

NEW MEXICO'S EXTREME RISK FIREARM PROTECTION LAW

COURTS, CORRECTIONS AND JUSTICE COMMITTEE

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2 A BRIEF DISCUSSION OF OUR CURRENT LAW

- WHAT DO WE HAVE SO FAR

3 WE CAN DO BETTER – JUST THREE CHANGES

- **EXPAND THE LIST OF PEOPLE WHO CAN SERVE AS A REPORTING PARTY**
- **AUTHORIZE THE COURT TO ISSUE A SEARCH WARRANT AND ELIMINATE THE 48 HOUR GRACE PERIOD**
- **AUTHORIZE LAW ENFORCEMENT TO DESTROY FIREARMS THAT CANNOT BE RETURNED**

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EXPAND THE LIST OF PEOPLE WHO CAN SERVE AS A REPORTING PARTY

Authorize **law enforcement** to serve as the reporting party. If a family member, employer, or school official reports information to law enforcement but subsequently decides not to testify, allow officers with personal knowledge to act as a reporting party. Authorize specific health care workers to be reporting parties.

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AUTHORIZE THE COURT TO ISSUE A SEARCH WARRANT AND ELIMINATE THE 48-HOUR GRACE PERIOD

Currently, a respondent is expected to comply with the court's order and agree to relinquish their firearms. If the respondent refuses, law enforcement has no way to seize the firearms. The law allows the respondent to wait 48 hours before complying. This lack of enforcement power creates a very dangerous situation.

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AUTHORIZE LAW ENFORCEMENT TO DESTROY FIREARMS THAT CANNOT BE RETURNED

When the term of relinquishment is over, law enforcement is required to find the respondent to return the firearm. This puts an unrealistic burden on law enforcement and leaves the agency liable if the respondent cannot be found. Authorize law enforcement agencies to destroy firearms that are not retrieved after a year without getting a court order

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REMOVING A FIREARM DOESN'T HAVE TO LOOK LIKE THIS

