

# The Prevent a Gun Tragedy Act

*A Bill to Strengthen the Firearms Restraining Order (FRO)*

Chief Sponsor Representative Denyse Wang Stoneback

## What is a Firearms Restraining Order (FRO)?

The Firearms Restraining Order (FRO) allows family members, household members, and law enforcement to work with courts and obtain a civil order to temporarily remove guns from individuals who pose a significant risk of harm to themselves or others. The FRO is a tool to reduce violence by removing lethal means from someone who is exhibiting dangerous behaviors.

Illinois' FRO law was established in response to rising rates of suicide and domestic violence homicide both in Illinois and nationally, as well as the increased frequency of mass shootings.

## A vastly underutilized tool

The law is not effective unless people are informed and empowered to use it. Implementation in Illinois has been inconsistent and the law is being vastly underutilized. In fact, according to the Illinois State Police as of August 2022 Illinois had issued fewer than 250 FRO petitions compared to 1,200 petitions in Maryland and 9,000 in Florida in a similar timeframe.

## Top Evidence-based Recommendation for Illinois by Researchers: FRO Implementation

The top recommendation for Illinois by researchers at the Center for Gun Violence Solutions of Johns Hopkins Bloomberg School of Public Health in their report<sup>1</sup> published in November of 2022 was to improve our state's Firearm Restraining Order (FRO) implementation. HB5859 mirrors their recommendations closely.

### HB5859 strengthens the Firearms Restraining Order (FRO). The bill:

- **Directs responsible and effective spending of \$5.5 million of Edward Byrne Memorial Justice Assistance Grant (JAG) funding from the federal government to Illinois** to make improvements in FRO implementation hiring coordinators, training for law enforcement and other collaborators, and the funding of the establishment and maintenance of a centralized State database on FRO use.
- Establishes an **Office of FRO Coordination** with a **statewide director and coordinators** to serve as liaisons between petitioners and the court system.
- **Expands petitioners** to include **licensed healthcare practitioners**.
- **Ensures compliance with firearms removal** by requiring a FRO compliance hearing 3 days after the FRO is issued.
- **Mandates clear and comprehensive reporting on FRO use** and data recommended in the Consortium for Risk-Based Firearm Policy's ERPO report<sup>2</sup>, and establishes a centralized database with Byrne JAG funding.
- **Promotes FRO education and training** to key partners and advocates in the violence prevention space, including judges, state's attorneys, clerks, and victims' advocates.
- **Improves implementation** by having the petitioner of a Clear and Present Danger Report (CPDR) consider whether a FRO should also be filed.
- **Increases the duration of a plenary FRO order** from six months to one year.
- **Makes important clarifications & refinements** needed in light of misunderstanding of the FRO by courts and law enforcement.
- **Improves enforcement of revoked FOID cards and firearms removal** by using the renewal of motor vehicle registration as pressure to surrender firearms for a revoked FOID/CCL or a FRO (following the model of child support arrears policy).

<sup>1</sup> "Policies to Reduce Gun Violence in Illinois, Research, Policy Analysis, and Recommendations - 2022 UPDATE." (see pages 5-7). <https://publichealth.jhu.edu/sites/default/files/2022-12/illinois-policy-recommendations-center-for-gun-violence-solutions-nov-2022.pdf>

<sup>2</sup> <https://efsgv.org/wp-content/uploads/EFSGV-ConsortiumReport2020-ERPOs.pdf>

<sup>3</sup> Garen J. Wintemute, et al., "Extreme Risk Protection Orders Intended to Prevent Mass Shootings: a Case Series," *Annals of Internal Medicine* (2019).

<sup>4</sup> <https://www.nytimes.com/2019/10/17/us/atomwaffen-kaleb-cole.html>

<sup>5</sup> <http://efsgv.org/wp-content/uploads/2017/09/CT-Risk-Warrant-Data-One-pager-ERPO-9-15-17-FINAL.pdf>

# FRO

Firearms Restraining Order

IMPLEMENT  
THE LAW

ENHANCE  
PROTECTIONS

COLLECT  
& ANALYZE DATA



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Across the country other laws like Illinois' FRO have been implemented with success:

- **Mass shootings:** A study published in the *Annals of Internal Medicine* looked at orders in San Diego issued between 2016 and 2018 from across the state of California, and found 21 cases that disarmed potential mass shooters.<sup>3</sup>
- **Hate Crimes:** Authorities in Washington State used their state's extreme risk law to disarm the leader of a violent neo-Nazi hate group training to wage a "race war."<sup>4</sup>
- **Suicides:** Researchers analyzed how many suicides would likely be averted by limiting access to guns through risk warrants in Connecticut, and estimated that for every 10-20 risk warrants issued, one life is saved.<sup>5</sup>

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