

## CO-SPONSORSHIP MEMORANDUM

**TO:** All Legislators

**FROM:** Senators Lena Taylor, Melissa Agard, LaTonya Johnson, Jon Erpenbach, Kelda Roys, Chris Larson, Tim Carpenter, Jeff Smith

Representatives Deb Andraca, Dianne Hesselbein, Sue Conley, Francesca Hong, Jimmy Anderson, Gary Hebl, Lee Snodgrass, Samba Baldeh, Christine Sinicki, Sara Rodriguez, SONDY POPE, Jodi Emerson, Sylvia Ortiz-Velez, Greta Neubauer, Jill Billings, Jonathan Brostoff, Mark Spreitzer, Kristina Shelton, Evan Goyke, David Bowen, Tod Ohnstad, Robyn Vining, Dave Considine

**DATE:** September 23, 2021

**RE:** Co-Sponsorship of LRB-3007/1, relating to: Extreme Risk Temporary Protection Orders

**DEADLINE:** Friday, October 1, 2021 at 3:00pm

A person who displays clear warning signs that he or she is considering suicide or engaging in a violent act may legally buy and possess firearms unless he or she falls into several categories of prohibited persons, such as felons. **In 56% of mass shootings and many instances of suicide, dangerous warning signs were exhibited beforehand – but in Wisconsin there is no legal remedy to take action before it is too late.**

Extreme Risk Protection Orders (ERPO) empower law enforcement and family members to save lives while ensuring robust due process provisions, providing harsh penalties\*\* for fraudulent claims, and upholding our Second Amendment rights. ERPOs are already saving lives in 19 other red and blue states, including Florida, Indiana, and Colorado. [Connecticut](#) has seen a 14% reduction in firearm suicide rates after the implementation of ERPO legislation, while [Indiana](#) has seen a 7.5% reduction. With the alarming increase of suicide rates here in Wisconsin, it is imperative that our state take action.

Polling has shown time and time again that [at least 80%](#) of Wisconsinites, including a majority of gun owners, consistently support ERPO laws. Nationally ERPO legislation has gained wide bipartisan support, with proponents ranging from [a coalition of bipartisan lawmakers](#), to [doctors](#), [social workers](#), and [business owners](#).

LRB-3007/1 creates an extreme risk protection order (ERPO) in Wisconsin that mirrors existing temporary restraining order (TRO) and injunction processes, such as the domestic abuse injunction process, affording families and law enforcement officers the opportunity to act when they believe someone is at risk of harming themselves or others. Under the ERPO process, if a person is likely to injure themselves or another person, a family member or law enforcement officer may petition to **temporarily** prevent the person from possessing a firearm.

A court would issue the TRO and subsequent injunction based on findings that the respondent is substantially likely to injure themselves or another person. Under LRB-3007/1, an ERPO injunction would be in place for up to one year, and could be extended by petition for periods if the court believes the person continues to be at risk for injuring themselves or another person.

Firearm surrender and purchase/possession prohibition is not a new concept in Wisconsin. Indeed, under current law, persons against whom a domestic abuse or child abuse injunction has been granted are subject to *automatic* firearm surrender and are prohibited from purchasing or possessing a firearm. LRB-3007/1's ERPO process largely mirrors these existing firearm surrender and purchase/possession prohibitions, while taking into account the unique nature of each potential ERPO situation.

**\*\*Note:** a person who files a petition for an extreme risk protection injunction, knowing the information in the petition to be false, is guilty of the crime of false swearing, a Class H felony.

If you would like to co-sponsor LRB-3007/1, please contact Senator Taylor's office at 266-5810 or Representative Andraca's office at 266-0486, or simply by reply to this email by **3:00 p.m. on October 1st**

*Analysis by the Legislative Reference Bureau*

*Under current law, a person is prohibited from possessing a firearm, and must surrender all firearms, if the person is subject to a domestic abuse injunction, a child abuse injunction, or, in certain cases, a harassment or an individual's-at-risk injunction. If a person surrenders a firearm because the person is subject to one of those injunctions, the firearm may not be returned to the person until a court determines that the injunction has been vacated or has expired and that the person is not otherwise prohibited from possessing a firearm. A person who is prohibited from possessing a firearm under such an injunction is guilty of a Class G felony for violating the prohibition.*

*This bill creates an extreme risk protection temporary restraining order and injunction to prohibit a person from possessing a firearm. Under the bill, either a law enforcement officer or a family or household member of the person may file a petition with a court to request an extreme risk protection injunction. The petition must allege facts that show that the person is substantially likely to injure himself or herself or another if the person possesses a firearm.*

***You can read the full analysis in the bill draft (attached)***