



State of New Mexico

Michelle Lujan Grisham
Governor

EXECUTIVE ORDER 2022-121

ESTABLISHING THE EXTREME RISK TASK FORCE

WHEREAS, gun violence is a crisis, with tens of thousands of Americans and hundreds of New Mexicans dying from gun violence every year;

WHEREAS, gun violence has increased significantly over the past decade, especially in New Mexico; for example, the New Mexico Department of Health reported that firearm-related deaths in the State spiked 55% from 2010-2020;

WHEREAS, gun violence is particularly destructive in New Mexico, which ranked fourth in the nation in gun violence deaths in 2019;

WHEREAS, to help address this issue, I signed into law Senate Bill 328 on April 4, 2020, which enacted the Extreme Risk Firearm Protection Order Act (the "ERFPOA"), NMSA 1978, §§ 40-17-1 to -13 (2020);

WHEREAS, the ERFPOA created a powerful tool to combat gun violence by allowing law enforcement officers and prosecutors to submit petitions to have firearms temporarily removed from the possession of individuals believed to pose a significant danger of causing imminent personal injury to themselves or others;

WHEREAS, extreme risk protection orders issued pursuant to the ERFPOA can save countless lives, as many individuals that go on to commit gun violence previously displayed concerning behavior indicating that they would go on to hurt themselves or others;

WHEREAS, it has recently come to light that law enforcement agencies are not

sufficiently utilizing the ERFPOA; for example, only nine petitions were filed in the first two years of the ERFPOA's existence; and

WHEREAS, it is vital that the ERFPOA be utilized to the fullest extent possible to save as many lives as possible from gun violence.

NOW, THEREFORE, I, Michelle Lujan Grisham, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico do hereby **ORDER** and **DIRECT** as follows:

1. **Task Force; Creation.** The Extreme Risk Task Force (the "Task Force") is hereby created to coordinate and promote state and local efforts to strengthen implementation of the ERFPOA, as well as coordinate and implement other key gun safety priorities.

2. **Chairperson; Duties.** The Secretary of the Department of Public Safety (the "Secretary"), or their designate, shall serve as the chair of the Task Force, convene meetings, facilitate stakeholder participation, provide strategic direction, and take all other actions necessary and proper for the Task Force to fulfil the below duties.

3. **Members; Employees.** Members of the Task Force shall consist of seven (7) individuals (including the Secretary or their designate) with professional experience with law enforcement, mental health, or public health. Members shall be appointed by, and serve at the pleasure of, the Governor. Subject to appropriations or funding, the Task Force may employ investigators, analysts, researchers, and other necessary personnel on a full or part time basis. Members of the Task Force shall not be compensated for their service, other than for per diem for members traveling more than 100 miles to the designated meeting location, or for contractual services that the Secretary or their designate deems as necessary, subject to appropriations or funding.

4. **Funding; subawards.** The Task Force may apply for, and accept any, grants, funding, or appropriations consistent with the Task Force's purpose and duties. The Task Force may consider providing grant funding to local law enforcement agencies who commit to creating and training dedicated extreme risk teams, which may include social service providers who can refer individuals into appropriate mental health, substance use, or behavioral health care resources; provided that doing so is consistent with any requirements imposed by the entity that made the funds available to the Task Force.

5. **Administration of the ERFPOA.** The Task Force shall:

a. Develop expertise on the uses of ERFPO petitions and serve as a central command center for the ERFPO implementation across the State of New Mexico.

b. Upon request, educate law enforcement officers on the process of filing a petition for an Extreme Risk Firearm Protection Order.

c. Develop and disseminate ERFPOA recommended training materials and recommended protocols for stakeholders across the State, including law enforcement, judges and judicial staff, school officials, behavioral health providers, and suicide hotline or other crisis treatment providers. Training materials and protocols for law enforcement shall include the process for filing a petition, circumstances in which law enforcement is required to file a petition, ensuring relinquishment of firearms following the issuance of an Extreme Risk Firearm Protection Order. Training materials for those other than law enforcement shall include: (1) the availability of, and process for requesting through law enforcement, an Extreme Risk Firearm Protection Order; and (2) identification of behavior that suggests a person poses a significant danger of causing imminent personal injury to

self or others by having in her or her custody or control or by purchasing, possessing or receiving a firearm.

d. Determine what detailed technical assistance is needed by law enforcement, as well as other officials named herein, and build out appropriate technical assistance programming.

e. Regularly liaise with experts in other states that have been leaders in extreme risk protection policy.

f. Encourage law enforcement agencies to notify the Task Force as soon as practicable following the filing of an ERFPOA petition by any law enforcement official employed by such agency and make detailed information available about the case going forward.

6. **Public Awareness Campaign.** Subject to available funding, the Task Force shall develop and launch a statewide public awareness campaign designed to educate the general public about the ERFPOA. The public awareness campaign shall identify and utilize culturally appropriate messengers and multilingual resources and include, but not be limited to, the preparation and dissemination of educational materials regarding:

a. The availability of, and process for requesting through law enforcement, an Extreme Risk Firearm Protection Order; and

b. Identification of behavior that suggests a person poses a significant danger of causing imminent personal injury to self or others by having in her or her custody or control or by purchasing, possessing or receiving a firearm.

7. **Research and Evaluation; Annual Report.** The Task Force shall perform and promote research and evaluation of the ERFPOA to enable the State to establish best practices and

recommend changes to the existing law. The Task Force shall endeavor to collaborate with public health researchers to measure the use and effectiveness of the ERFPOA and to analyze its impacts along demographic lines including, but not limited to, race, ethnicity, age, gender, and place of residence. Beginning in 2023, the Task Force shall publish a report covering ERFPOA petitions filed statewide prior to December 31 of each year that includes:

- a. The number of extreme risk firearm protection order petitions filed;
- b. The number of petitions that led to the issuance of an order, and the number that led to respondent's surrender of firearms;
- c. The number of extreme risk firearm protection order petitions that were heard but not granted;
- d. Statistical information about race and ethnicity of petitioners and respondents, if readily available;
- e. Statistical information about sex and gender identity of petitioners and respondents, if readily available;
- f. Statistical information about age of petitioners and respondents, if readily available;
- g. Statistical information about county of residence of petitioners and respondents, if readily available;
- h. Data on the duration of extreme risk firearm protection orders;
- i. The number of instances in which an order was terminated or otherwise modified prior to its original expiration date; and

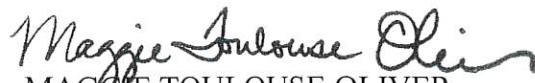
j. Information regarding any person who used a firearm to injure or kill himself or another, where the person had previously exhibited red flags but no petition was filed for an extreme risk firearm protection order.

The Task Force shall request the assistance of the Administrative Office of the Courts and, if necessary, local law enforcement agencies with accessing and compiling the data necessary for the report. The report shall note any limitations or issues with the report's data, as well as the reasons for the limitations or issues such as lack of agency cooperation or inability to access data.

I FURTHER ORDER and DIRECT as follows:


1. This Order shall take effect immediately and shall remain in effect until modified, rescinded, or renewed.

ATTEST:


MAGGIE TOULOUSE OLIVER
SECRETARY OF STATE

DONE AT THE EXECUTIVE OFFICE
THIS 26TH DAY OF AUGUST 2022

WITNESS MY HAND AND THE GREAT
SEAL OF THE STATE OF NEW MEXICO


MICHELLE LUJAN GRISHAM
GOVERNOR

