

118TH CONGRESS
1ST SESSION

H. R. 4854

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to award grants for providing legal resources for petitioners seeking extreme risk protection orders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2023

Ms. CHU (for herself, Mr. GOLDMAN of New York, and Ms. SÁNCHEZ) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Omnibus Crime Control and Safe Streets Act of 1968 to award grants for providing legal resources for petitioners seeking extreme risk protection orders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fair Legal Access
5 Grants Act”.

1 **SEC. 2. LEGAL RESOURCES FOR EXTREME RISK PROTEC-**
2 **TION ORDER PETITIONERS.**

3 Subpart I of part E of title I of the Omnibus Crime
4 Control and Safe Streets Act of 1968 (34 U.S.C. 10151
5 et seq.) is amended—

6 (1) by redesignating section 509 as section 510;

7 and

8 (2) by inserting after section 508 the following:

9 **“SEC. 509. LEGAL RESOURCES FOR EXTREME RISK PRO-**
10 **TECTION ORDER PETITIONERS.**

11 **“(a) DEFINITIONS.—**In this section:

12 **“(1) COVERED PETITIONER.—**The term ‘cov-
13 ered petitioner’ means an individual who is eligible
14 to seek an extreme risk protection order from an ap-
15 plicable State or Tribal court.

16 **“(2) EXTREME RISK PROTECTION ORDER.—**The
17 term ‘extreme risk protection order’ means a written
18 order or warrant, issued by a State or Tribal court
19 or signed by a magistrate or other comparable judi-
20 cial officer, the primary purpose of which is to re-
21 duce the risk of firearm-related death or injury by—

22 **“(A)** prohibiting a named individual from
23 owning, purchasing, possessing, receiving, or
24 having under the custody or control of the indi-
25 vidual a firearm; or

1 “(B) having a firearm removed or requir-
2 ing the surrender of a firearm from a named
3 individual.

4 “(3) FIREARM.—The term ‘firearm’ has the
5 meaning given the term in section 921 of title 18,
6 United States Code.

7 “(b) AUTHORITY.—

8 “(1) IN GENERAL.—The Attorney General shall
9 award grants to States, local governments, and Trib-
10 al Governments for the purpose of providing legal
11 representation and resources to covered petitioners.

12 “(2) USE OF FUNDS.—A State, local govern-
13 ment, or Tribal Government that receives a grant
14 under paragraph (1) may use amounts from the
15 grant to—

16 “(A) ensure covered petitioners have access
17 to counsel and interpretation and translation
18 services;

19 “(B) establish legal resources centers—

20 “(i) for publishing and distributing in-
21 formation and responding to inquiries re-
22 lating to the extreme risk protection order
23 legal process of the applicable State or
24 Tribal Government; and

1 “(ii) that focus on expanding re-
2 sources in multiple languages other than
3 English;

4 “(C) hire personnel to—

5 “(i) process and represent covered pe-
6 titioners, such as personnel in local district
7 attorney offices and law enforcement agen-
8 cies; or

9 “(ii) serve as legal resource coordina-
10 tors;

11 “(D) award subgrants to nonprofit organi-
12 zations that provide community legal aid; and

13 “(E) train legal service providers, law en-
14 forcement officers, prosecutors, court personnel,
15 and other individuals on the differences between
16 an extreme risk protection order and a domestic
17 violence protection order to ensure that victims
18 of domestic violence seek the form of protection
19 order that best addresses their safety needs.

20 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to carry out this section
22 \$50,000,000 for each of fiscal years 2025 through 2031.”.

23 **SEC. 3. JURISDICTION OF FEDERAL COURTS.**

24 (a) DEFINITION.—In this section, the term “covered
25 petitioner” has the meaning given the term in section

1 509(a) of the Omnibus Crime Control and Safe Streets
2 Act of 1968, as added by section 2 of this Act.

3 (b) NO JURISDICTION.—No Federal court may exer-
4 cise jurisdiction over a Federal, State, Tribal, or local
5 cause of action in response to a covered petitioner filing
6 a petition for an extreme risk protection order if the cov-
7 ered petitioner did not file a false or intentionally
8 harassing petition.

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