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STOPGUNVIOLENCE

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Gun Violence Restraining Order

What is a Gun Violence Restraining Order (GVRO)?

In many of the recently publicized shootings, family members and intimate partners of the shooters see their loved ones engaging in dangerous behaviors and grow concerned about their risk of harming themselves or others – even before any violence occurs. Unfortunately there are few tools for family members to intervene during these periods of crisis. The Gun Violence Restraining Order offers family members and intimate partners a tool for temporarily disarming a loved one who is in crisis. By intervening to remove guns already possessed and prohibit new gun purchases, the GVRO creates safer circumstances for the family to seek treatment (e.g. for substance abuse, mental disorders) or engage other resources to address the underlying causes of the dangerous behaviors.

The GVRO is based on the long-standing infrastructure and procedures of Domestic Violence Restraining Orders in place in all 50 states, and would involve a court hearing and clearly defined due process protections.

Why is it needed?

There is currently no mechanism to restrict firearm access on a case-by-case basis when no crime has been committed or an individual does not meet the criteria for an involuntary civil commitment for mental health treatment. Even law enforcement have limited options when responding to family members' calls for help when they are concerned about their loved one's risk of committing violence.

A Gun Violence Restraining Order offers family members and intimate partners a judicial pathway for temporarily removing firearms and prohibiting future gun purchases for the duration of the Order.

How would it work?

A family member or intimate partner would request that the civil court in their jurisdiction issue a Gun Violence Restraining Order based on the facts they present through a formal, written application and at a hearing before a judge. This does not involve a criminal complaint. Specifically, the court process would include:

- Stage 1: An initial hearing in which a judge considers the information presented and assesses whether the person is at risk of harming himself or herself or someone else.

If issued, an ex-parte GVRO will be in effect for a short period of time. If the respondent does not own or possess firearms, he or she is temporarily prohibited from purchasing a



firearm. If the respondent does own or possess firearms, they must also surrender their guns for the duration of the order.

- Stage 2: Before the *ex parte* GVRO expires, a subsequent hearing will take place with both the petitioner (family member or intimate partner) and respondent (person identified as dangerous) present to address the charge of dangerousness.

If after the hearing the court determines the respondent is dangerous, the order prohibiting the purchase and possession of firearms will be extended for up to one year.

Law enforcement officers routinely serve restraining orders. Efforts to assure they are trained and well-versed in communicating with respondents to assure safe compliance with the firearm surrender mandate is important. Firearms surrendered in conjunction with GVRO service may be held by law enforcement, sold to a federally licensed firearm dealer, or held by a federally licensed firearm dealer. If at the expiration of the order the respondent is not otherwise prohibited from purchasing a gun and a new GVRO has not been issued, all firearms will be returned.

What needs to happen in order for GVROs to be available?

Authority to issue Gun Violence Restraining Orders must be created through state law. States have the infrastructure in place to support restraining order applications, hearings, and service. Gun Violence Restraining Orders (GVROs) can be added to this infrastructure, creating new civil process. Resources to assure that firearms are surrendered and new firearm purchases prohibited through the GVRO process are critical.