



## Nov 8, 2016 General Election Ballot Measure Summary Series

**Measure:** State of Washington Initiative Measure No. 1491 concerns extreme risk protection orders temporarily preventing access to firearms.

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**Ballot Title (what you will see on the ballot):**

*Initiative Measure No. 1491 concerns court-issued extreme risk protection orders temporarily preventing access to firearms.*

*This measure would allow police, family, or household members to obtain court orders temporarily preventing firearms access by persons exhibiting mental illness, violent or other behavior indicating they may harm themselves or others.*

*Should this measure be enacted into law? Yes [ ] No [ ]*

*(official – as filed with the Secretary of State’s Office)*

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**Summary:**

This measure would allow police, family, or household members to obtain court orders temporarily preventing access to firearms by persons who, because of mental illness or other factors, may harm themselves or others.

**Immediate Effects, if Passed:**

The initiative would take effect on December 8, 2016. Washington’s Administrative Office of the Courts would be required to develop standardized forms, protection orders and procedures for use by local courts when considering a petition for extreme protection orders within 90 days after the measure takes effect. The measure establishes the procedure for such a petition for an extreme risk order. Law enforcement agencies may request and the courts may issue a temporary ex parte order if it is found that there is the potential for immediate danger prior to the hearing for the extreme risk protection order (ERPO).

**Fiscal Effects, if passed:**

Total expenditures for state and local government cannot be accurately predicted because the number of extreme risk protections orders can only be estimated. Various state and local agencies responsible for implementing the new measure have, however, projected costs based on the numbers of similar or related cases that are processed annually through the courts. Very few jurisdictions expect to exceed more than \$50,000 in costs annually, and those jurisdictions who do expect to exceed that amount annually have very large populations and tax revenues over which the fairly small expense, in relation to the overall budget, would be distributed.

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**Arguments for the measure:**

The supporters of this measure assert that existing laws of Washington State do not adequately address the needs of society to keep guns from individuals who threaten harm to themselves or others. The proposed initiative gives families and law enforcement important and needed tools to prevent further violence in our communities. Supporters argue that such a law could reduce such violent acts in the future. Evidence from other states with similar laws suggests that such laws have prevented suicides. Supporters also argue that it is reasonable for the state to limit individual rights to protect the larger community from acts of violence. I-1491 would establish a fair and equitable process which would assure that the rights of the individual are protected while our communities as a whole are protected from gun violence. The state requires an individual to pay the insurance for a car and to obtain a license to drive a car. Similarly, the individual who has had her or his firearms removed under the provisions of this measure should be responsible for the costs associated with seeking to reestablish gun ownership.

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**Arguments against the measure:**

People against this measure argue that I-1491 inappropriately links mental illness with gun violence, further stigmatizing those individuals who have a mental illness. They state that there is no independent evidence that extreme risk protection orders will reduce violence in our communities. The National Association of Mental Illness is concerned that the measure would inappropriately link mental illness with gun violence and deter people from getting the care they need. The American Civil Liberties Union has concerns about the impact of the provisions of the initiative on 14<sup>th</sup> Amendment due process procedures in the state. An emergency determination that an individual is potentially dangerous to themselves or others would violate the individual’s right to due process. Asking the individual whose firearms have been involuntarily removed to bear the costs associated with petitioning for the return of those firearms would be unreasonable and a further violation of the individual’s right to due process.