

118TH CONGRESS
2D SESSION

S. 5055

To require the United States Armed Forces to fully utilize applicable State extreme risk protection order programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2024

Ms. COLLINS (for herself and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To require the United States Armed Forces to fully utilize applicable State extreme risk protection order programs, 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 “Armed Forces Crisis
5 Intervention Notification Act”.

6 **SEC. 2. REQUIREMENT TO UTILIZE STATE EXTREME RISK**
7 **PROTECTION ORDER PROGRAMS.**

8 (a) IN GENERAL.—Not later than one year after the
9 date of the enactment of this Act, the Secretary of Defense
10 shall establish a policy that—

1 (1) requires each branch of the Armed Forces
2 to fully utilize any applicable State extreme risk pro-
3 tection order program in the event a commanding
4 officer determines that a member of the Armed
5 Forces under the commanding officer’s command is
6 a covered individual for purposes of subsection
7 (b)(3); and

8 (2) requires each branch of the Armed Forces
9 to fully participate in any judicial proceeding author-
10 ized under any applicable State extreme risk protec-
11 tion order program to impose, review, extend, mod-
12 ify, or terminate an extreme risk protection order for
13 a current or former member of the Armed Forces.

14 (b) DEFINITIONS.—In this section:

15 (1) APPLICABLE STATE EXTREME RISK PRO-
16 TECTION ORDER PROGRAM.—The term “applicable
17 State extreme risk protection order program” means
18 an extreme risk protection order program of a State
19 in which a covered individual resides or is physically
20 present as part of such individual’s military service.

21 (2) ARMED FORCES.—The term “Armed
22 Forces” means the Army, Navy, Air Force, Marine
23 Corps, and Space Force.

1 (3) COVERED INDIVIDUALS.—The term “cov-
2 ered individual” means a member of the Armed
3 Forces who—

4 (A) has been determined by their com-
5 manding officer to be unfit to carry or possess
6 a firearm for the performance of official duties
7 due to the member making a serious, credible
8 threat of violence against one or more members
9 of the Armed Forces, another person, himself
10 or herself, or a military installation or facility;
11 or

12 (B) is described in section 922(g)(4) of
13 title 18, United States Code, to the extent such
14 status is a basis for initiation of proceedings
15 under an applicable State extreme risk protec-
16 tion order program.

17 (4) EXTREME RISK PROTECTION ORDER PRO-
18 GRAM.—The term “extreme risk protection order
19 program” means extreme risk protection order pro-
20 gram as described in section 501(a)(1)(I)(iv) of title
21 I of the Omnibus Crime Control and Safe Streets
22 Act of 1968 (34 U.S.C. 10152(a)(1)(I)(iv)).

23 (5) FULLY PARTICIPATE IN ANY JUDICIAL PRO-
24 CEEDING AUTHORIZED UNDER ANY APPLICABLE
25 STATE EXTREME RISK PROTECTION ORDER PRO-

1 GRAM.—The term “fully participate in any judicial
2 proceeding authorized under any applicable State ex-
3 treme risk protection order program” means, in the
4 case of a branch of the Armed Forces, producing,
5 upon the request of appropriate judicial personnel or
6 a party to the judicial proceeding, evidence that may
7 be relevant to the proceeding, notwithstanding the
8 privacy regulations promulgated under section
9 264(c) of the Health Insurance Portability and Ac-
10 countability Act of 1996 (42 U.S.C. 1320d–2 note)
11 and the requirements of section 552a of title 5,
12 United States Code (commonly known as the “Pri-
13 vacy Act of 1974”).

14 (6) FULLY UTILIZE ANY APPLICABLE STATE
15 EXTREME RISK PROTECTION ORDER PROGRAM.—The
16 term “fully utilize any applicable State extreme risk
17 protection order program” means, in the case of a
18 branch of the Armed Forces, taking the following
19 steps:

20 (A) Taking action, consistent with Federal
21 law, available to third parties under an applica-
22 ble State extreme risk protection order pro-
23 gram.

24 (B) Providing to appropriate law enforce-
25 ment or judicial personnel an accounting of the

1 relevant material facts related to a determina-
2 tion made pursuant to subsection (a)(1), not-
3 withstanding the privacy regulations promul-
4 gated under section 264(c) of the Health Insur-
5 ance Portability and Accountability Act of 1996
6 (42 U.S.C. 1320d-2 note) and the requirements
7 of section 552a of title 5, United States Code
8 (commonly known as the “Privacy Act of
9 1974”).

10 (c) GUIDELINES AND POLICY.—The Secretary of De-
11 fense shall establish policy to ensure that commanding of-
12 ficers and any other relevant members of the Armed
13 Forces are aware of the requirements of this section, in-
14 cluding any State extreme risk protection order programs
15 applicable to their commands, and how to fulfill such re-
16 quirements.

17 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion shall be construed to circumvent, limit, or supersede
19 the applicability of any rules governing discovery in any
20 judicial proceeding authorized under any applicable State
21 extreme risk protection order program.

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