

March 30, 2021

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear President Biden:

We write on the heels of yet another mass shooting, yet another national tragedy. One week ago, ten Americans lost their lives in the Boulder massacre shooting; the week before that, eight Americans were killed in the attacks in Atlanta. Still more Americans were killed by gun violence each every day between and since—so common are these deaths in American life that we as a nation cannot even mark each individual tragedy. But we can act.

We write to urge you to take executive action to promote and strengthen existing state statutes that authorize courts to issue Extreme Risk Protection Orders (ERPOs). Extreme risk laws empower families, household members, certain community members, or law enforcement officers to petition a court for an order that temporarily restricts a person showing clear warning signs of violence from accessing firearms. ERPOs are practical and proven tools that are utilized in 20 jurisdictions to keep guns out of the hands of individuals who pose an imminent danger to themselves or others.<sup>1</sup> We have led the effort in recent years to pass federal legislation to encourage and strengthen these laws. While Congress continues this effort, your Administration can take critical and commonsense action to save lives and keep America's communities safe.

Gun violence is an insidious public safety and public health epidemic that has spared no community from its wrath. Communities of color have been disproportionately affected by this plague of violence. Now, with gun sales surging to unprecedented levels, we must do everything in our power to protect the American people from the scourge of gun violence.<sup>2</sup>

Over the last decade, communities across the country have experienced the horrific tragedy of a mass shootings: Aurora, Charleston, Orlando, Las Vegas, Santa Fe, Pittsburgh, Thousand Oaks, El Paso, Newtown, and now, Atlanta and Boulder. Last month, we observed the three-year anniversary of the horrific day when a mass shooter took the lives of 14 high school

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<sup>1</sup> California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington have all enacted ERPO laws. *See* Fact Sheet, Everytown for Gun Safety, Extreme Risk Laws Save Lives (last updated Jan. 22, 2021), <https://everytownresearch.org/report/extreme-risk-laws-save-lives/>.

<sup>2</sup> Hannah Denham and Andrew Ba Tran, *Fearing Violence and Political Uncertainty, Americans Are Buying Millions More Firearms*, WASH. POST (Feb. 3, 2021), <https://www.washingtonpost.com/business/2021/02/03/gun-sales-january-background-checks/>.

students and three educators in Parkland, Florida. This anniversary—like so many others—will forever be a solemn reminder of the immeasurable loss, grief, and trauma caused by mass shootings. It is also, however, an inspiring example of honoring lives lost by taking bold action in response to atrocities. In the aftermath of the Parkland massacre, a new generation of gun violence prevention survivors and leaders pushed Florida to reform its gun laws. Florida did just that by, among other things, enacting an ERPO law.

Florida’s ERPO law, like 19 other jurisdictions’ laws currently in force, can save lives. One FBI study showed that four out of five perpetrators of mass violence exhibit clear signs that they are about to carry out an attack, including explicit threats of violence.<sup>3</sup> Before Parkland, the police had been alerted to the shooter’s violent behavior more than 30 times, including a call from a family member who pleaded for the police to recover his weapons. ERPO laws can empower family members, key community members, and law enforcement to take action in response to such warnings, stopping needless violence and senseless deaths.

ERPOs can also provide a critical break in the chain of events leading to suicide. Studies of early ERPO statutes in Connecticut and Indiana have demonstrated that effective use of ERPOs can save lives. In fact, these first ERPO statutes were associated with a roughly 8-14% decline in firearms suicides.<sup>4</sup> There is every reason to believe that as awareness and utilization of ERPOs improves, the efficacy of this tool will be enhanced even further.

ERPOs can also be a critical tool to counter terrorist threats and hate crimes. For example, in fall 2019, an FBI-led Joint Terrorism Task Force had determined that a leader of the white supremacist, neo-Nazi group AtomWaffen Division was amassing weapons and preparing to act on his extremist, violent beliefs. The FBI working in conjunction with police in Washington State, sought an ERPO requiring the individual to surrender all firearms to the police.<sup>5</sup> After the individual blatantly disregarded the court order and was pulled over carrying a pistol, three assault rifles and at least 1,500 rounds of ammunition, the FBI was able to apprehend the suspect. In another instance, the FBI was able to use an ERPO to prevent a supporter of the al-Nusra Front, a foreign terrorist organization, from purchasing an assault rifle.<sup>6</sup>

On the recent anniversary of the Parkland massacre, you told the American people that your Administration “will not wait for the next mass shooting to heed [the] call” for change and that your Administration “will take action to end our epidemic of gun violence.”<sup>7</sup> We welcome

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<sup>3</sup> JAMES SILVER, ET AL., U.S. DEP’T OF JUSTICE, FED. BUREAU OF INVESTIGATION, A STUDY OF PRE-ATTACK BEHAVIORS OF ACTIVE SHOOTERS IN THE UNITED STATES BETWEEN 2000 AND 2013 (June 2018), <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view>.

<sup>4</sup> Coalition to Stop Gun Violence, *The Data Behind Extreme Risk Laws* (Oct. 2019), <https://3p2eii11tkyo44umh7qu2zpd-wpengine.netdna-ssl.com/wp-content/uploads/2019/10/Extreme-Risk-Law-Research-Overview-Oct-2019.pdf>

<sup>5</sup> Chris Ingalls, *Police Seize Guns From Avowed Neo-Nazi in Snohomish County*, KING 5 NEWS (NBC) (Oct. 18, 2019), <https://www.king5.com/article/news/investigations/police-seize-guns-from-avowed-neo-nazi-snohomish-county/281-400146c7-5c81-4c8d-80d6-78f877977340>

<sup>6</sup> Garen J. Wintemute et al., *Extreme Risk Protection Orders Intended to Prevent Mass Shootings*, ANNALS OF INTERNAL MEDICINE (Nov. 5, 2019), <https://www.acpjournals.org/doi/10.7326/M19-2162#t2-M192162>.

<sup>7</sup> Statement by President Joseph R. Biden, Jr., Three Years After the Parkland Shooting (Feb. 14, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/14/statement-by-the-president-three-years-after-the-parkland-shooting/>.

this important commitment, and we now urge you to take the important step of directing federal departments and agencies to partner with state and local governments, law enforcement, and community organizations to raise awareness of, use, and strengthen existing ERPO laws to counter imminent threats.

For states that have enacted ERPO statutes, the Department of Justice (DOJ) can strengthen those existing ERPO protections by issuing best practices guidance, offering technical assistance on ERPO implementation and enforcement, providing training for law enforcement and judges, and supporting data collection and analysis on ERPOs granted by state courts. The DOJ can also provide guidance and information to the 31 states and other jurisdictions that do not currently have ERPO laws, and who may seek to adopt them. Indeed, ERPO bills have been introduced in at least 26 states that do not yet have a statute on the books.

In addition to the steps DOJ can take, the Department of Education can work with schools to educate teachers, parents and guardians, and students about existing ERPO laws in their states and partner with DOJ to build ERPO implementation into school safety plans, policies, and procedures. The Department of Veterans Affairs can raise awareness about ERPOs as a suicide prevention tool among and for the veterans they serve. The Substance Abuse and Mental Health Services Administration can ensure that crisis centers in jurisdictions with ERPO laws are equipped to support and implement ERPO laws.

We will continue our efforts to support your Administration in our collective mission to end the scourge of gun violence. It is on all of us to strengthen the tools that are already in place, like ERPOs, and to provide new tools to counter this epidemic.

Sincerely,



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RICHARD BLUMENTHAL  
United States Senate



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DIANNE FEINSTEIN  
United States Senate