



CHANGING SYSTEMS
TRANSFORMING LIVES



How Communities are Blazing New Trails

Across the country, communities are disarming domestic violence offenders by implementing and enforcing firearm prohibitions in domestic violence cases. Leaders and innovators in these communities have developed pragmatic and responsible policies, protocols and practices directed at all aspects of firearm surrender and seizure.

BWJP

Community Spotlights

Across the country, communities are disarming domestic violence offenders by implementing and enforcing firearm prohibitions in domestic violence cases. Leaders and innovators in these communities have developed pragmatic and responsible policies, protocols and practices directed at all aspects of firearm surrender and seizure.

New Mexico

Despite the sparse population, New Mexico ranked 2nd in 2019 for the number of females killed by male offenders per 100,000 residents.

On July 1, 2019, a new law went into effect in New Mexico prohibiting the purchase or possession of firearms by persons convicted of misdemeanor crimes of domestic violence or subject to final domestic violence protection orders.

Sparse Population, but High Rates of Violence

New Mexico, the Land of Enchantment, is known for its beautiful deserts, its connection to current and historic Native American tribes, delectable food, and of course alien encounters. It is the fifth largest state in the United States; however, New Mexico is sparsely populated with only 2.1 million residents. Despite the sparse population, New Mexico ranked 2nd in 2019 for the number of females killed by male offenders per 100,000 residents.

On July 1, 2019, a new law went into effect in New Mexico prohibiting the purchase or possession of firearms by persons convicted of misdemeanor crimes of domestic violence or subject to final domestic violence protection orders. In New Mexico, a final order for protection requires an additional judicial finding to trigger firearm surrender. If the court makes a credible threat determination, the judge will then inquire whether the restrained party possesses firearms and order them to surrender to law enforcement or a licensed firearms licensee within 48 hours.

Form Creation Leads to Tracking Threat Determination

The task of developing a protocol and forms for surrender under the new law fell to Patricia Galindo, supervising staff attorney for the New Mexico Administrative Office of the Courts. Galindo, a self-described lover of forms and checkboxes, created a series of three forms and rolled them out for use across the entire state. Galindo likens form development as a journey of trying to determine what data is useful and how to collect it. Through the forms she developed she can track how many temporary protection orders are applied for and how many result in a permanent order. She also tracks how many orders have a credible threat determination and how many respondents surrender firearms or file a declaration that they do not own firearms.

Form creation and data collection wasn't the end of Galindo's task but the beginning. She worked to roll out training for criminal justice partners on how to use the new forms. Galindo partnered with the National Center on Gun Violence in Relationships and the National Instant Criminal Background Check System (NICS) to develop and deliver the training.

Saving Lives Through Firearm Surrender

The new relinquishment protocol is already seeing success. In its first year of enactment, from July 2019 through June 2020, 40 firearms were relinquished and though there was a slowdown, likely related to the pandemic there were still 22 firearms surrendered from July 2020 to June 2021. With the passage of the surrender law, New Mexico is becoming a national leader in firearm surrender and saving lives.

Baltimore, MD

In 2009, Maryland enacted a law requiring a judge to order firearms confiscated from people who have final protective orders filed against them.

Judges also had discretion to order firearm confiscation on temporary protective orders. Despite tough laws, enforcement was difficult in Baltimore where temporary protective orders were only being served on the prohibited person about 30% of the time. In 2013, the Baltimore City Sheriff's Office Domestic Violence Unit was created to improve the service of protective orders and confiscation of firearms.

Tackling the service problem with a dedicated unit

The Baltimore City Sheriff's Office was established with the sole purpose to be the enforcement arm of the court system in Baltimore City. One section within the Sheriff's Office is the Domestic Violence Unit, which was created in response to public concern regarding the low number of temporary protective orders (TPOs) being served by the overtaxed Baltimore City Police Department. Without service, victims could not move to a final hearing and they were left without protection. Baltimore was one of a minority of jurisdictions where the police department was responsible for the service of protective orders. On July 1, 2013, the Sheriff's Office assumed responsibility for protective order service from the police department.

Domestic Violence Unit works closely with victims

In the process of enacting a TPO, if it is learned during the interview with the petitioner that the respondent possesses any firearms or has any mental health issues, this information is relayed to the deputies who will be attempting to serve the order. If there are any weapons to seize, the deputies will exhaust all efforts to secure them. If it is learned that firearms to be seized are located in another jurisdiction, Baltimore Sheriff's Office will notify that jurisdiction and seek their assistance in retrieving the firearms. All firearms seized in Baltimore City are submitted under a property number to the Evidence Control Unit in Baltimore City Police Department. Only when the case is dismissed or the order expires, may the firearms be released to the respondent. The Baltimore City Sheriff's Office Domestic Violence Unit was awarded the Governor's Victim

Assistance Award in 2015, for their unwavering commitment and dignified treatment of all victims.

Dallas County, TX

Dallas County, Texas, is known for being one of the most populated counties in Texas and a statewide leader on combating domestic violence. However, the county lagged behind in its efforts to confiscate firearms from domestic violence offenders. Developing a comprehensive solution to a problem that put domestic violence victims and the public at risk was paramount. Judge Roberto Cañas recognized this need and took action, developing a new program that requires domestic abusers who own firearms to turn over their weapons to a local gun range.

Identifying the problem

In Texas, 61% of women killed by an intimate partner between 2008 and 2012 were shot. Although both state and federal law say that abusers and subjects of protective orders cannot have guns, Dallas County residents regularly left court without instructions on how to follow the law and did not receive follow-up to make sure they did. However, in the wake of new leadership, closing the gaps that allowed domestic violence offenders to retain their firearms became a top priority: Dallas Mayor Mike Rawlings made disarming domestic violence offenders a staple of his campaign, and the governor of Texas indicated that he was eager to fund judge-instituted programs to disarm domestic violence offenders. In 2014, Judge Cañas, a criminal court judge who only hears domestic violence cases, held a meeting with community members, law enforcement, victim advocates, and elected officials to figure out the biggest obstacle to disarming domestic violence offenders. From this meeting, Judge Cañas and others determined that the biggest hurdle to disarming domestic violence offenders was the lack of storage: between 700 and 1000 guns could be surrendered per year, but no one in the government had the space to store the guns.

Developing a creative solution

Using funding from the governor's and mayor's offices, and given that no public facility could store the guns, Judge Cañas decided to start contacting federally-licensed private gun facilities (such as gun ranges and gun stores) to figure out if they were able to store the guns. Judge Cañas found his solution in the DFW Gun Range, which agreed to lease the county space to store the weapons. Now, convicted abusers, subjects of permanent protective orders, and those seeking bond or probation on a family violence crime have two options for surrendering their firearms: turn them in at the gun range or give them to an eligible third party. If they fail to give up their guns by a court-ordered deadline, they risk being arrested or being held in contempt of court. The gun range will store the firearms until they can be returned to their owner, such as when a protective order expires, although it is not yet clear what will happen to firearms in the case of a lifetime ban.

Enacting the program

In May 2015, the program launched and officials began confiscating guns from domestic batterers. The program is considered the “ most comprehensive effort in Texas to take guns away from abusers ” and is one of the only firearm-surrender strategies in the country to rely on private storage. Not surprisingly, Judge Cañas’s innovative program is influencing other counties in Texas: while other counties had previously enacted smaller programs often run by judges in individual courts, some are now choosing to follow Dallas County’s lead and develop county-wide programs. While some experts have voiced the concern that threatening to take guns away from domestic abusers could trigger retaliation against the victim, others hope that asking gun owners to turn over their firearms to a gun range – rather than a courthouse or police station – will encourage abusers to give up their guns.

DeKalb County, GA

Gun owners convicted of domestic violence in DeKalb County have few choices. Under the firearm surrender program run by the DeKalb County State Court Probation Department, anyone convicted of misdemeanor domestic violence must surrender his or her weapons to probation officers. Convicted defendants are given 24 hours to surrender their guns at DeKalb’s probation office. They are not allowed to keep or sell their guns.

"We are all in the homicide prevention business."

Georgia does not have state legislation that mirrors the federal legislation on firearm surrender for misdemeanor domestic violence offenses; however, there were two attempts in DeKalb county to establish a protocol enforcing the federal ban. The first attempt, in 2006, lost momentum for a lack of commitment by necessary stakeholders. Several individuals, including probation officer Jennifer Waindle, remained committed to the mission. A second attempt at enforcing federal gun laws began in 2011, and this time it was successful. With committed stakeholders from the probation department, Solicitor General’s Office, Clerk of State Court and State Court Judges involved, the team developed an effective protocol for the notification and surrender of firearms following a conviction for a domestic violence offense. According to Jennifer Waindle, this collaboration was crucial because “we’re all in the homicide prevention business.”

Probation Officer Waindle makes it look easy

Sometimes, offenders make it easy for law enforcement to catch and punish them. Kenneth Favors was found guilty of misdemeanor domestic violence and placed on probation. He was sentenced in 2012 to 12 months probation. Later that year, Favors produced a music video titled “I Make It Look Easy,” showing himself repeatedly firing an assault rifle at an Atlanta area shooting range, and posted it on YouTube. After identifying the shooting range where the video was filmed, Ms. Waindle’s previous work--having Favors sign an acknowledgment that he was not allowed to possess guns--made the probation violation hearing easy. Favors was sent to jail

for the 11 months that remained on his probation for possessing that gun. This was the first of many firearm surrender victories for DeKalb County Probation.

El Paso, TX

In 2005, community members in El Paso formed the Domestic Violence Surrender Advisory Committee. A unique and diverse group of law enforcement, legal practitioners, college staff, and officers from a local military installation collaborated to produce a guide that specified firearm removal protocols in many disciplines, which could be adapted to meet removal goals in other locations as well.

The Committee formed in response to the shooting death of an officer, who was killed responding to an early-morning family violence call. Discussions involved the large number of domestic violence-related incidents reported, the role firearms play in domestic violence situations, and understanding that firearms increase danger for victims and those responding to requests for assistance.

Under the leadership of Judge Patricia A. Macias, with the 388th Judicial District Court of El Paso, the Domestic Violence Firearms Surrender Protocols Project was created.

Although laws in Texas already allowed for firearm removal from individuals who have committed acts of family violence, implementation was challenging. The Committee chose to address several aspects of implementation: removal at the scene of an incident, effective surrender orders, agency coordination and firearm storage and return. Communication, consistency and collaboration between system actors, the Committee hoped, would provide for the success of these protocols.

In 2007—after three years of work—the project was finished and was rolled out as a pilot program. Protocols included judicial inquiry on firearm possession and informing victims of the initiative and of pending return, once that step in the process was reached. Firearm surrender methods were also covered for many stages of the process, starting at the scene itself.

The protocols had a positive effect on reducing firearm violence in El Paso, leading other jurisdictions to seek out similar processes. In 2011, the 388th Judicial District Court made that much easier by introducing a replication manual, a resource that now helps other communities looking to implement similar systems.

Judge Macias and other representatives from El Paso, through the Texas Office of Court Administration, began to offer information and assistance on the implementation of these protocols to other jurisdictions in Texas. The versatility of their guide means it can be applied to both civil and criminal court system, and it has been applied in many neighboring communities. El Paso is leading by example, and helping others create systems that will meet their communities' needs.

Lafourche Parish, LA

Lafourche Parish, located at the southern end of Louisiana, has about 100,000 residents, a robust agricultural and oil economy, and a reputation for a strong stance against domestic violence.

The social services division of the Sheriff's Office in Lafourche, led by Lt. Valerie Martinez-Jordan, has been taking formal steps to keep firearms out of the hands of prohibited possessors since 2009.

At that time, Louisiana didn't even have a state surrender law applicable in domestic violence cases. Relying instead on the federal firearm prohibitions applicable in domestic violence cases (18 U.S.C. § 922 (g)(8) and (g)(9)), the Lafourche Sheriff's department formed an alliance with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to remove guns from those prohibited from possessing firearms under federal law. The ATF provided training and education to local law enforcement about the level of evidence that would be required to support a federal prosecution, as this was distinct from the evidentiary thresholds with which local law enforcement were accustomed.

Then, in 2010, the Lafourche Sheriff's Office began sending letters to convicted domestic abusers and those subject to protection orders explaining that they could no longer possess a firearm under federal law, placing individuals on formal notice. Ultimately, the activities under this partnership has resulted in at least 10 federal indictments of prohibited possessors.

In 2014, the State of Louisiana passed legislation prohibiting those with domestic violence convictions from possessing firearms for 10 years after the completion of a sentence or probation. The state also enacted a prohibition of possessing a firearm during the entirety of an enforced protection order. Unfortunately, as is the case in many statutes prohibiting possession of firearms, Louisiana's 2014 legislation didn't specify a procedure for the surrender of firearms.

Where others might have seen an incomplete law, Lt. Martinez-Jordan saw an opportunity to expand the work she had begun in 2010. Supported by the local District Attorney and local courts, the Lafourche Sheriff's Office began to receive notifications from the court when a person became ineligible to possess a firearm. Upon notification, Sheriff deputies flagged the individual with a color-coded system in a computer database accessible to the Sheriff's Office, as well as other local law enforcement agencies, such as the Louisiana Department of Wildlife and Fisheries. By having the information available in real time, law enforcement agents became aware of firearms prohibitions during any interactions they had with individuals, and could take that opportunity to divest them of their firearms. Additionally, the court minutes or protection order establishing the firearm prohibition are scanned into the database and available to law enforcement. The Sheriff's Office also sends a letter to the prohibited person advising them of state and federal restrictions. Lt. Martinez-Jordan states that most people voluntarily return the

letter demonstrating they understand the restrictions and indicating whether or not they own firearms. Those who acknowledge gun ownership as well as those who don't comply by returning the letter receive a visit from law enforcement.

This groundbreaking program in Lafourche became the inspiration for the firearm transfer legislation that passed in Louisiana in 2018. The firearm transfer legislation established Sheriff's Offices as the agencies responsible for overseeing firearm transfers and outlined procedures to divest prohibited persons of their firearms. The Louisiana Commission on Law Enforcement provided the Lafourche Parish Sheriff's Office funding to share its protocol and forms for divestiture with Sheriffs' departments throughout Louisiana. Lt. Martinez-Jordan spent most of the fall of 2018 traveling throughout the state, educating law enforcement on state and federal firearms laws and sharing the protocol she helped develop in Lafourche. Since the law took effect in 2014, there have been no domestic violence homicides by anyone prohibited from possessing a firearm in Lafourche. Lt. Martinez-Jordan hopes the success they have had in Lafourche Parish can be expanded throughout the state.

Lexington, KY

Lexington, Kentucky is a community that understands that time is often critical in keeping domestic violence victims safe.

Two initiatives launched by the Fayette County Sheriff and Fayette County Circuit Court, electronic Emergency Protective Orders (e-EPO) and domestic violence order hope cards, aim to save lives when minutes matter.

Accelerating the protective order process electronically

The first initiative, electronic Emergency Protective Orders (e-EPO), significantly reduces the time to create, review, authorize and enter protective orders into the system, according to Fayette County Sheriff, Kathy Witt. The signing judge is alerted to the EPO request via text and email. Connecting partner agencies electronically allows for temporary emergency protective orders to be granted within minutes rather than hours and respondents to be served more expeditiously.

Hope Cards condense and simplify protection orders for police

The second initiative involves the Fayette County Sheriff's office issuing Domestic Violence Order Hope Cards to victims of domestic violence in Lexington who are granted domestic violence orders (DVO). Hope Cards are laminated, wallet-sized cards that can easily be carried by the victim and provides law enforcement with critical information regarding a valid domestic violence order. One side of the card contains the case number, expiration date of the DVO, the name of the petitioner/victim, the name, date of birth, physical description and photo of the respondent. The other side of the card contains the conditions of the DVO. The hope card takes a multi-page order and reduces it down to the size of a credit card. When police respond, they have the information necessary to make an expedient arrest.

Victim advocates essential to Lexington's firearm removal and victim safety

County Sheriff advocates and deputies are always in domestic violence hearings to assist petitioners throughout the entire process. Sheriff's office staff members work with the petitioner to learn if there are firearms owned by the respondent. Petitioners meet with the team member to go over what types of firearms there are within the respondents' possession. Additionally, throughout the term of a DVO, the Sheriff's office stays in touch with the petitioners. Petitioners are called by advocates every three to six months. Advocates inquire if the petitioner is feeling safe in her current situation and if there have been any violations of the order that have not been reported law enforcement. A DVO may remain effective for up to three years. Prior to the expiration of the order, the petitioner will receive a letter advising them that the order is about to expire and informing the petitioner that if they want an extension of the order they will need to petition the court. The on-going contact between victims and the Sheriff's office creates confidence in the system and enhances victim safety.

Pueblo, CO

In Pueblo, Colorado, Judge Victor Reyes of the 10th Judicial District* realized that the current process of firearm removal needed an update.

Despite judges' being authorized to use the catchall provision in Colorado's protection order statute to order the surrender of firearms, there were several impediments to successfully removing firearms from domestic violence offenders. One of the main impediments was that there was no way for a judge to know whether an abuser possessed firearms, let alone how many or which type. There were no protocols or forms to gather data on the presence of guns or to facilitate the removal of weapons in cases where firearms were present.

After attending judicial training on firearm removal, Judge Reyes started working to modify a series of forms created by the late Judge Amy Karan for use in Miami-Dade's Domestic Violence Court. After being approved for use by the Chief Judge at a local judges' meeting, the forms became part of a packet offered to all petitioners requesting protection orders. The distribution of this packet, says Judge Reyes, prompted the forms' success in his jurisdiction.

The forms—which include a sworn statement of possession, affidavit on firearms, order to surrender, order to show cause, petitioner listing of weapons and more—allowed court officials to better determine and address the presence of firearms to hold offenders accountable. In addition to the information obtained from forms, which must be filled out by both involved parties, an inquiry on firearms was made on the record. Once a judge ordered the surrender of firearms, information in the forms was used to ensure compliance.

After adopting these forms, the Pueblo County Sheriff's Office saw an increased number of guns surrendered. Law enforcement were also better able to inform third parties that were willing to

accept the transfer of a firearm from a prohibited possessor of their responsibilities. Giving these forms to those who petition for a protection order was a crucial step to promote their implementation and ensure compliance.

Judge Reyes' approach has presented a way to facilitate the removal of weapons from dangerous individuals. While it required little cost, it did require a commitment from the judiciary, and ultimately has positively affected the safety of domestic violence victims in Pueblo County.

*The Honorable Victor Reyes is currently retired.

San Mateo County, CA

California leads the nation with some of the strictest laws on guns.

Since 2004, anyone served with a temporary protective order is given only 24 hours to turn over any weapons to local law enforcement or sell them to a licensed gun dealer. Even with some of the toughest gun surrender laws on the books, enforcement of the legislation was uneven. One community set out to change that.

A pilot program saving lives

In 2006, the state set up pilot programs to increase enforcement in San Mateo County, just outside of San Francisco, and Butte County, a largely rural area north of Sacramento. In 2007, the San Mateo Sheriff created the Domestic Violence Firearms Compliance Unit to track, investigate and enforce Domestic Violence Protective Court Orders directing the seizure and storage of surrendered firearms. The money for the original program dried up in 2010, however, San Mateo sought alternate funding to continue the program because it believed that the program was saving lives.

A gatekeeper is key to San Mateo's program success

One key component of San Mateo's efforts is their gatekeeper, Detective Bridgette Heffelfinger, a San Mateo deputy sheriff in the Domestic Violence Firearms Compliance Unit. Everyday Detective Heffelfinger scans the civil protective orders coming out of family court, looking for any mention of guns and violence. She also checks to see if those incidents have ever been reported to law enforcement. If the reports are unclear she will contact the person protected by the order to find out more. This also allows Detective Heffelfinger to make a personal connection with the victim and provide referrals to available services. If the reports clearly indicate use, presence, or threat of firearms, Deputy Heffelfinger has good grounds to ask the court for a search warrant to confiscate the firearms if they haven't been properly surrendered.

Training is an important component to consistency in implementation

The Domestic Violence Firearms Compliance Unit in conjunction with Community Overcoming Relationship Abuse (CORA) developed a training program for local law enforcement and partnering agencies to educate on the pilot project procedures and the relevant firearms and

domestic violence issues. Jim Granucci, a former police chief, now with CORA, provides training to law enforcement officers. In San Mateo county, there are 20 different law enforcement agencies. Keeping all of those agencies informed on law and policy changes as well as making sure new recruits understand the dynamics of domestic violence falls into the capable hands of Jim Granucci. Through CORA, Jim offers a 90 minute training for all new officers on domestic violence. Additionally he offers on-going POST training that includes having a survivor of domestic violence speak to the officers and answer their questions. He also attends briefings at the 20 agencies to update officers in the field on gun law changes.

Washington

Since 2014, Washington state law has required individuals served with domestic violence protection orders to give their weapons to police; however, most were not obeying these court orders.

Since 2014, Washington state law has required individuals served with domestic violence protection orders to give their weapons to police; however, most were not obeying these court orders. In 2016, 56% of firearm surrender orders in Seattle were completely ignored. A \$1 million appropriation from the City of Seattle and King County allowed for the creation of the Regional Domestic Violence Firearms Enforcement Unit to improve compliance with firearm surrender orders. The Unit consists of 12 people, including Seattle Police Department officers, King County Sheriff's Office deputies, a Seattle Assistant City Attorney, and King County Deputy Prosecutors, paralegals, and victim advocates. The Unit manages the data entry, service, tracking, and enforcement of the surrender orders as well as the receipt, storage, and return of surrendered firearms across King County. The dedicated staff meet regularly to review surrender orders from the court and target the most urgent cases.

It can be complicated to figure out if someone owns a firearm. You can ask individuals directly, but relying on the honor system could have the consequence of leaving victims at risk. The State of Washington tracks purchase histories, but only for licensed gun stores, not gun shows or private party sales. The history that is available about purchases and concealed carry permits is not readily available to the judge presiding over the protection order case. Prosecutors can access this firearms history information, but prosecutors are not parties to protection order cases; it is a civil matter between the individual seeking a protection order and the person being restrained. The prosecutors in the new Unit now appear at these civil proceedings to ensure that the presiding judge has all available information about the respondents' firearm history.

The Seattle Police Department has tasked a Sergeant and four additional detectives with the responsibility of serving all protection orders in the City of Seattle. In the first 6 months of 2018, 67 orders to surrender were issued in 527 protection orders. The officers attempt to have respondents surrender firearms at the time of service of the order. Approximately 10% of respondents immediately surrendered firearms to the serving officer. The Sergeant conducts a risk assessment when she receives a protection order. If the high-risk criteria are met, the order

is served with the assistance of the SWAT team. If the high-risk protocols are not required, the team attempts a soft approach, armed with all the information about firearm possession from the purchase registry as well as information provided by the petitioner. The team is keenly aware that if they are serving a temporary order, they will likely have to return at a later date to serve a permanent order, so establishing a respectful, professional, and calm rapport with the respondent is beneficial.

The success of the Regional Domestic Violence Firearms Unit has been immediate and significant. The number of firearms recovered by the Unit between January 1, 2018 and November 30, 2018 was 466. This number reflects firearms recovered by law enforcement, not firearms voluntarily surrendered by respondents who received information from the Unit on how and where to surrender. To place this number in context, 124 firearms were turned in in all of 2016.

Wisconsin

Wisconsin had legislated firearm prohibitions similar to the federal law, however, enforcement of the prohibitions remained challenging.

In 2009, a subcommittee of the Governor's Council on Domestic Violence completed a model firearm surrender protocol to improve compliance with firearm surrender laws. In 2010, the protocol was piloted in four counties. Between 2012 and 2014 several other counties voluntarily adopted the model protocol. In April 2014, firearm surrender legislation passed into law, making the protocol mandatory across all of Wisconsin's 72 counties.

Sauk County is finding the truth with a half sheet of paper

Each of the counties that participated in the pilot project were given some leeway in developing practices within the protocol. Sauk County recognized that the success of firearm surrender relies on respondent's being truthful about gun ownership. By the time the respondents are filling out inventory sheets in court, they have already been advised that they may have to surrender their guns. Recognizing that self-reporting might be less than truthful, Sauk County deputies included in their service protocol a practice designed to catch respondents off guard and reveal the truth. At the time of service of the temporary injunction the deputy asks the respondent if they own firearms. The respondent's reply is recorded on a half sheet of paper that goes back to the court with proof of service. This allows the court a check and balance to see if the respondents' response to the court regarding gun ownership is consistent with their less prepared statement to the deputy.

Successful pilot project leads to state legislation

The successful pilot project facilitated the passage of legislation in 2014 that adopted the surrender protocols as state law. There were seven months between the passage of the legislation and its effective date, allowing for statewide training of court staff and law enforcement. If the court issues a domestic abuse or child abuse injunction and finds that the

respondent possesses firearms, the law requires that the firearms be surrendered within 48 hours and requires the court to hold a surrender hearing within one week of the injunction hearing to ensure compliance. If the respondent fails to surrender firearms or attend the hearing, the court must issue an arrest warrant for them.

New legislation tightens up third party surrender

The 2014 legislation provides that when the subject of an injunction who wishes to surrender to a third party, the third party must be present in court, testify under oath that he received the firearm and be approved by the court. By requiring the third party to come to court, it allows the judge to have a conversation with the third party and ensure that they really understand the responsibilities of taking those firearms and not returning them to the respondent until it was lawful to do so. In the pilot counties, third party surrender was the most common avenue for surrender. This was a significant improvement over the old law which allowed surrender to third parties without an appearance in court.