

No. 19

Directing the State Police to File Extreme Risk Protection Orders

WHEREAS, violence with firearms remain the most deadly tactic deployed by domestic extremists, with violent white supremacist extremists inspired by "replacement theory" carrying out deadly shootings targeting a Pittsburgh, Pennsylvania synagogue in October 2018; a Poway, California synagogue in April 2019; and an El Paso, Texas Walmart in August 2019;

WHEREAS, 10 people were killed with a semiautomatic rifle equipped with a high-capacity magazine in an act of white supremacist domestic terrorism in a shooting on March 14, 2022 at a Buffalo, NY, supermarket, demonstrating the need for increased vigilance to prevent, whenever possible, similar tragedies from occurring in the future;

WHEREAS, the number of domestic extremist attacks and plots have more than tripled from 2011 to 2021, according to the Center for Strategic and International Studies, with more than "38 white supremacist and other like-minded terrorist attacks and plots" in 2021;

WHEREAS, the foregoing requires decisive and immediate action to protect the public from this escalating, frequently occurring threat in the State of New York; and

NOW, THEREFORE, I, KATHY HOCHUL, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the laws of the State of New York, do hereby order as follows:

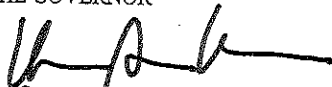
The New York State Police shall ensure that its sworn members are trained and instructed to file an application for an extreme risk protection order in accordance with Article 63-A of the Civil Practice Laws and Rules.

All sworn members of the New York State Police must file an application, which shall be sworn, and accompanying supporting documentation, setting forth the facts and circumstances justifying the issuance of a temporary extreme risk protection order when there is probable cause to believe the respondent is likely to engage in conduct that would result in serious harm to himself, herself, or others, as defined in paragraph one or two of subdivision (a) of section 9.39 of the mental hygiene law. Such application and supporting documentation shall be filed in the supreme court in the county in which the respondent resides, in accordance with Article 63-A of the Civil Practice Laws and Rules.



GIVEN under my hand and the Privy Seal of the State in the City of Albany this eighteenth day of May in the year two thousand twenty-two

BY THE GOVERNOR


Secretary to the Governor

