AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1236
OFFERED BY MR. Nadler

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.
2 This Act may be cited as the “Extreme Risk Protection Order Act of 2019”.

4 SEC. 2. EXTREME RISK PROTECTION ORDER GRANT PROGRAM.

6 (a) DEFINITIONS.—In this section:
7
9 (A) a State or Indian Tribe—
10 (i) that enacts legislation described in
11 this section;
12 (ii) with respect to which the Attorney
13 General determines that the legislation de-
14 scribed in subsection (c) complies with the
15 requirements of this section; and
16 (iii) that certifies to the Attorney
17 General that the State or Indian Tribe
18 shall—
(I) use the grant for the purposes described in this section; and

(II) allocate not less than 25 percent of the amount received under a grant under this section for training for law enforcement; or

(B) a unit of local government or other public or private entity that—

(i) is located in a State or in the territory under the jurisdiction of an Indian Tribe that meets the requirements of subparagraph (A); and

(ii) certifies to the Attorney General that the unit of local government or entity shall—

(I) use the grant for the purposes described in this section; and

(II) allocate not less than 25 percent of the amount received under a grant under this section for training for law enforcement.

(2) Extreme risk protection order.—The term "extreme risk protection order" means a written order or warrant, issued by a State or tribal court or signed by a magistrate (or other com-
parable judicial officer), the primary purpose of
which is to reduce the risk of firearm-related death
or injury by doing one or more of the following:

(A) Prohibiting a named individual from
having under the custody or control of the indi-
vidual, owning, purchasing, possessing, or re-
ceiving a firearm.

(B) Having a firearm removed or requiring
the surrender of firearms from a named indi-
vidual.

(3) FIREARM.—The term "firearm" has the
meaning given the term in section 921 of title 18,
United States Code.

(4) INDIAN TRIBE.—The term "Indian Tribe"
has the meaning given the term "Indian tribe" in
section 1709 of the Public Safety and Community

(5) LAW ENFORCEMENT OFFICER.—The term
"law enforcement officer" means a public servant
authorized by State, local, or tribal law or by a
State, local, or tribal government agency to—

(A) engage in or supervise the prevention,
detection, investigation, or prosecution of an of-
fense; or

(B) supervise sentenced criminal offenders.
(6) **PETITIONER.**—The term "petitioner" means an individual authorized under State or tribal law to petition for an extreme risk protection order.

(7) **STATE.**—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

and

(D) any other territory or possession of the United States.

(8) **UNIT OF LOCAL GOVERNMENT.**—The term "unit of local government" has the meaning given the term in section 901 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251).

(b) **GRANT PROGRAM ESTABLISHED.**—

(1) **IN GENERAL.**—The Director of the Office of Community Oriented Policing Services of the Department of Justice shall establish a program under which, from amounts made available to carry out this section, the Director may make grants to eligible entities to assist in carrying out the provisions of the legislation described in this section.

(2) **USE OF FUNDS.**—Funds awarded under this section may be used by an applicant to—
(A) enhance the capacity of law enforcement agencies and the courts of a State, unit of local government, or Indian Tribe by providing personnel, training, technical assistance, data collection, and other resources to carry out legislation described in this section;

(B) train judges, court personnel, and law enforcement officers to more accurately identify individuals whose access to firearms poses a danger of causing harm to themselves or others by increasing the risk of firearms suicide or interpersonal violence;

(C) develop and implement law enforcement and court protocols, forms, and orders so that law enforcement agencies and the courts may carry out the provisions of the legislation described in this section in a safe and effective manner, including through the removal and storage of firearms pursuant to extreme risk protection orders under the legislation; and

(D) raise public awareness and understanding of the legislation described in this section so that extreme risk protection orders may be issued in appropriate situations to reduce the risk of firearms-related death and injury.
(3) APPLICATION.—An eligible entity desiring a grant under this section shall submit to the Attorney General an application at such time, in such manner, and containing or accompanied by such information as the Attorney General may reasonably require.

(4) INCENTIVES.—For each of fiscal years 2020 through 2024, the Attorney General shall give affirmative preference in awarding any discretionary grant awarded by the Office of Community Oriented Policing Services to a State or Indian Tribe that has enacted legislation described in this section.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

c) ELIGIBILITY FOR EXTREME RISK PROTECTION ORDER GRANT PROGRAM.—

(1) REQUIREMENTS.—Legislation described in this section is legislation that establishes requirements that are substantially similar to the following:

(A) APPLICATION FOR EXTREME RISK PROTECTION ORDER.—A petitioner, including a law enforcement officer, may submit an application to a State or tribal court, on a form de-
signed by the court or a State or tribal agency, that—

(i) describes the facts and circumstances justifying that an extreme risk protection order be issued against the named individual; and

(ii) is signed by the applicant, under oath.

(B) NOTICE AND DUE PROCESS.—The individual named in an application for an extreme risk protection order as described in subparagraph (A) shall be given written notice of the application and an opportunity to be heard on the matter in accordance with this section.

(C) ISSUANCE OF EXTREME RISK PROTECTION ORDERS.—

(i) HEARING.—

(I) IN GENERAL.—Upon receipt of an application described in subparagraph (A) or request of an individual named in such application, the court shall order a hearing to be held within a reasonable time, no longer than 30 days after the date of such application or request.
(II) DETERMINATION.—If the court finds by a preponderance of the evidence or a higher evidentiary standard established by a State that the respondent poses a danger of causing harm to himself, herself, or others by having access to a firearm, the court may issue an extreme risk protection order.

(ii) DURATION OF EXTREME RISK PROTECTION ORDER.—An extreme risk protection order shall be in effect—

(I) until an order terminating or superseding the order is issued; or

(II) for a set period of time.

(D) EX PARTE EXTREME RISK PROTECTION ORDERS.—

(i) IN GENERAL.—Upon receipt of an application described in subparagraph (A), the court may issue an ex parte extreme risk protection order, if—

(I) the application for an extreme risk protection order alleges that the respondent poses a danger of causing
harm to himself, herself, or others by having access to a firearm; and

(II) the court finds there is reasonable cause to believe, or makes a finding under such other, higher evidentiary standard as a State may establish, that the respondent poses a danger of causing harm to himself, herself, or others by having access to a firearm.

(ii) Duration of ex parte extreme risk protection order.—An ex parte extreme risk protection order shall remain in effect only until the hearing required under this section.

(E) Storage of removed firearms.—All firearms removed or surrendered pursuant to an extreme risk protection order shall be retained by a law enforcement officer or a law enforcement agency until the named individual regains his or her eligibility to possess firearms, except that the legislation may authorize a law enforcement agency to—

(i) contract with a manufacturer, dealer, or importer licensed under chapter
44 of title 18, United States Code, for the secure storage of firearms; and

(ii) transfer the firearm upon proof that the named individual will no longer have access to the firearm.

(F) NOTIFICATION.—

(i) IN GENERAL.—A State or tribal court that issues an extreme risk protection order shall notify the Attorney General or the comparable State or tribal agency, as applicable, of the order as soon as practicable or within a designated period of time. The notice shall be submitted in an electronic format, in a manner prescribed by the Attorney General or the comparable State or tribal agency.

(ii) UPDATE OF DATABASES.—As soon as is practicable or within a designated period of time after receiving a notification under clause (i), the Attorney General or the comparable State or tribal agency shall ensure the extreme risk protection order is reflected in the National Instant Criminal Background Check System.
(G) CONFIDENTIALITY PROTECTIONS.—All personally identifiable information provided to the court, the Department of Justice, and comparable State or tribal agencies shall be kept confidential, as required by the laws of the relevant jurisdiction, except as necessary to carry out this Act.

(2) ADDITIONAL PROVISIONS.—Legislation described in this subsection may—

(A) provide procedures for the termination of an extreme risk protection order;

(B) provide procedures for the renewal of an extreme risk protection order;

(C) establish burdens and standards of proof for issuance of orders described in this subsection that are substantially similar or higher than the burdens and standards of proof set forth in this subsection;

(D) limit the individuals who may submit an application described in this subsection, provided that, at a minimum, law enforcement officers are authorized to do so; and

(E) include other authorizations or requirements the State or tribal authorities deem appropriate.
SEC. 3. FEDERAL EXTREME RISK PROTECTION ORDERS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by adding at the end the following:

§ 932. Extreme risk protection orders

“(a) DEFINITIONS.—In this section:

“(1) The term ‘court’ means a district court of the United States.

“(2) The term ‘designated law enforcement officer’ means a law enforcement officer, designated by a United States marshal, who agrees to receive firearms, ammunition, and permit, as applicable, surrendered under subsection (f).

“(3) The term ‘Director’ means the Director of the Administrative Office of the United States Courts.

“(4) The term ‘ex parte extreme risk protection order’ or ‘ex parte order’ means an extreme risk protection order issued under subsection (c).

“(5) The term ‘extreme risk protection order’ means an order issued by a Federal court under this section, the primary purpose of which is to reduce the risk of firearm-related death or injury by enjoining an individual from purchasing, possessing, or receiving, in or affecting interstate and foreign commerce, a firearm or ammunition.
"(6) The term 'family or household member', with respect to a respondent, means any—

"(A) parent, spouse, sibling, or child related by blood, marriage, or adoption to the respondent;

"(B) dating partner of the respondent;

"(C) individual who has a child in common with the respondent, regardless of whether the individual has—

"(i) been married to the respondent;

or

"(ii) lived together with the respondent at any time;

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

"(E) domestic partner of the respondent;

"(F) individual who has a legal parent-child relationship with the respondent, including a stepparent-stepchild and grandparent-grandchild relationship; or

"(G) individual who is acting or has acted as the legal guardian of the respondent.

"(7) The term 'law enforcement officer' means any officer, agent, or employee of the Federal Government or a State government, unit of local govern-
ment, or Indian tribe (as defined in section 4 of the
Indian Self-Determination and Education Assistance
Act (25 U.S.C. 5304)) authorized—

“(A) by law or by a government agency to
engage in or supervise the prevention, detection,
or investigation of any violation of criminal law;
or

“(B) by law to supervise sentenced crimi-

nal offenders.

“(8) The term ‘long-term extreme risk protec-
tion order’ or ‘long-term order’ means an extreme
risk protection order issued under subsection (d).

“(9) The term ‘mental health agency’ means an
agency of a State, tribal, or local government or its
contracted agency that is responsible for mental
health services or co-occurring mental health and
substance abuse services.

“(10) The term ‘national instant criminal back-
ground check system’ means the national instant
criminal background check system established under
section 103 of the Brady Handgun Violence Preven-

“(b) PETITION.—

“(1) IN GENERAL.—A family or household
member of the applicable individual, or a law en-
enforcement officer, may submit to an appropriate dis-

tinct court of the United States a petition requesting

that the court issue an ex parte extreme risk protec-
tion order or long-term extreme risk protection order

with respect to an individual.

“(2) NO FEES.—A court may not charge a peti-
tioner any fee for filing a petition under paragraph

(1).

“(3) CONFIDENTIALITY.—A petitioner who is a

law enforcement officer may provide the identity of

the sources of the petitioner, and any identifying in-

formation, to the court under seal.

“(e) EX PARTE ORDERS.—

“(1) TIMING.—

“(A) IN GENERAL.—Except as provided in

subparagraph (B), a court that receives a peti-
tion for an ex parte order under subsection (b)

shall grant or deny the petition on the date on

which the petition is submitted.

“(B) LATE PETITIONS.—If a court receives

a petition for an ex parte order submitted

under subsection (b) too late in the day to per-

mit effective review, the court shall grant or
deny the petition on the next day of judicial

business at a time early enough to permit the
court to file an order with the clerk of the court
during that day.

"(2) EVIDENCE REQUIRED.—Before issuing an
ex parte order, a court shall require that the peti-
tioner submit a signed affidavit, sworn to before the
court, that—

"(A) explains why the petitioner believes
that the respondent poses a risk of imminent
personal injury to himself or herself, or another
individual, by purchasing, possessing, or receiv-
ing a firearm or ammunition; and

"(B) describes the interactions and con-
versations of the petitioner with—

"(i) the respondent; or

"(ii) another individual, if the peti-
tioner believes that information obtained
from that individual is credible and reli-
able.

"(3) STANDARD FOR ISSUANCE OF ORDER.—A
court may issue an ex parte order only upon a find-
ing of probable cause to believe that—

"(A) the respondent poses a risk of immi-
nent personal injury to himself or herself, or
another individual, by purchasing, possessing,
or receiving a firearm or ammunition; and
“(B) the order is necessary to prevent the
injury described in subparagraph (A).

“(4) DURATION.—An ex parte order shall ex-
pire on the earlier of—

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

“(B) the date on which the court deter-
dines whether to issue a long-term order with
respect to the respondent.

“(d) LONG-TERM ORDERS.—

“(1) HEARING REQUIRED.—If a court receives
a petition for an extreme risk protection order for a
respondent under subsection (b), the court shall hold
a hearing to determine whether to issue a long-term
order with respect to the respondent either—

“(A)(i) except as provided in clause (ii),
not later than 72 hours after the court issues
an ex parte order with respect to the respond-
ent; or

“(ii) if the court issues an ex parte order
with respect to the respondent but the order is
not served on the respondent within 72 hours of
the issuance, not later than 72 hours after the
order is served on the respondent; or
“(B) if the respondent waives the right to a hearing under subparagraph (A) or the court does not issue an ex parte order, not later than 14 days after the date on which the court receives the petition.

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

“(A) IN GENERAL.—The court shall provide the respondent with notice and the opportunity to be heard at a hearing under this subsection, sufficient to protect the due process rights of the respondent.

“(B) RIGHT TO COUNSEL.—

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

“(I) chosen by the respondent; and

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

“(ii) COURT-PROVIDED COUNSEL.—If the respondent is financially unable to obtain representation by counsel, the court, at the request of the respondent, may appoint counsel to represent the respondent
in proceedings under this subsection. If the Court appoints counsel for the respondent pursuant to this subparagraph, the court shall provide reasonable compensation and payment of expenses.

“(3) BURDEN OF PROOF; STANDARD.—At a hearing under this subsection, the petitioner—

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

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

“(i) the respondent poses a risk of personal injury to himself or herself, or another individual, during the period to be covered by the proposed extreme risk protection order, by purchasing, possessing, or receiving a firearm or ammunition; and

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

“(4) ISSUANCE.—Upon a showing of clear and convincing evidence under paragraph (3), the court shall issue a long-term order with respect to the respondent that shall be in effect for a period of not more than 180 days.
"(5) DENIAL.—If the court finds that there is not clear and convincing evidence to support the issuance of a long-term order, the court shall dissolve any ex parte order then in effect with respect to the respondent.

"(6) RENEWAL.—

"(A) NOTICE OF SCHEDULED EXPIRATION.—Thirty days before the date on which a long-term order is scheduled to expire, the court that issued the order shall—

"(i) notify the petitioner and the respondent that the order is scheduled to expire; and

"(ii) advise the petitioner and the respondent of the procedures for seeking a renewal of the order under this paragraph.

"(B) PETITION.—If a family or household member of the respondent, or a law enforcement officer, believes that the conditions under paragraph (3)(B) continue to apply with respect to a respondent who is subject to a long-term order, the family or household member or law enforcement officer may submit to the court that issued the order a petition for a renewal of the order.
“(C) HEARING.—A court that receives a petition submitted under subparagraph (B) shall hold a hearing to determine whether to issue a renewed long-term order with respect to the respondent.

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

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

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

“(1) shall consider factors including—

“(A) recent threats or acts of violence by the respondent directed toward other individuals;
“(B) recent threats or acts of violence by the respondent directed toward himself or herself;

“(C) recent acts of cruelty to animals by the respondent; and

“(D) evidence of ongoing abuse of controlled substances or alcohol by the respondent that has led to threats or acts of violence directed toward himself, herself, or other individuals; and

“(2) may consider other factors, including—

“(A) the reckless use, display, or brandishing of a firearm by the respondent;

“(B) a history of violence or attempted violence by the respondent against other individuals; and

“(C) evidence of explicit or implicit threats made by the person through any medium that demonstrate that the person poses a risk of personal injury to himself, herself, or others.

“(f) RELINQUISHMENT OF FIREARMS AND AMMUNITION.—

“(1) ORDER OF SURRENDER.—Upon issuance of an ex parte order or long-term order, the court shall order the respondent to surrender all firearms
and ammunition that the respondent possesses or 
owns, in or affecting interstate commerce, as well as 
any permit authorizing the respondent to purchase 
or possess firearms (including a concealed carry per-
mit), to—

“(A) the United States Marshals Service;

or

“(B) a designated law enforcement officer.

“(2) SURRENDER AND REMOVAL.—

“(A) MANNER OF SERVICE.—

“(i) PERSONAL SERVICE.—Except as 
provided in clause (ii), a United States 
marshal or designated law enforcement of-
fer shall serve an extreme risk protection 
order on a respondent by handing the 
order to the respondent.

“(ii) ALTERNATIVE SERVICE.—If the 
respondent cannot reasonably be located 
for service as described in clause (i), an ex-
treme risk protection order may be served 
on the respondent in any manner author-
ized under the Federal Rules of Civil Pro-
cedure.

“(B) REMOVAL.—Except as provided in 
paragraph (C), a United States marshal or
designated law enforcement officer serving an extreme risk protection order personally on the respondent shall—

“(i) request that all firearms and ammunition, in or affecting interstate commerce, as well as any permit authorizing the respondent to purchase or possess firearms (including a concealed carry permit), that the respondent possesses or owns—

“(I) be immediately surrendered to the United States marshal or designated law enforcement officer; or

“(II) at the option of the respondent, be immediately surrendered and sold to a federally licensed firearms dealer; and

“(ii) take possession of all firearms and ammunition described in clause (i) that are not sold under subclause (II) of that clause, as well as any permit described in that clause, that are—

“(I) surrendered;

“(II) in plain sight; or

“(III) discovered pursuant to a lawful search.
"(C) ALTERNATIVE SURRENDER.—If a United States marshal or designated law enforcement officer is not able to personally serve an extreme risk protection order under subparagraph (A)(i), or is not reasonably able to take custody of the firearms, ammunition, and permits under subparagraph (B), the respondent shall surrender the firearms, ammunition, and permits in a safe manner to the control of a United States marshal or designated law enforcement officer not later than 48 hours after being served with the order.

"(3) RECEIPT.—

"(A) ISSUANCE.—At the time of surrender or removal under paragraph (2), a United States marshal or designated law enforcement officer taking possession of a firearm, ammunition, or a permit pursuant to an extreme risk protection order shall—

"(i) issue a receipt identifying all firearms, ammunition, and permits that have been surrendered or removed; and

"(ii) provide a copy of the receipt issued under clause (i) to the respondent.
“(B) FILING.—Not later than 72 hours after service of an order under paragraph (2)(A), the United States marshal who served the order or designated another law enforcement officer to do so shall—

“(i) file the original receipt issued under subparagraph (A) of this paragraph with the court that issued the extreme risk protection order; and

“(ii) ensure that the United States Marshals Service retains a copy of the receipt.

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

“(4) FORFEITURE.—If a respondent knowingly attempts, in violation of an extreme risk protection order, to access a firearm, ammunition, or a permit that was surrendered or removed under this subsection, the firearm, ammunition, or permit shall be
subject to seizure and forfeiture under section 924(d).

"(g) RETURN OF FIREARMS AND AMMUNITION.—

“(1) NOTICE.—If an extreme risk protection order is dissolved, or expires and is not renewed, the court that issued the order shall order the United States Marshals Service to—

“(A) confirm, through the national instant criminal background check system and any other relevant law enforcement databases, that the respondent may lawfully own and possess firearms and ammunition; and

“(B)(i) if the respondent may lawfully own and possess firearms and ammunition, notify the respondent that the respondent may retrieve each firearm, ammunition, or permit surrendered by or removed from the respondent under subsection (f); or

“(ii) if the respondent may not lawfully own or possess firearms and ammunition, notify the respondent that each firearm, ammunition, or permit surrendered by or removed from the respondent under subsection (f) will be returned only when the respondent demonstrates to the United States Marshals Service that the re-
respondent may lawfully own and possess firearms and ammunition.

"(2) RETURN.—If an extreme risk protection order is dissolved, or expires and is not renewed, and the United States Marshals Service confirms under paragraph (1)(A) that the respondent may lawfully own and possess firearms and ammunition, the court that issued the order shall order the entity that possesses each firearm, ammunition, or permit surrendered by or removed from the respondent under subsection (f) to return those items to the respondent.

"(h) RETURN OF FIREARMS AND AMMUNITION IMPROPERLY RECEIVED.—If a court, in a hearing under subsection (d), determines that a firearm or ammunition surrendered by or removed from a respondent under subsection (f) is owned by an individual other than the respondent, the court may order the United States marshal or designated law enforcement officer in possession of the firearm or ammunition to transfer the firearm or ammunition to that individual if—

"(1) the individual may lawfully own and possess firearms and ammunition; and

"(2) the individual will not provide the respondent with access to the firearm or ammunition.
“(i) Penalty for False Reporting or Frivolous Petitions.—An individual who knowingly submits materially false information to the court in a petition for an extreme risk protection order under this section, or who knowingly files such a petition that is frivolous, unreasonable, or without foundation, shall be fined not less than $1,000, in addition to any other penalty authorized by law, as the court deems necessary to deter such abuse of process.

“(j) Model Policy.—

“(1) In General.—The Director shall draft a model policy to maximize the accessibility of extreme risk protection orders.

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

“A ensure that State and local law enforcement officers and members of the public without legal training are able to easily file petitions for extreme risk protection orders;

“(B) prescribe outreach efforts by employees of the district courts of the United States to familiarize relevant law enforcement officers and the public with the procedures for filing petitions, either—

“(i) through direct outreach; or
“(ii) in coordination with—

“(I) relevant officials in the executive or legislative branch of the Federal Government; or

“(II) with State and local officials;

“(C) prescribe policies for allowing the filing of petitions and prompt adjudication of petitions on weekends and outside of normal court hours;

“(D) prescribe policies for coordinating with law enforcement agencies to ensure the safe, timely, and effective service of extreme risk protection orders and relinquishment of firearms, ammunition, and permits, as applicable; and

“(E) identify governmental and non-governmental resources and partners to help officials of the district courts of the United States coordinate with civil society organizations to ensure the safe and effective implementation of this section.

“(k) REPORTING.—

“(1) INDIVIDUAL REPORTS.—
"(A) In general.—Not later than 2 court
days after the date on which a court issues or
dissolves an extreme risk protection order under
this section or an extreme risk protection order
expires without being renewed, the court shall
notify—

"(i) the Attorney General;

"(ii) each relevant mental health
agency in the State in which the order is
issued; and

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

"(B) Format.—A court shall submit a no-
tice under subparagraph (A) in an electronic
format, in a manner prescribed by the Attorney
General.

"(C) Update of databases.—As soon as
practicable and not later than 5 days after re-
ceiving a notice under subparagraph (A), the
Attorney General shall update the background
check databases of the Attorney General to re-
fleet the prohibitions articulated in the applicable extreme risk protection order.

"(2) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of the Extreme Risk Protection Order Act of 2019, and annually thereafter, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that includes, with respect to the preceding year—

"(A) the number of petitions for ex parte orders filed, as well as the number of such orders issued and the number denied;

"(B) the number of petitions for long-term orders filed, as well as the number of such orders issued and the number denied;

"(C) the number of petitions for renewals of long-term orders filed, as well as the number of such orders issued and the number denied; and

"(D) the number of cases in which a court has issued a penalty for false reporting or frivolous petitions.
“(l) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

“(m) Rule of Construction.—Nothing in this section or an amendment made to this section shall be construed to alter the requirements of subsections (d)(8) or (g)(8) of section 922, related to domestic violence protective orders”.

(b) Technical and Conforming Amendments.—

(1) Table of sections.—The table of sections for such chapter is amended by adding at the end the following:

“932. Extreme risk protection orders.”

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

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

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

(C) by adding at the end the following:

“(G) any attempt to violate an extreme risk protection order issued under section 932.”.

Sec. 4. Federal Firearms Prohibition.

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

(1) in subsection (d)—
(A) in paragraph (8)(B)(ii), by striking “or” at the end;
(B) in paragraph (9), by striking the period and inserting “; or”; and
(C) by inserting after paragraph (9) the following:
“(10) is subject to a court order, the primary purpose of which is to reduce the risk of firearm-related death or injury, by prohibiting such person from having under his or her custody or control, owning, purchasing, possessing, or receiving any firearms, provided that the order—
“(A) is issued in a manner consistent with the due process rights of the person; and
“(B) is based on a finding that the person poses a danger of causing harm to himself, herself, or others by having access to a firearm.”;
and
(2) in subsection (g)—
(A) in paragraph (8)(C)(ii), by striking “or” at the end;
(B) in paragraph (9), by striking the comma and inserting “; or”; and
(C) by inserting after paragraph (9) the following:
“(10) is subject to a court order, the primary purpose of which is to reduce the risk of firearm-related death or injury, by prohibiting such person from having under his or her custody or control, owning, purchasing, possessing, or receiving any firearms, provided that the order—

“(A) is issued in a manner consistent with the due process rights of the person; and

“(B) is based on a finding that the person poses a danger of causing harm to himself, herself, or others by having access to a firearm.”.

SEC. 5. IDENTIFICATION RECORDS.

Section 534 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking “and” at the end; and

(B) by redesignating paragraph (4) as paragraph (5) and inserting after paragraph (3) the following:

“(4) acquire, collect, classify, and preserve records from Federal, tribal, and State courts and other agencies identifying individuals subject to extreme risk protection orders, as defined in section 2 of the Extreme Risk Protection Order Act of 2019
and section 932 of title 18, provided that such
records must be destroyed when those orders expire
or are terminated or dissolved; and”;
(2) in subsection (b), by striking “(a)(4)” and
inserting “(a)(5)”; and
(3) by adding at the end the following:
“(g) Federal, tribal, and State criminal justice agen-
cies and criminal and civil courts may—
“(1) include extreme risk protection orders, as
defined in section 2 of the Extreme Risk Protection
Order Act of 2019 and section 932 of title 18, in na-
tional crime information databases, as that term is
defined in subsection (f)(3) of this section; and
“(2) have access to information regarding ex-
treme risk protection orders through the national
crime information databases.”.

SEC. 6. CONFORMING AMENDMENT.
Section 3(1) of the NICS Improvement Amendments
Act of 2007 (34 U.S.C. 40903(1)) is amended by striking
“section 922(g)(8)” and inserting “paragraph (8) or (10)
of section 922(g)”.

SEC. 7. FULL FAITH AND CREDIT.
Any extreme risk protection order issued under a
State or tribal law enacted in accordance with this Act
shall be accorded the same full faith and credit by the
court of another State or Indian Tribe (the enforcing
State or Indian Tribe) and enforced by the court and law
enforcement personnel of the other State or tribal govern-
ment as if it were the order of the enforcing State or In-
dian Tribe.

SEC. 8. SEVERABILITY.

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