

118TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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**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  
13          imposed on a current or former member of the  
14          Armed Forces.

15       (b) DEFINITIONS.—In this section:

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

22           (2) ARMED FORCES.—The term “Armed  
23          Forces” means the Army, Navy, Air Force, Marine  
24          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.