

# The Firearms Restraining Order

## A Violence Prevention Tool for Illinois

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SPEAK FOR SAFETY

ILLINOIS

## *Goals of this presentation*

- **What** is a Firearms Restraining Order?
- **How** do these orders work?
- **Where** do I go to get one?
- **Why** do we need these laws?
- **How** can I spread the word about the law?

# *Terminology*

- What is a “Red Flag’ or ‘Extreme Risk Law’? ([EFSGV](#))
- Illinois: Firearms Restraining Order (FRO)
- Extreme Risk Protection Order (CO)
- Gun Violence Restraining Order (CA)
- Lethal Violence Protective Order (DE)

# *What is a Firearms Restraining Order?*

The Firearm Restraining Order (FRO) allows family members and law enforcement to work with courts to temporarily remove guns and prevent the purchase and possession of guns by individuals who pose a significant risk of harm to themselves or others. The Order is NOT based on mental health diagnosis. The FRO is a civil procedure, not a criminal one. The goal is to ensure safety of the individual and those around them.

## *How does a FRO help people in crisis stay safe?*

- FRO requires **temporary** removal of guns and the FOID card from the respondent of the order, and prohibits them from purchasing or possessing firearms throughout the order.
- An Emergency FRO can last up to **14 days**, while a Six-Month FRO lasts **six months** (and can be renewed beyond that) after a court hearing is held.
- This creates safer circumstances for the individual to seek services, stabilize their behavior, or access resources to address the underlying causes of their dangerous behaviors.

# *How do you get a FRO?*

- There are two types of FROs:
  - Emergency FRO and Six-Month FRO
- An Emergency FRO can be filed for, issued, and served on the same day. It can last up to **14 days**, and is followed by a full hearing which can result in a **Six-Month FRO**.
- To get a FRO:
  - If eligible to petition, The Petitioner may petition for a FRO in the Circuit Court in the county where the respondent lives.
  - You can work with local law enforcement in the county the respondent lives, where they can take on the filing and serving process.

# *Respondent Protections*

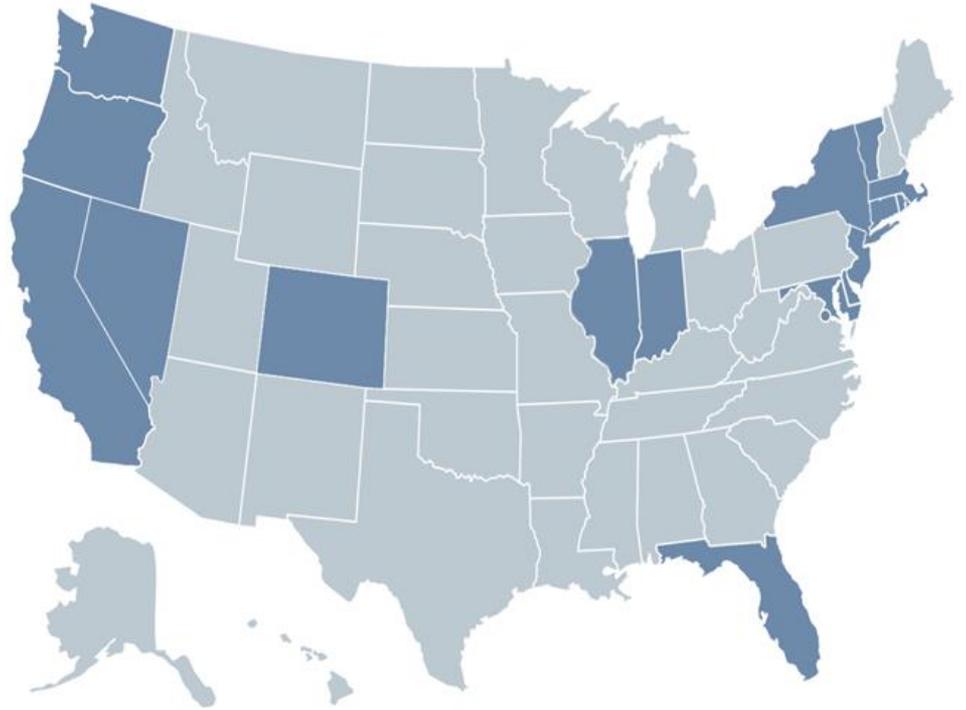
- The law allows only those closest to the respondent to petition for a FRO
- In order to obtain an Emergency FRO, a petitioner must present evidence to a judge of the “immediate and present danger of causing injury...” of the respondent.
- Following the issuance of a 14-day emergency FRO, the respondent is provided an opportunity to appear to contest the issuance of a six-month order
  - If the six-month order is issued, the respondent may contest the order in another hearing
- Filing a misleading or false FRO Petition is a class 4 felony

# *History of the FRO in Illinois*

Illinois' FRO law was established in response to growing rates of suicide & domestic violence homicide across the country, as well as the increased frequency of mass shootings. In the Summer of 2018, the bill was passed thanks to hard work from committed stakeholders and legislators across Illinois, and became law on January 1<sup>st</sup> of 2019.

# *Extreme Risk Laws in Other States*

Since the Parkland Shooting on February 14th, 2018, **10 states** have approved bills similar to Illinois' Firearm Restraining Order law. This **brings the total number of states with Extreme Risk-style laws to 17 and the District of Columbia**. More states are currently considering such laws, as is the US Congress.



# *Research on FROs*

## **2017 Duke Study, Jeffrey W. Swanson et al.:**

- Examined the results of Connecticut's firearm seizure law which has been in effect since 1999:
  - On average law enforcement removed 7 guns for each order.
  - 1 in 3 respondents were given access to mental health care and drug/alcohol misuse counseling— often for the first time.
  - After the Virginia Tech shooting in 2007 the annual number of gun removals increased about fivefold—to about 100 cases per year.

## **Public awareness of the law has a major impact (CA & MD)**

# State Research on FROs

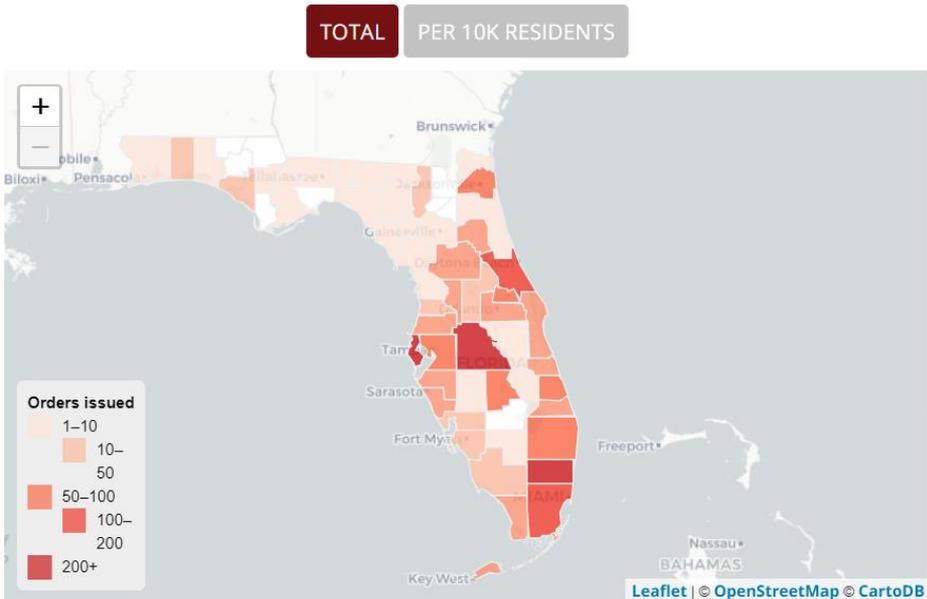
## San Diego, California 2019

- A [study](#) published in the *Annals of Internal Medicine* looked at orders issued between 2016 and 2018 from across the state, and found 21 cases that disarmed potential mass shooters.
- S.D. City Attorney's Office analysis found:
  - Of the first 100 GVROs issued in 17' & 18': 40% the orders involved family violence or stalking. Suicidal threats were a factor in 25% of orders. Dementia, PTSD, or other mental health issues were cited in 18%. And 10% involved juveniles or adults who made threats on social media.
- In SD County in 2018, more than 400 weapons and nearly 80,000 rounds of ammunition have been seized from 185 orders. L.A. County issued 31 orders, S.F. just 1.

# State Research on FROs

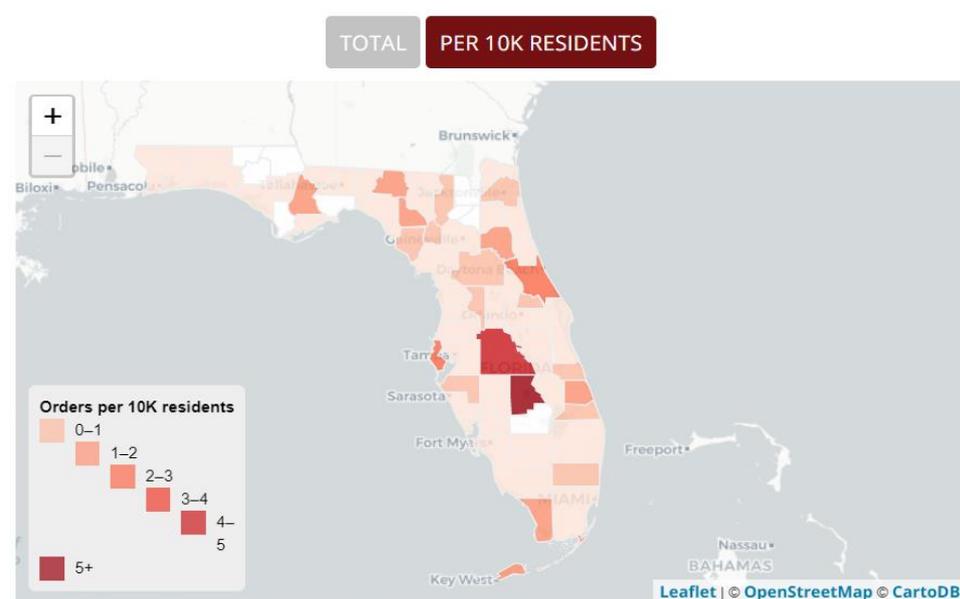
## Florida, 2019

- Florida passed a version of the FRO law after the Parkland shooting in 2018
- Since then, more than 2,600 orders have been issued to remove firearms, but it is not being used consistently across the state



Source: Florida Courts, U.S. Census 2018 population estimates

Aric Chokey / Sun Sentinel



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# *What happens now?*

**With the FRO law in effect, we have a lot of work to do:**

- We know this law isn't effective unless people are informed and empowered to use it
- We've organized Speak for Safety Illinois, a campaign designed specifically to support the implementation of the FRO law
- Now that the resources are up, we are partnering with community organizations of all backgrounds and localities, to spread the word
  - Chicagoland and Downstate

# *What can you do to help?*

**Here are some ways you or your organization can get involved:**

- **Connect with us on social media**
  - Follow and promote the Speak for Safety coalition's social media account!
  - Facebook: Speak for Safety Coalition
  - You can also find us online at [SpeakforsafetyIL.org](http://SpeakforsafetyIL.org)

# *What can you do to help?*

- Connect with your Law Enforcement about FRO
  - It is important that the relevant agencies in your community are supporting the FRO law.
    - Connect with your local Sheriff's Office and Police Department to see if they have a protocol in place to serve FROs.
      - For information about who your Sheriff is, visit: <https://www.ilsheriff.org/sheriffs-directory/>
    - Call your State's Attorney's office to ask for any educational materials they have made or events they have scheduled to inform the community about the law.
      - To find your State's Attorney please visit: <https://www.isba.org/resources/links/statesattorneys>
    - Reach out to your local circuit court for information about the FRO petitioning process.
      - Contact information for your local circuit court can be found here: [http://www.illinoiscourts.gov/CircuitCourt/CircuitCourtJudges/CCC\\_County.asp](http://www.illinoiscourts.gov/CircuitCourt/CircuitCourtJudges/CCC_County.asp)

# *What can you do to help?*

**Here are some ways you or your organization can get involved:**

1. Talk to your colleagues about the FRO, and share our handouts and other [resources](#) on how a FRO can be a proactive tool to prevent gun violence (all of which are available online).
2. Invite a Speak for Safety IL representative to host an organizational training or community discussion on FRO, or use our [materials](#) at an event or meeting you plan to host or attend.
3. Include a reference to the FRO law and [SpeakForSafetyIL.org](https://www.speakforsafetyil.org) in your next newsletter, blog post, or other publication.
4. Other opportunities/ideas? Please email: [info@speakforsafetyil.org](mailto:info@speakforsafetyil.org)

# Questions?

Visit [Speakforsafetyll.org](https://speakforsafetyll.org) or email  
[Info@Speakforsafetyll.org](mailto:Info@Speakforsafetyll.org)

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**What is a GVRO?**

The Gun Violence Restraining Order (GVRO) is a law that allows family members, household members, and law enforcement to work with courts to temporarily remove guns and prevent the purchase of new guns by individuals who pose a significant risk of harm to themselves or others.

If you are in immediate danger, please contact local law enforcement or dial 911.

*Speak for Safety is a campaign to raise awareness of the Gun Violence Restraining Order (GVRO), a historic new tool for temporarily removing guns and ammunition from individuals who are at risk of harming themselves or others.*

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