

R-2019-062

**CITY OF ALBUQUERQUE
CITY COUNCIL**

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Stephanie M. Yara, Director of Council Services SY 8/22/19

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-19-179 Calling Upon The State Of New Mexico To Establish A Process That Provides For The Issuance Of Court Orders That Would Require The Relinquishment Of Firearms For Some Period Of Time Under Circumstances Of Extreme Risk (Benton), which was passed at the Council meeting of August 19, 2019, by a vote of 4 FOR AND 2 AGAINST.

**For: Benton, Davis, Gibson, Sanchez
Against: Jones, Peña
Excused: Borrego, Harris, Winter**

In accordance with the provisions of the City Charter, your action is respectfully requested.

SY:dm
Attachment
8/21/2019

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-179 ENACTMENT NO. R-2019-062

SPONSORED BY: Isaac Benton

1 RESOLUTION
2 CALLING UPON THE STATE OF NEW MEXICO TO ESTABLISH A PROCESS
3 THAT PROVIDES FOR THE ISSUANCE OF COURT ORDERS THAT WOULD
4 REQUIRE THE RELINQUISHMENT OF FIREARMS FOR SOME PERIOD OF TIME
5 UNDER CIRCUMSTANCES OF EXTREME RISK.

6 WHEREAS, on multiple occasions in 2019 alone, hundreds of Americans
7 have now been injured or killed by the lethal use of legally-owned firearms by
8 individuals who have shown prior indicators of extreme behavioral disorder;
9 and

10 WHEREAS, very often these incidents are preceded by reports of prior
11 indicators –clear warning signs that the shooter posed a serious threat before
12 the shooting, which may have not been discussed, reported or acted upon by
13 family members, acquaintances, or friends of the perpetrators or by law
14 enforcement agencies; and

15 WHEREAS, the New Mexico Legislature has enacted legislation that
16 acknowledges that possession of lethal weapons should be controlled under
17 circumstances that provide unique potential threats to innocent victims; and

18 WHEREAS, the Albuquerque community is experiencing a crisis of
19 behavioral health and substance abuse; and those who recognize such
20 warning signs should be empowered to bring them forward and acted upon in
21 the interest of the public, the individuals concerned and their families; and

22 WHEREAS, seventeen states have enacted such extreme risk laws that
23 give family members and law enforcement a way to intervene before warning
24 signs escalate into tragedies, including suicides, homicides and mass
25 homicides.

26 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF

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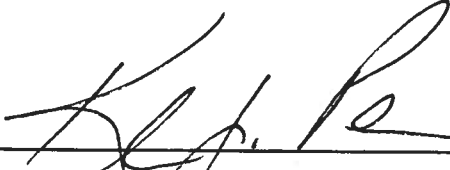
1 ALBUQUERQUE:
2 Section 1. The City of Albuquerque, with utmost urgency, calls upon the
3 New Mexico State Legislature and Governor to enact and implement
4 legislation allowing for the issuance of extreme risk firearm protection orders
5 (ERPOs) authorizing the temporary seizure of firearms and ammunition under
6 specific circumstances, from individuals who have been cited in petitions
7 before a district court by family members and household members, law
8 enforcement officers, or other credible individuals with first hand knowledge,
9 based on a court's determination that such individuals are a significant danger
10 to themselves or others.

11 The City of Albuquerque furthermore calls upon the New Mexico State
12 Legislature and Governor to provide that emergency orders may be requested
13 from district court by law enforcement officers, ex parte orders by qualified
14 petitioners, as well as one-year ERPOs in which the respondent may not
15 purchase or possess or receive firearms during a one-year period, and which
16 may be extended by the court for good cause at the request of the petitioner.

17 Section 2. The City Clerk will send a letter and an email with a copy of this
18 resolution to the Honorable Governor of New Mexico and to each member of
19 our state legislative delegation.
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1 PASSED AND ADOPTED THIS 19th DAY OF August, 2019
2 BY A VOTE OF: 4 FOR 2 AGAINST.


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4 For: Benton, Davis, Gibson, Sanchez
5 Against: Jones, Peña
6 Excused: Borrego, Harris, Winter

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10 _____
11 Klarissa J. Peña, President
12 City Council

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15 APPROVED THIS 22 DAY OF August, 2019

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18 Bill No. R-19-179

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22 Timothy M. Keller, Mayor
23 City of Albuquerque

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26 ATTEST:
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29 Katy Duhigg, City Clerk

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