on firearm-related injury and prevention shall preferably be included as part of the health curriculum offered by schools and should be placed alongside instruction on other public health issues such as smoking, vaping, alcohol, marijuana and other drugs, nutrition, etc. Beginning with the subsequent school year following the passage of this legislation, all public school districts and open-enrollment public charter schools shall annually teach this curriculum. The curriculum or program of instruction shall be approved by the State Department of Education and shall include instruction on the following without limitation:
 - i. an introduction to firearm-related injury as a public health problem;

- ii. the types of firearm-related injury, such as firearm-related homicide, suicide, and accidental shootings;
 - iii. the magnitude of firearm-related injury in the United States, including, for example, the number of people killed each year due to each type of firearm violence and the number of youth who are victims of firearm violence each year;
 - iv. the existence of racial disparities in firearm violence (e.g., comparing the firearm death rates for White, Black, and Hispanic/Latinx populations);
 - v. strategies to reduce firearm violence, such as community-based violence prevention or interruption programs, and firearm education and training programs;
 - vi. strategies for prevention of accidental firearm injuries if there is a gun in the home, including responsible ownership practices;
 - vii. strategies to reduce the risk of suicide by firearm, and the availability of mental health resources;
 - viii. the steps to take if a student finds an unsecured firearm, including without limitation the importance of avoiding injury if the student finds an unsecured firearm, never touching a firearm if the student finds an unsecured firearm, and immediately identifying and notifying a trusted adult of the location of the unsecured firearm.
- c. The State Department of Education and the State Department of Public Health shall jointly be tasked with:
- i. Deciding which aspects of the curriculum are appropriate for each school grade or range of grades. In making this determination, the State Department of Education and the State Department of Public Health shall study relevant data and risk factors, including but not limited to the earliest ages at which incidents of injury involving firearms are reported, the earliest ages at which children are susceptible to harm from unsecured firearms that they are able to gain access to, and the most up-to-date literature on what constitutes developmentally appropriate practices of the elements in section 5.2.
 - ii. Creating and providing instructional materials for this curriculum, including but not limited to instructional videos, online resources and informational materials, and guides for activities and role-playing scenarios; and
 - iii. Ensuring that the curriculum is not political in nature, does not advocate for or against firearm ownership or for or against specific regulations and legislations, and generally avoids biases regarding the political discussion of firearms in America.
- d. Each school district is permitted to choose and customize the instructional materials created and provided by the task force, to account for the district's and the students' unique needs. Individual school districts will also decide on the following:

- i. Whether the curriculum will be taught as a course, a unit within an existing course, or through a series of assemblies and workshops presented to the appropriate grade levels determined by the state;
- ii. What educator will be in charge of teaching this curriculum; and
- iii. Whether, with the exception of any overt political material as outlined in sections 5.1 and 5.3, any supplemental material will be covered in the curriculum, including but not limited to:
 1. Nonviolent conflict resolution and de-escalation skills;
 2. Resisting peer pressure in relation to improper firearm usage;
 3. The impact that firearms have on the community within which the school or the majority of its students reside; and/or
 4. An overview of state and federal laws and regulations relating to firearms.
- e. Annually following its implementation, the state shall be required to evaluate the efficacy of the firearm injury and prevention curriculum.

VIII. Community Violence Intervention

A. PREAMBLE

Community Violence Intervention (CVI) is intimately tied to the reduction of firearm violence. Minority neighborhoods, having been historically segregated, marginalized, and underinvested in, have the highest rates of community gun violence, defined by Johns Hopkins Center for Gun Violence Solutions as “a form of interpersonal gun violence (assaults) that takes place between individuals who are not related or in an intimate relationship (Johns Hopkins Bloomberg School of Public Health).” Community gun violence makes up the majority of gun homicides in the United States. Black and Latino populations account for more than 75% of gun homicide victims in the United States, despite comprising of less than one-third of the population (Johns Hopkins Bloomberg School of Public Health). Of these groups, Black and Brown men are the most affected. While community gun violence has historically been addressed through law enforcement, the past few years has seen a rise in recognition of CVI programs as a way to break the cycle of community gun violence by addressing their root causes: lack of economic opportunities and social services, concentrated poverty, and a history of underinvestment and exclusionary policies such as redlining (Johns Hopkins Bloomberg School of Public Health). The 2022 Bipartisan Safer Communities Act has allocated \$250 million in funding as of June 2024 to CVI programs; since then, homicides have been reduced by up to 60% in areas implemented (White House Office of Gun Violence Prevention 2024), and individual cities have seen reductions in violent crime arrests of up to 73% (CVI Action Plan 2024). It is important to keep in mind that this reduction in violence can be in part attributed to the diminishing effect of the Covid-19's pandemic positive effect on gun violence rates, and there is no study to date that analyzes the efficacy of CVI while controlling for the pandemic. Nevertheless, various pre-Covid studies on the impact of CVI programs provide strong evidence of the efficacy of CVI programs. As an example, Operation Ceasefire in Boston, launched in 1996, has been determined to have reduced the youth homicide rate in Boston by 63% by 2001 (Braga et al., 2001). Overall, there is strong evidence that CVI programs are effective in reducing firearm violence (Braga et al., 2019).

While the human cost of community gun violence, and the lives that CVI programs save must always remain top of mind, it has also been shown that long-term implementation and investment in CVI programs yield significant financial savings through reduction in costs of violence-related injuries. A study over an eight-year period by Johns Hopkins Medicine found that the annual cost of treatment for those admitted in Emergency Departments with firearm-related injuries was \$2.8 billion. Of the 704,000 patients studied, over half were uninsured or self-paying, which often left hospitals to absorb the costs of these injuries (Boyle, 2022). Level-I Trauma Hospitals can contribute to lowering the rate of

community gun violence by implementing Hospital-Based Violence Intervention Programs (HVIPs). A study on a Baltimore hospital's Violence Intervention Program found, in which approximately half of patients admitted for violent injuries underwent the HVIP while the other half (the control group) were not, found that only 5% of patients that underwent the HVIP were re-hospitalized while 36% of those who did not, were hospitalized (Cooper et al., 2006). The study estimated \$598,000 in health care savings due to the reduction of hospitalizations.

Unfortunately, school safety has become a widespread concern. During the first eight months of 2025, there were a reported 146 school incidents in which a gun was either fired or brandished with the intent to fire (K-12 School Shooting Database 2026). This proposal addresses both safety outside of schools and safety inside schools to address preeminent concerns of parents and children. It is intended to be both proactive and reactive, aiming both to prevent violence and to react to violence in order to prevent further violence. The proposal also addresses non-gun-related forms of violence, especially domestic violence and suicide. Finally, it includes conflict resolution and de-escalation training and programs.

B. PROPOSED STATE POLICY

8.1. Definitions

- a. For the purposes of this legislation, “community violence” refers to interpersonal violence between unrelated individuals who may or may not know each other, generally occurring outside the home.
- b. For the purposes of this legislation, community violence intervention refers to an approach that uses evidence-informed strategies to reduce community violence through tailored community-centered initiatives that engages high-risk individuals and groups to disrupt cycles of violence.
- c. For the purposes of this legislation, Hospital-Based Violence Intervention Programs refers to programs based in a hospital setting that identify patients at risk of repeat injury due to community violence and serve trauma-informed care to said patients with the combined efforts of medical staff and trusted community-based partners. They fall under the CVI umbrella. There are four levels to the care provided in a Hospital-Based Violence Intervention Program:
 - i. The initial intervention at the emergency department or the hospital bedside
 - ii. Long-term community-based case management services in the months following the injury
 - iii. Follow up services that may include, but are not limited to linkages to community-based services, home visits, mentoring, crisis intervention, and long-term case management
 - iv. Addressing the social determinants of health and identifying and reducing risk factors for the patient, which may include but is not limited to substance misuse, chronic unemployment, and irresponsible firearm ownership, while promoting protective factors such as social support, job readiness, and educational attainment.

8.2 Violence as Public Safety and Health Crisis

- a. The legislature of the state declares that violence shall be recognized and addressed as a public safety and health crisis utilizing a public safety and health data-based approach.

8.3 School and Community Safety Commission

- a. The state shall create a School and Community Safety Commission, which shall be composed of representatives from: (1) law enforcement; (2) the Department of Public Health; (3) the Department of Education; (4) hospitals; and (5) community safety organizations. The Commission will have the responsibility to:
 - i. Identify target communities, towns and cities with high levels of interpersonal violence, as well as community violence intervention specialists, advocacy

- groups, and local government initiatives working on community violence intervention within these localities.
- ii. Coordinate and support the work of existing community violence intervention advocacy groups, specialists, and local government in target localities, including but not limited to:
 1. Create opportunities for specialists and advocates across the state to exchange experiences, discuss best practices, and facilitating inter-group collaborations.
 2. Provide logistical support in the recruitment and training of members of target communities to become community violence intervention specialists and organizers within their own communities.
 - a. If there is no existing process and curriculum for recruiting and training community violence intervention specialists and organizers within a target locality, the School and Community Safety Commission shall work with the locality's existing advocacy organizations and specialists, and/or the relevant local government official or department in the development of such a process and curriculum.
 3. Oversee the implementation of Hospital-Based Violence Intervention Programs and facilitating collaborations between hospitals and local community violence intervention organizations and specialists.
 4. Allocate funds and resources for CVI and HVIP programs implemented by its partner advocacy organization specialists within target localities and ensuring that the funds and resources are distributed in a manner reflective of the needs of the specific target localities and its advocates and specialists.
 5. Evaluate and develop educational or policy programs to reduce other forms of violence, including domestic violence and suicide, and to provide services to victims of these forms of violence.
 6. Provide technical support to grassroots organizations to assist them with obtaining funding from instate or out of state sources.
 7. Provide technical support and allocating funding for enhanced school safety and security based on the needs of the targeted local communities.
 8. Provide technical support and allocating funding for school-based behavioral threat assessment and intervention programs aimed at preventing school shootings.
 9. Develop, fund, and/or deliver conflict resolution, mediation, and de-escalation education, training, or programs.
 - b. The School and Community Safety Commission shall be created no more than six months from the enactment of this legislation.

- c. The School and Community Safety Commission shall be funded through allocating 5% of the revenue of existing sales taxes on firearms and ammunition. The Commission will decide how to allocate this revenue among CVI program, HVIP programs, school safety programs, and conflict resolution and mediation programs.

8.4 Hospital-Based Violence Intervention Programs

- a. Starting no later than one year from the enactment of this legislation, any hospital preparing a Community Health Needs Assessment shall include in the assessment a review of its Hospital-Based Violence Intervention Program (HVIP) or if it does not have such a program, a plan for implementing such a program. Any for-profit hospital that regularly treats patients with penetrating trauma and does not prepare a Community Health Needs Assessment shall submit to the Commission a plan for implementing an HVIP program.
 - i. The implementation of an HVIP program should be done in collaboration with the School and Community Safety Commission.
 - ii. In developing an HVIP program, a hospital shall identify community organizations that could serve as partners in the program and have the ability to provide post-hospitalization services.
 - iii. In developing an HVIP program, a hospital shall consult the “HAVI Standards & Indicators for Hospital-based Violence Intervention Programs” published by the Health Alliance for Violence Intervention.
- b. Hospital services delivered as part of an HVIP program shall be a service that is billable to Medicaid and public and private health insurance. The state shall mandate Medicaid and public and private health insurance coverage for community violence prevention services to an individual who has:
 - i. received medical treatment for an injury sustained as a result of an act of community violence, and;
 - ii. been referred by a certified or licensed health care provider or social services provider to receive community violence prevention services from a certified violence prevention professional, after such provider determines such beneficiary to be at elevated risk of a violent injury or retaliation resulting from another act of community violence.

8.5. Proper Use of Funding

- a. Organizations that receive state funding for CVI or HVIP programs may not use that funding for electioneering or for lobbying, advocating for, or promoting specific gun-related legislation.

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