



Legislation Text

File #: R-19-179, Version: 2

CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

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

SPONSORED BY: Isaac Benton

RESOLUTION

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)

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.

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

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

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

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

families; and

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

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

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

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

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

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