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To: Sen. Dick Sears, Chair
Senate Committee on Judiciary

From: Lauren Jandl, Chief of Staff, prepared on behalf of Attorney General Clark
Attorney General's Office

Date: April 7, 2023

Re: Recommendations for latest draft of H.230, An act relating to implementing
mechanisms to reduce suicide

To assist the Committee as it considers H.230, the following is a summary of the Attorney General's Office's suggestions and observations regarding sections of the bill. As mentioned in earlier testimony, Attorney General Charity Clark whole-heartedly supports the bill and offers the following as suggestions to strengthen the bill.

Legislative Purpose

The bill states, "The purpose of this legislation is to prevent death by suicide by reducing access to lethal means of firearms." The Attorney General's Office recommends amending this to: "The purpose of this legislation is to prevent death by suicide by reducing access by children and prohibited persons to operable firearms."

§ 4024 Secure Firearms Storage

Prohibition: In subsection (a)(1)(B), we suggest shortening the subsection so that it ends with "properly engaged." Specifically, we would revise the language as follows: "...in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so as to render the firearm inoperable by any person other than the owner or authorized user."

Charging Discretion: For clarity, we suggest removing subsection (c), charging discretion, in its entirety. This revision would remove: "If a person who allegedly violates this section is a parent or guardian of a child who gains access to a firearm that is used in an unintentional or self-inflicted shooting that causes death or serious bodily injury to the child, the impact of the child's death or serious bodily injury on the person who committed the alleged violation may be considered by the State's Attorney when deciding whether to file criminal charges in the case."

§ 4053 Petition for Extreme Risk Protection Order

The Attorney General has concurrent jurisdiction with the State's Attorneys, and we believe that the process as it is currently laid out in subsection (b)(2) for family or household members petitioning for Extreme Risk Protection Orders (ERPO) is confusing and potentially cumbersome. We recommend streamlining this process by removing the Attorney General so that the State's Attorneys serve as the substitute for the plaintiff in instances when family or household members have petitioned for an ERPO. We believe this will streamline the process and make it more expedient for family members, prosecutors, and the judiciary.

It should be noted that this modification would only pertain to the substitution as plaintiff for family or household members petitioning for an ERPO and would not impact the Attorney General's ability to file an ERPO petition on its own.

Conclusion

To summarize, we suggest the Committee:

- Amend the legislative purpose of the bill.
- Revise section 4024 subsection (a)(1)(B) regarding prohibitions.
- Remove charging discretion from section 4024 subsection (c).
- Streamline the process for family or household members petitioning for ERPOs by removing the Attorney General from substituting as plaintiffs in actions filed by family or household members.