

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2377
OFFERED BY M . _____**

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Federal Extreme Risk
3 Protection Order Act of 2021”.

4 SEC. 2. FEDERAL EXTREME RISK PROTECTION ORDERS.

5 (a) IN GENERAL.—Chapter 44 of title 18, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “§ 932. Extreme risk protection orders

9 “(a) DEFINITIONS.—In this section—

10 “(1) the term ‘court’ means a district court of
11 the United States;

12 “(2) the term ‘designated law enforcement offi-
13 cer’ means a law enforcement officer, designated by
14 a United States marshal, who agrees to receive fire-
15 arms, ammunition, and permits, as applicable, sur-
16 rendered under subsection (f);

1 “(3) the term ‘Director’ means the Director of
2 the Administrative Office of the United States
3 Courts;

4 “(4) the term ‘ex parte Federal extreme risk
5 protection order’ or ‘ex parte Federal order’ means
6 a Federal extreme risk protection order issued under
7 subsection (c);

8 “(5) the term ‘Federal extreme risk protection
9 order’ means an order issued by a Federal court
10 that enjoins an individual from purchasing, pos-
11 sessed, or receiving, in or affecting interstate and
12 foreign commerce, a firearm or ammunition;

13 “(6) the term ‘family or household member’,
14 with respect to a Federal order respondent, means
15 any—

16 “(A) parent, spouse, sibling, or child re-
17 lated by blood, marriage, or adoption to the re-
18 spondent;

19 “(B) dating partner of the respondent;

20 “(C) individual who has a child in common
21 with the respondent, regardless of whether the
22 individual has—

23 “(i) been married to the respondent;

24 or

1 “(ii) lived together with the respond-
2 ent at any time;

3 “(D) individual who resides or has resided
4 with the respondent during the past year;

5 “(E) domestic partner of the respondent;

6 “(F) individual who has a legal parent-
7 child relationship with the respondent, including
8 a stepparent-stepchild and grandparent-grand-
9 child relationship; and

10 “(G) individual who is acting or has acted
11 as the legal guardian of the respondent;

12 “(7) the term ‘Federal order petitioner’ means
13 an individual authorized to petition for an ex parte
14 or long-term Federal extreme risk protection order
15 under subsection (b)(1);

16 “(8) the term ‘Federal order respondent’ means
17 an individual named in the petition for an ex parte
18 or long-term Federal extreme risk protection order
19 or subject to an ex parte or long-term Federal ex-
20 treme risk protection order;

21 “(9) the term ‘long-term Federal extreme risk
22 protection order’ or ‘long-term Federal order’ means
23 a Federal extreme risk protection order issued under
24 subsection (d);

1 “(10) the term ‘mental health agency’ means
2 an agency of a State, Tribal, or local government or
3 its contracted agency that is responsible for mental
4 health services or co-occurring mental health and
5 substance abuse services; and

6 “(11) the term ‘national instant criminal back-
7 ground check system’ means the national instant
8 criminal background check system established under
9 section 103 of the Brady Handgun Violence Preven-
10 tion Act (34 U.S.C. 40901).

11 “(b) PETITION.—

12 “(1) IN GENERAL.—A family or household
13 member of the applicable individual, or a law en-
14 forcement officer, may submit to an appropriate dis-
15 trict court of the United States a petition requesting
16 that the court issue an ex parte Federal extreme
17 risk protection order or long-term Federal extreme
18 risk protection order with respect to an individual.

19 “(2) NO FEES.—A court or law enforcement
20 agency may not charge a petitioner or respondent
21 any fee for—

22 “(A) filing, issuing, serving, or reporting
23 an extreme risk protection order;

24 “(B) a petition for an extreme risk protec-
25 tion order or any pleading, subpoena, warrant,

1 or motion in connection with an extreme risk
2 protection order; or

3 “(C) any order or order to show cause nec-
4 essary to obtain or give effect to this section.

5 “(3) CONFIDENTIALITY.—A Federal order peti-
6 tioner who is a law enforcement officer may provide
7 the identity of the petitioner’s sources, and any iden-
8 tifying information, to the court under seal.

9 “(c) EX PARTE ORDERS.—

10 “(1) TIMING.—

11 “(A) IN GENERAL.—Except as provided in
12 subparagraph (B), a court that receives a peti-
13 tion for an ex parte Federal order under sub-
14 section (b) shall grant or deny the petition on
15 the date on which the petition is submitted.

16 “(B) LATE PETITIONS.—If a court receives
17 a petition for an ex parte Federal order sub-
18 mitted under subsection (b) too late in the day
19 to permit effective review, the court shall grant
20 or deny the petition on the next day of judicial
21 business at a time early enough to permit the
22 court to file an order with the clerk of the court
23 during that day.

24 “(2) EVIDENCE REQUIRED.—Before issuing an
25 ex parte Federal order, a court shall require that the

1 petitioner for such order submit a signed affidavit,
2 sworn to before the court, that—

3 “(A) explains why such petitioner believes
4 that the Federal order respondent poses a risk
5 of imminent personal injury to self or another
6 individual, by purchasing, possessing, or receiv-
7 ing a firearm or ammunition; and

8 “(B) describes the interactions and con-
9 versations of the petitioner with—

10 “(i) the respondent; or

11 “(ii) another individual, if such peti-
12 tioner believes that information obtained
13 from that individual is credible and reli-
14 able.

15 “(3) STANDARD FOR ISSUANCE OF ORDER.—A
16 court may issue an ex parte Federal order only upon
17 a finding of probable cause to believe that—

18 “(A) the Federal order respondent poses a
19 risk of imminent personal injury to self or an-
20 other individual, by purchasing, possessing, or
21 receiving a firearm or ammunition; and

22 “(B) the order is necessary to prevent the
23 injury described in subparagraph (A).

24 “(4) DURATION.—An ex parte Federal order
25 shall expire on the earlier of—

1 “(A) the date that is 14 days after the
2 date of issuance; or

3 “(B) the date on which the court deter-
4 mines whether to issue a long-term Federal
5 order with respect to the respondent.

6 “(d) LONG-TERM FEDERAL ORDERS.—

7 “(1) HEARING REQUIRED.—If a court receives
8 a petition for a long-term Federal extreme risk pro-
9 tection order for a respondent under subsection (b),
10 the court shall hold a hearing to determine whether
11 to issue a long-term Federal order with respect to
12 the respondent either—

13 “(A)(i) if the court issues an ex parte
14 order with respect to the respondent, not later
15 than 72 hours after the ex parte order is served
16 on the respondent; or

17 “(ii) if the respondent waives the right to
18 a hearing within the 72-hour period under
19 clause (i), or the court does not issue an ex
20 parte order, within 14 days after the date on
21 which the court receives the petition; or

22 “(B) in no event later than 14 days after
23 the date on which the court receives the peti-
24 tion.

1 “(2) NOTICE AND OPPORTUNITY TO BE
2 HEARD.—

3 “(A) IN GENERAL.—The court shall pro-
4 vide the Federal order respondent with notice
5 and the opportunity to be heard at a hearing
6 under this subsection, sufficient to protect the
7 due process rights of the respondent.

8 “(B) RIGHT TO COUNSEL.—

9 “(i) IN GENERAL.—At a hearing
10 under this subsection, the Federal order
11 respondent may be represented by counsel
12 who is—

13 “(I) chosen by the respondent;
14 and

15 “(II) authorized to practice at
16 such a hearing.

17 “(ii) COURT-PROVIDED COUNSEL.—If
18 the Federal order respondent is financially
19 unable to obtain representation by counsel,
20 the court, at the request of the respondent,
21 shall ensure, to the extent practicable, that
22 the respondent is represented by an attor-
23 ney with respect to the petition.

1 “(3) BURDEN OF PROOF; STANDARD.—At a
2 hearing under this subsection, the Federal order pe-
3 titioner—

4 “(A) shall have the burden of proving all
5 material facts; and

6 “(B) shall be required to demonstrate, by
7 clear and convincing evidence, that—

8 “(i) the respondent to such order
9 poses a risk of personal injury to self or
10 another individual, during the period to be
11 covered by the proposed Federal extreme
12 risk protection order, by purchasing, pos-
13 sessing, or receiving a firearm or ammuni-
14 tion; and

15 “(ii) the order is necessary to prevent
16 the injury described in clause (i).

17 “(4) ISSUANCE.—Upon a showing of clear and
18 convincing evidence under paragraph (3), the court
19 shall issue a long-term Federal order with respect to
20 the respondent that shall be in effect for a period of
21 not more than 180 days.

22 “(5) DENIAL.—If the court finds that there is
23 not clear and convincing evidence to support the
24 issuance of a long-term Federal order, the court

1 shall dissolve any ex parte Federal order then in ef-
2 fect with respect to the respondent.

3 “(6) RENEWAL.—

4 “(A) NOTICE OF SCHEDULED EXPIRA-
5 TION.—Thirty days before the date on which a
6 long-term Federal order is scheduled to expire,
7 the court that issued the order shall—

8 “(i) notify the petitioner and the re-
9 spondent to such order that the order is
10 scheduled to expire; and

11 “(ii) advise the petitioner and the re-
12 spondent of the procedures for seeking a
13 renewal of the order under this paragraph.

14 “(B) PETITION.—If a family or household
15 member of the Federal order respondent, or a
16 law enforcement officer, believes that the condi-
17 tions under paragraph (3)(B) continue to apply
18 with respect to a respondent who is subject to
19 a long-term Federal order, the family or house-
20 hold member or law enforcement officer may
21 submit to the court that issued the order a peti-
22 tion for a renewal of the order.

23 “(C) HEARING.—A court that receives a
24 petition submitted under subparagraph (B)
25 shall hold a hearing to determine whether to

1 issue a renewed long-term Federal order with
2 respect to the respondent.

3 “(D) APPLICABLE PROCEDURES.—The re-
4 quirements under paragraphs (2) through (5)
5 shall apply to the consideration of a petition for
6 a renewed long-term Federal order submitted
7 under subparagraph (B) of this paragraph.

8 “(E) ISSUANCE.—Upon a showing by clear
9 and convincing evidence that the conditions
10 under paragraph (3)(B) continue to apply with
11 respect to the respondent, the court shall issue
12 a renewed long-term Federal order with respect
13 to the respondent.

14 “(e) FACTORS TO CONSIDER.—In determining
15 whether to issue a Federal extreme risk protection order,
16 a court—

17 “(1) shall consider factors including—

18 “(A) a recent threat or act of violence by
19 the respondent directed toward another indi-
20 vidual;

21 “(B) a recent threat or act of violence by
22 the respondent directed toward self;

23 “(C) a recent act of cruelty to an animal
24 by the respondent; and

1 “(D) evidence of ongoing abuse of a con-
2 trolled substance or alcohol by the respondent
3 that has led to a threat or act of violence di-
4 rected to self or another individual; and

5 “(2) may consider other factors, including—

6 “(A) the reckless use, display, or bran-
7 dishing of a firearm by the respondent;

8 “(B) a history of violence or attempted vio-
9 lence by the respondent against another indi-
10 vidual; and

11 “(C) evidence of an explicit or implicit
12 threat made by the person through any medium
13 that demonstrate that the person poses a risk
14 of personal injury to self or another individual.

15 “(f) RELINQUISHMENT OF FIREARMS AND AMMUNI-
16 TION.—

17 “(1) ORDER OF SURRENDER.—Upon issuance
18 of an ex parte Federal order or long-term Federal
19 order, the court shall order the respondent to such
20 order to surrender all firearms and ammunition that
21 the respondent possesses or owns, in or affecting
22 interstate commerce, as well as any permit author-
23 izing the respondent to purchase or possess firearms
24 (including a concealed carry permit), to—

1 “(A) the United States Marshals Service;

2 or

3 “(B) a designated law enforcement officer.

4 “(2) SURRENDER AND REMOVAL.—

5 “(A) MANNER OF SERVICE.—

6 “(i) PERSONAL SERVICE.—Except as
7 provided in clause (ii), a United States
8 marshal or designated law enforcement of-
9 ficer shall serve a Federal extreme risk
10 protection order on a respondent by hand-
11 ling the order to the respondent to such
12 order.

13 “(ii) ALTERNATIVE SERVICE.—If the
14 respondent cannot reasonably be located
15 for service as described in clause (i), a
16 Federal extreme risk protection order may
17 be served on the respondent in any manner
18 authorized under the Federal Rules of
19 Civil Procedure.

20 “(B) REMOVAL.—Except as provided in
21 subparagraph (C), a United States marshal or
22 designated law enforcement officer serving a
23 Federal extreme risk protection order personally
24 on the respondent shall—

1 “(i) request that all firearms and am-
2 munition, in or affecting interstate com-
3 merce, as well as any permit authorizing
4 the respondent to purchase or possess fire-
5 arms (including a concealed carry permit),
6 that the respondent possesses or owns—

7 “(I) be immediately surrendered
8 to the United States marshal or des-
9 ignated law enforcement officer; or

10 “(II) at the option of the re-
11 spondent, be immediately surrendered
12 and sold to a federally licensed fire-
13 arms dealer; and

14 “(ii) take possession of all firearms
15 and ammunition described in clause (i)
16 that are not sold under subclause (II) of
17 that clause, as well as any permit de-
18 scribed in that clause, that are—

19 “(I) surrendered;

20 “(II) in plain sight; or

21 “(III) discovered pursuant to a
22 lawful search.

23 “(C) ALTERNATIVE SURRENDER.—If a
24 United States marshal or designated law en-
25 forcement officer is not able to personally serve

1 a Federal extreme risk protection order under
2 subparagraph (A)(i), or is not reasonably able
3 to take custody of the firearms, ammunition,
4 and permits under subparagraph (B), the re-
5 spondent shall surrender the firearms, ammuni-
6 tion, and permits in a safe manner to the con-
7 trol of a United States marshal or designated
8 law enforcement officer not later than 48 hours
9 after being served with the order.

10 “(3) RECEIPT.—

11 “(A) ISSUANCE.—At the time of surrender
12 or removal under paragraph (2), a United
13 States marshal or designated law enforcement
14 officer taking possession of a firearm, ammuni-
15 tion, or a permit pursuant to a Federal extreme
16 risk protection order shall—

17 “(i) issue a receipt identifying all fire-
18 arms, ammunition, and permits that have
19 been surrendered or removed; and

20 “(ii) provide a copy of the receipt
21 issued under clause (i) to the respondent
22 to such order.

23 “(B) FILING.—Not later than 72 hours
24 after issuance of a receipt under subparagraph
25 (A), the United States marshal who issued the

1 receipt or designated another law enforcement
2 officer to do so shall—

3 “(i) file the original receipt issued
4 under subparagraph (A) of this paragraph
5 with the court that issued the Federal ex-
6 treme risk protection order; and

7 “(ii) ensure that the United States
8 Marshals Service retains a copy of the re-
9 ceipt.

10 “(C) DESIGNATED LAW ENFORCEMENT
11 OFFICER.—If a designated law enforcement of-
12 ficer issues a receipt under subparagraph (A),
13 the officer shall submit the original receipt and
14 a copy of the receipt to the appropriate United
15 States marshal to enable the United States
16 marshal to comply with subparagraph (B).

17 “(4) FORFEITURE.—If a respondent knowingly
18 attempts, in violation of a Federal extreme risk pro-
19 tection order, to access a firearm, ammunition, or a
20 permit that was surrendered or removed under this
21 subsection, the firearm, ammunition, or permit shall
22 be subject to seizure and forfeiture under section
23 924(d).

24 “(g) RETURN OF FIREARMS AND AMMUNITION.—

1 “(1) NOTICE.—If a Federal extreme risk pro-
2 tection order is dissolved, or expires and is not re-
3 newed, the court that issued the order shall order
4 the United States Marshals Service to—

5 “(A) confirm, through the national instant
6 criminal background check system and any
7 other relevant law enforcement databases, that
8 the respondent to such order may lawfully own
9 and possess firearms and ammunition; and

10 “(B)(i) if the respondent may lawfully own
11 and possess firearms and ammunition, notify
12 the respondent that the respondent may re-
13 trieve each firearm, ammunition, or permit sur-
14 rendered by or removed from the respondent
15 under subsection (f); or

16 “(ii) if the respondent may not lawfully
17 own or possess firearms and ammunition, notify
18 the respondent that each firearm, ammunition,
19 or permit surrendered by or removed from the
20 respondent under subsection (f) will be returned
21 only when the respondent demonstrates to the
22 United States Marshals Service that the re-
23 spondent may lawfully own and possess fire-
24 arms and ammunition.

1 “(2) RETURN.—If a Federal extreme risk pro-
2 tection order is dissolved, or expires and is not re-
3 newed, and the United States Marshals Service con-
4 firms under paragraph (1)(A) that the respondent
5 may lawfully own and possess firearms and ammuni-
6 tion, the court that issued the order shall order the
7 entity that possesses each firearm, ammunition, or
8 permit surrendered by or removed from the respond-
9 ent under subsection (f) to return those items to the
10 respondent.

11 “(h) RETURN OF FIREARMS AND AMMUNITION IM-
12 PROPERLY RECEIVED.—If a court, in a hearing under
13 subsection (d), determines that a firearm or ammunition
14 surrendered by or removed from a respondent under sub-
15 section (f) is owned by an individual other than the re-
16 spondent, the court may order the United States marshal
17 or designated law enforcement officer in possession of the
18 firearm or ammunition to transfer the firearm or ammuni-
19 tion to that individual if—

20 “(1) the individual may lawfully own and pos-
21 sess firearms and ammunition; and

22 “(2) the individual will not provide the respond-
23 ent with access to the firearm or ammunition.

24 “(i) PENALTY FOR FALSE REPORTING OR FRIVO-
25 LOUS PETITIONS.—An individual who knowingly submits

1 materially false information to the court in a petition for
2 a Federal extreme risk protection order under this section,
3 or who knowingly files such a petition that is frivolous,
4 unreasonable, or without foundation, shall be fined not
5 more than \$5,000, or imprisoned not more than 5 years,
6 or both, except to the extent that a greater sentence is
7 otherwise provided by any other provision of law, as the
8 court deems necessary to deter such abuse of process.

9 “(j) MODEL POLICY.—

10 “(1) IN GENERAL.—The Director shall draft a
11 model policy to maximize the accessibility of Federal
12 extreme risk protection orders.

13 “(2) CONTENTS.—In drafting the model policy
14 under paragraph (1), the Director shall—

15 “(A) ensure that State, Tribal, and local
16 law enforcement officers and members of the
17 public without legal training are able to easily
18 file petitions for Federal extreme risk protection
19 orders;

20 “(B) prescribe outreach efforts by employ-
21 ees of the district courts of the United States
22 to familiarize relevant law enforcement officers
23 and the public with the procedures for filing pe-
24 titions, either—

25 “(i) through direct outreach; or

1 “(ii) in coordination with—
2 “(I) relevant officials in the execu-
3 tive or legislative branch of the Fed-
4 eral Government; or
5 “(II) with relevant State, Tribal,
6 and local officials;
7 “(C) prescribe policies for allowing the fil-
8 ing of petitions and prompt adjudication of pe-
9 titions on weekends and outside of normal court
10 hours;
11 “(D) prescribe policies for coordinating
12 with law enforcement agencies to ensure the
13 safe, timely, and effective service of Federal ex-
14 treme risk protection orders and relinquishment
15 of firearms, ammunition, and permits, as appli-
16 cable; and
17 “(E) identify governmental and non-gov-
18 ernmental resources and partners to help offi-
19 cials of the district courts of the United States
20 coordinate with civil society organizations to en-
21 sure the safe and effective implementation of
22 this section.
23 “(k) REPORTING.—
24 “(1) INDIVIDUAL REPORTS.—

1 “(A) IN GENERAL.—Not later than 2 court
2 days after the date on which a court issues or
3 dissolves a Federal extreme risk protection
4 order under this section or a Federal extreme
5 risk protection order expires without being re-
6 newed, the court shall notify—

7 “(i) the Attorney General;

8 “(ii) each relevant mental health
9 agency in the State in which the order is
10 issued; and

11 “(iii) State and local law enforcement
12 officials in the jurisdiction in which the
13 order is issued, including the national in-
14 stant criminal background check system
15 single point of contact for the State of res-
16 idence of the respondent, where applicable.

17 “(B) FORMAT.—A court shall submit a no-
18 tice under subparagraph (A) in an electronic
19 format, in a manner prescribed by the Attorney
20 General.

21 “(C) UPDATE OF DATABASES.—As soon as
22 practicable and not later than 5 days after re-
23 ceiving a notice under subparagraph (A), the
24 Attorney General shall update the background
25 check databases of the Attorney General to re-

1 flect the prohibitions articulated in the applica-
2 ble Federal extreme risk protection order.

3 “(2) ANNUAL REPORTS.—Not later than 1 year
4 after the date of enactment of the Federal Extreme
5 Risk Protection Order Act of 2021, and annually
6 thereafter, the Director shall submit to the Com-
7 mittee on the Judiciary of the Senate and the Com-
8 mittee on the Judiciary of the House of Representa-
9 tives a report that includes, with respect to the pre-
10 ceding year—

11 “(A) the number of petitions for ex parte
12 Federal orders filed, as well as the number of
13 such orders issued and the number denied,
14 disaggregated by—

15 “(i) the jurisdiction;

16 “(ii) whether the individual authorized
17 under subsection (b) to petition for a Fed-
18 eral extreme risk protection order is a law
19 enforcement officer, or a family or house-
20 hold member, and in the case of a family
21 or household member, which of subpara-
22 graphs (A) through (G) of subsection
23 (a)(6) describes the relationship;

24 “(iii) the alleged danger posed by the
25 Federal order respondent, including wheth-

1 er the danger involved a risk of suicide,
2 unintentional injury, domestic violence, or
3 other interpersonal violence;

4 “(B) the number of petitions for long-term
5 Federal orders filed, as well as the number of
6 such orders issued and the number denied,
7 disaggregated by—

8 “(i) the jurisdiction;

9 “(ii) whether the individual authorized
10 under subsection (b) to petition for a Fed-
11 eral extreme risk protection order is a law
12 enforcement officer, or a family or house-
13 hold member, and in the case of a family
14 or household member, which of subpara-
15 graphs (A) through (G) of subsection
16 (a)(6) describes the relationship; and

17 “(iii) the alleged danger posed by the
18 Federal order respondent, including wheth-
19 er the danger involved a risk of suicide,
20 unintentional injury, domestic violence, or
21 other interpersonal violence;

22 “(C) the number of petitions for renewals
23 of long-term Federal orders filed, as well as the
24 number of such orders issued and the number
25 denied;

1 “(D) the number of cases in which a court
2 has issued a penalty for false reporting or frivo-
3 lous petitions;

4 “(E) demographic data of Federal order
5 petitioners, including race, ethnicity, national
6 origin, sex, gender, age, disability, and English
7 language proficiency, if available;

8 “(F) demographic data of Federal order
9 respondents, including race, ethnicity, national
10 origin, sex, gender, age, disability, and English
11 language proficiency, if available; and

12 “(G) the total number of firearms removed
13 pursuant to Federal extreme risk protection or-
14 ders, and, if available, the number of firearms
15 removed pursuant to each such order.

16 “(I) TRAINING FOR FEDERAL LAW ENFORCEMENT
17 OFFICERS.—

18 “(1) TRAINING REQUIREMENTS.—The head of
19 each Federal law enforcement agency shall require
20 each Federal law enforcement officer employed by
21 the agency to complete training in the safe, impar-
22 tial, effective, and equitable use and administration
23 of Federal extreme risk protection orders, including
24 training to address—

1 “(A) bias based on race and racism, eth-
2 nicity, gender, sexual orientation, gender iden-
3 tity, religion, language proficiency, mental
4 health condition, disability, and classism in the
5 use and administration of Federal extreme risk
6 protection orders;

7 “(B) the appropriate use of Federal ex-
8 treme risk protection orders in cases of domes-
9 tic violence, including the applicability of other
10 policies and protocols to address domestic vio-
11 lence in situations that may also involve Fed-
12 eral extreme risk protection orders and the ne-
13 cessity of safety planning with the victim before
14 law enforcement petitions for and executes a
15 Federal extreme risk protection order, if appli-
16 cable;

17 “(C) interacting with persons with mental,
18 behavioral, or physical disabilities, or emotional
19 distress, including de-escalation techniques and
20 crisis intervention;

21 “(D) training on community relations; and

22 “(E) best practices for referring persons
23 subject to Federal extreme risk protection or-
24 ders and associated victims of violence to social
25 service providers that may be available in the

1 jurisdiction and appropriate for those individ-
2 uals, including health care, mental health, sub-
3 stance abuse, and legal services, employment
4 and vocational services, housing assistance, case
5 management, and veterans and disability bene-
6 fits.

7 “(2) TRAINING DEVELOPMENT.—Federal law
8 enforcement agencies developing law enforcement
9 training required under this section shall seek advice
10 from domestic violence service providers (including
11 culturally specific (as defined in section 40002 of the
12 Violence Against Women Act of 1994 (34 U.S.C.
13 12291)) providers), social service providers, suicide
14 prevention advocates, violence intervention special-
15 ists, law enforcement agencies, mental health dis-
16 ability experts, and other community groups working
17 to reduce suicides and violence, including domestic
18 violence, within the State.

19 “(m) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion or shall be construed to alter the requirements of sub-
21 sections (d)(8) or (g)(8) of section 922, related to domes-
22 tic violence protective orders.”.

23 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) TABLE OF SECTIONS.—The table of sections
2 for chapter 44 of title 18, United States Code, is
3 amended by adding at the end the following:

“932. Federal extreme risk protection orders.”.

4 (2) FORFEITURE.—Section 924(d)(3) of title
5 18, United States Code, is amended—

6 (A) in subparagraph (E), by striking
7 “and” at the end;

8 (B) in subparagraph (F), by striking the
9 period at the end and inserting “; and”; and

10 (C) by adding at the end the following:

11 “(G) any attempt to violate a Federal ex-
12 treme risk protection order issued under section
13 932.”.

14 **SEC. 3. FEDERAL FIREARMS PROHIBITION.**

15 Section 922 of title 18, United States Code, is
16 amended—

17 (1) in subsection (d)—

18 (A) in paragraph (8)(B)(ii), by striking
19 “or” at the end;

20 (B) in paragraph (9), by striking the pe-
21 riod at the end and inserting “; or”; and

22 (C) by inserting after paragraph (9) the
23 following:

24 “(10) is subject to a court order that—

1 “(A)(i) was issued after a hearing of which
2 the person received actual notice, and at which
3 the person had an opportunity to participate; or

4 “(ii) in the case of an ex parte order, rel-
5 ative to which notice and opportunity to be
6 heard are provided—

7 “(I) within the time required by Fed-
8 eral, State, Tribal, or territorial law; and

9 “(II) in any event within a reasonable
10 time after the order is issued, sufficient to
11 protect the due process rights of the per-
12 son;

13 “(B) prevents such person from possessing
14 or receiving firearm; and

15 “(C) includes a finding that such person
16 poses a danger of harm to self or others.”; and
17 (2) in subsection (g)—

18 (A) in paragraph (8)(C)(ii), by striking
19 “or” at the end;

20 (B) in paragraph (9), by striking the
21 comma at the end and inserting “; or”; and

22 (C) by inserting after paragraph (9) the
23 following:

24 “(10) is subject to a court order that—

1 “(A)(i) was issued after a hearing of which
2 the person received actual notice, and at which
3 the person had an opportunity to participate; or

4 “(ii) in the case of an ex parte order, rel-
5 ative to which notice and opportunity to be
6 heard are provided—

7 “(I) within the time required by Fed-
8 eral, State, Tribal, or territorial law; and

9 “(II) in any event within a reasonable
10 time after the order is issued, sufficient to
11 protect the due process rights of the per-
12 son;

13 “(B) prevents such a person from pos-
14 sessing or receiving firearms; and

15 “(C) includes a finding that such person
16 poses a danger of harm to self or others.”.

17 **SEC. 4. SEVERABILITY.**

18 If any provision of this Act, or an amendment made
19 by this Act, or the application of such provision to any
20 person or circumstance, is held to be invalid, the remain-
21 der of this Act, or an amendment made by this Act, or
22 the application of such provision to other persons or cir-
23 cumstances, shall not be affected.

1 **SEC. 5. EFFECTIVE DATE.**

2 This Act and the amendments made by this Act shall
3 take effect on the date that is 180 days after the date
4 of enactment of this Act.

5 **SEC. 6. PREEMPTION.**

6 Nothing in this Act or an amendment made by this
7 Act shall be construed to preempt any State law or policy.

