



New York State

Legislative Support Memo

March 28, 2018,

To: Senator Brian Kavanaugh and Assemblywoman Jo Anne Simon

Re: S.7133-A/A.8976-B-An act to amend the civil practice law and rules, the criminal procedure law and the penal law, in relation to establishing extreme risk protection orders as court-issued orders of protection prohibiting a person from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun

The National Alliance on Mental Illness-New York State (NAMI-NYS) is the state chapter of NAMI, the nation's largest grassroots organization dedicated to improving the lives of individuals and families impacted by mental illness. NAMI-NYS urges the New York State legislature to pass S.7133-A/A.8976-B and fund the extreme risk protection orders.

NAMI-NYS firmly believes that government and society must do everything possible to ensure the safety and well-being of people living with psychiatric disorders. The removal of firearms during vulnerable times brought on by the symptoms of neurobiological disorders is certainly a positive step towards achieving this goal.

While NAMI-NYS supports funding this initiative and applauds your efforts to keep the loved ones of the one in four New York State families impacted by mental illness as safe as possible, we do have a few concerns which we hope will be addressed as the law is implemented. These concerns are:

- We must ensure that police are properly trained and comprehend psychosis when being asked to intervene and remove firearms.
- As it will be up to the courts to determine if an extreme risk protection order is necessary, it will be imperative that more mental health literacy education is provided to judges, magistrates and the courts as a whole.
- NAMI-NYS's ultimate objective is to advance the recovery of people living with a mental illness. This is why we want to ensure that once an extreme risk protection order has been rescinded that the order does not remain on a permanent record that could be obtained by potential employers or hinder the ability to access mental health housing and other vital recovery oriented services. We recommend something similar to Adjournment in Contemplation of Dismissal be used in these cases.

NAMI-NYS would relish the opportunity to work with the state leaders and the criminal justice system to properly implement this law. We believe the proper implementation will lead to safer and stronger communities across New York State as well as helping those with mental illness advance their recovery.

For more information please contact NAMI-NYS at 518-462-2000.