

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. R-19-179 ENACTMENT NO. _____

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 of “red flags” –clear warning signs that the shooter posed a serious
12 threat before the shooting, which may have not been discussed, reported or
13 acted upon by family members, acquaintances, or friends of the perpetrators
14 or by law 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, fifteen states have enacted such extreme risk laws that give
23 family members and law enforcement a way to intervene before warning signs
24 escalate into tragedies, including suicides, homicides and mass homicides.

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

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

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

15 Section 2. The City Clerk will send a letter and an email with a copy of this
16 resolution to the Honorable Governor of New Mexico and to each member of
17 our state legislative delegation.

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