

**AMERICAN BAR ASSOCIATION  
HOUSE OF DELEGATES**

**2017 ANNUAL MEETING  
NEW YORK, NEW YORK  
AUGUST 14 – 15, 2017**

**DAILY JOURNAL**

<b><u>RPT NO.</u></b>	<b><u>PROPOSED BY</u></b>	<b><u>SHORT TITLE</u></b>	<b><u>ACTION</u></b>
<del>40A</del>	MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION	Urges the Department of Justice to rescind the memorandum issued by Attorney General Sessions' in May 2017 that directs federal prosecutors to charge and pursue the most serious, readily provable offense.	Withdrawn
<a href="#">10B</a>	MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION	Opposes the imposition of a mandatory minimum sentence in any criminal case, and urges Congress, state and territorial legislatures to repeal laws requiring minimum sentences.	Approved as Revised and Amended*
<a href="#">10C</a>	MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION SECTION OF LITIGATION COMMISSION ON IMMIGRATION	Urges Congress to amend Section 287 of the Immigration and Nationality Act to expand and codify Department of Homeland Security guidelines regarding immigration enforcement actions.	Approved
<a href="#">10D</a>	MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION CENTER FOR HUMAN RIGHTS SECTION OF INTERNATIONAL LAW	Urges the United States Department of State to preserve the Office of Global Criminal Justice and the role of the War Crimes Ambassador, including funding and staffing to continue the work of the office and the United States' commitment to international criminal justice and the prevention and prosecution of atrocity crimes.	Approved
<del>41-1</del>	CONSTITUTIONAL AMENDMENT	Seeks to amend §1.2 of the Association's Constitution to include the following language as one of the purposes of the Association: "to defend the right to life of all innocent human beings, including all those conceived but not yet born."	Postponed Indefinitely by Vote of 279;178
<del>41-2</del>	CONSTITUTIONAL AMENDMENT	Seeks to amend §6.8 of the Association's Constitution to provide for representation of the National Creditors Bar Association as an affiliated organization in the House of Delegates.	Withdrawn

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\* See Attached.

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
<a href="#">11-3</a>	HOUSEKEEPING AMENDMENT	Seeks to amend §6.5(a) of the Association's Constitution to indicate that if six or fewer nominating petitions are filed for Delegates-at-Large to the House of Delegates, and no two are from the same state, territory or possession, no election shall be conducted and the Secretary shall certify to the Chair of the House that the nominees are elected.	Approved
<a href="#">11-4</a>	HOUSEKEEPING AMENDMENT	Seeks to amend §44.1(a) of the House Rules of Procedure to include a "commission" as having the privileges of the floor of the House of Delegates.	Approved
<a href="#">100</a>	STANDING COMMITTEE ON PARALEGALS	Grants approval and reapproval to several paralegal education programs, withdraws the approval of two programs at the requests of the institutions, and extends the term of approval to several paralegal education programs.	Approved
<del>401</del>	TIMOTHY STANLEY, ABA MEMBER EDWARD J. WALTERS, ABA MEMBER	Urges Congress to require that any works of the U.S. government that are published privately also be deposited with the Government Publishing Office and subsequently distributed on the Internet, to the member libraries of the Federal Depository Library System, to the Library of Congress, and to the National Archives.	Withdrawn
<del>402A</del>	TORT TRIAL AND INSURANCE PRACTICE SECTION	Opposes the use of mandatory, binding, pre-dispute arbitration agreements in private student loan contracts and supports enactment of legislation and regulations that would prohibit or invalidate such arbitration agreements and opposes legislation and regulations that would authorize, encourage or enforce such agreements.	Withdrawn
<a href="#">102B</a>	TORT TRIAL AND INSURANCE PRACTICE SECTION	Urges legislative bodies and governmental agencies to interpret existing laws and policies, and to adopt laws and policies that allow the implementation and administration of trap-neuter-vaccinate-return programs for community cats within their jurisdictions so as to promote their effective, efficient, and humane management.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
<a href="#">102C</a>	TORT TRIAL AND INSURANCE PRACTICE SECTION	Supports common-interest doctrine, under which sharing of privileged communications with persons of common interest who have agreed to maintain confidentiality does not waive privilege.	Approved as Revised*
<a href="#">103</a>	SECTION OF DISPUTE RESOLUTION	Encourages greater use and development of ombuds programs that comply with generally recognized standards of practice as an effective means of preventing, managing, and resolving individual and systemic conflicts and disputes.	Approved
<a href="#">104</a>	STANDING COMMITTEE ON THE AMERICAN JUDICIAL SYSTEM SECTION OF LITIGATION TORT TRIAL AND INSURANCE PRACTICE SECTION CRIMINAL JUSTICE SECTION WASHINGTON STATE BAR ASSOCIATION HAWAII STATE BAR ASSOCIATION KING COUNTY BAR ASSOCIATION BEVERLY HILLS BAR ASSOCIATION	Reaffirms its opposition to restructuring the United States Court of Appeals for the Ninth Circuit and supports ongoing efforts by the Ninth Circuit and other federal courts to utilize technological and procedural innovations to handle caseloads efficiently while maintaining coherent, consistent law in their respective jurisdictions.	Approved
<del>105</del>	COMMISSION ON LAW AND AGING	Urges the President to sign the Inter-American Convention on Protecting the Human Rights of Older Persons and the Senate to approve ratification of the convention.	Withdrawn
<a href="#">106</a>	STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS CRIMINAL JUSTICE SECTION	Urges Congress to enable the United States Department of Justice to ensure compliance with the Sixth Amendment right to effective assistance of counsel to: 1) pursue civil actions to obtain equitable relief where violations of that right occur and 2) recognize a cause of action for equitable relief in federal court from systemic violations of the right to counsel.	Approved

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\* See Attached.

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
407	SENIOR LAWYERS DIVISION	Adopts the <i>ABA Guidelines for Best Practices for Individual Retirement Accounts</i> , dated August 2017, and urges adoption by financial institutions for IRA accounts.	Withdrawn
108	LAW STUDENT DIVISION	Urges the bar admission authorities in each state and territory not to deny bar admission to undocumented immigrants, who have met all the necessary prerequisite qualifications for admission in their respective jurisdictions, solely due to their immigration status.	Approved as Revised*
409A	SECTION OF INTERNATIONAL LAW	Adopts the ABA Model Provisions on Electronic Commerce for International Trade Agreements, dated August 2017, and recommends them as a standard template for use in international trade agreements and other relevant international agreements and guidelines.	Withdrawn
109B	SECTION OF INTERNATIONAL LAW	Urges national governments worldwide to adopt laws to phase out the manufacture, import, and sale of lead paint, supports efforts to promote the phase-out of lead paint by no later than 2020, and supports adoption of laws to phase out and eliminate lead paint thru pro bono support, educational initiatives, and other appropriate measures.	Approved
110	STANDING COMMITTEE ON CLIENT PROTECTION STANDING COMMITTEE ON PROFESSIONAL DISCIPLINE COMMISSION ON INTEREST ON LAWYERS' TRUST ACCOUNTS	Amends the black letter of Rule 7 (Roster of Lawyers) of the <i>ABA Model Rules for Lawyer Disciplinary Enforcement</i> (MRLDE) to minimize instances of lawyer misappropriation of monies held in trust accounts and hold lawyers accountable when appropriate.	Approved
444	STANDING COMMITTEE ON SPECIALIZATION	Accredits the Privacy Law program of the International Association of Privacy Professionals of Portsmouth, New Hampshire for a 5-year term as a designated specialty certification program for lawyers.	Withdrawn

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\* See Attached.

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
<a href="#">112A</a>	CRIMINAL JUSTICE SECTION	Adopts the <i>ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth</i> , dated August 2017, to address the unique situations for juveniles caught in two court systems at the same time and to provide guidance regarding best practices in these situations.	Approved
<a href="#">112B</a>	CRIMINAL JUSTICE SECTION	Amends the black letter <i>ABA Standards for Criminal Justice: Prosecution Function, 4<sup>th</sup> Edition</i> , and <i>ABA Standards for Defense Function, 4<sup>th</sup> Edition</i> , to make non-substantive changes to the Standards.	Approved
<a href="#">112C</a>	CRIMINAL JUSTICE SECTION	Urges governments to adopt policies and procedures that favor release on personal recognizance bonds or unsecured bonds, that permit cash bonds or secured bonds only upon a determination by the court that such financial conditions and no other conditions will assure appearance, and that pretrial detention should never occur due solely to an inability to pay.	Approved as Revised*
<a href="#">112D</a>	CRIMINAL JUSTICE SECTION	Urges governmental entities to cease use of bail/bond in the juvenile justice system, and to utilize objective criteria that do not have a discriminatory or disparate impact and utilizes the least restrictive conditions of release.	Approved
<a href="#">112E</a>	CRIMINAL JUSTICE SECTION COMMISSION ON YOUTH AT RISK	Urges legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use of solitary confinement of children and youth under the age of 18.	Approved as Revised*
<a href="#">112F</a>	CRIMINAL JUSTICE SECTION	Urges governments to enact laws allowing individuals to petition to expunge all criminal justice records pertaining to charges or arrests that did not result in a conviction.	Approved
<a href="#">112G</a>	CRIMINAL JUSTICE SECTION	Urges governments to enact laws allowing for the expungement of convictions or other statutory or ordinance violations where a court enters a finding of guilt for actions performed in public spaces associated with homelessness.	Approved

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\* See Attached.

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
<a href="#">113</a>	COMMISSION ON DISABILITY RIGHTS SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF REAL PROPERTY, TRUST AND ESTATE LAW COMMISSION ON LAW AND AGING	Urges all legislatures to amend their guardianship statutes to require that supported decision-making be identified and fully considered as a less restrictive alternative before guardianship is imposed.	Approved
<a href="#">114A</a>	SECTION OF INTELLECTUAL PROPERTY LAW	Adopts policy supporting the view that proof of willfulness is not a requirement for an accounting of a defendant's profits in trademark infringement, unfair competition, or cyber-piracy cases under Sections 32, 43(a), and 43(d) of the federal Lanham Act, 15 U.S.C. §§ 1114, 1125(a) and 1125(d).	Approved
<del>114B</del>	SECTION OF INTELLECTUAL PROPERTY LAW	Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that a sale or an offer to sell a product or service embodying an invention must have been "available to the public" and made the invention known to the public to invalidate claims directed to that invention.	Withdrawn
<a href="#">114C</a>	SECTION OF INTELLECTUAL PROPERTY LAW	Adopts policy in support of a clarification of the patent laws and supports an interpretation of those laws such that in a post-issuance proceeding at the U.S. Patent and Trademark Office (PTO) in which a previously issued patent is challenged by a third party, the PTO may not, as a condition of accepting new claims, require the patent owner to first demonstrate the patentability of the new claims.	Approved as Revised*
<a href="#">115</a>	COMMISSION ON IMMIGRATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON HISPANIC LEGAL RIGHTS AND RESPONSIBILITIES COMMISSION ON DOMESTIC AND SEXUAL VIOLENCE STANDING COMMITTEE ON LEGAL AID AND INDIGENT DEFENDANTS	Supports the appointment of counsel at federal government expense to represent all indigent persons in removal proceedings before the Executive Office for Immigration Review (in Immigration Courts and before the Board of Immigration Appeals), and if necessary to advise such individuals of their rights to appeal to the federal Circuit Courts of Appeals.	Approved

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\* See Attached.

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
115 Cont'd	MASSACHUSETTS BAR ASSOCIATION CRIMINAL JUSTICE SECTION NEW YORK COUNTY LAWYERS ASSOCIATION SECTION OF LITIGATION NEW YORK CITY BAR ASSOCIATION WORKING GROUP ON UNACCOMPANIED MINOR IMMIGRANTS SECTION OF INTERNATIONAL LAW		
<a href="#">116</a>	SECTION OF LITIGATION JUDICIAL DIVISION	Urges courts to implement plans that welcome opportunities for new lawyers to gain meaningful courtroom experience, and urges law firms and clients to take advantage of those plans.	Approved
<a href="#">117A</a>	COMMISSION ON THE LAWYERS' ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGHER-QUALITY EDUCATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON YOUTH AT RISK CENTER ON CHILDREN AND THE LAW STANDING COMMITTEE ON PUBLIC EDUCATION	Urges all governments to adopt and implement laws, policies, and other effective measures to provide every child with equal access to elementary and secondary public schools funded at levels adequate to ensure a high-quality education.	Approved
<a href="#">117B</a>	COMMISSION ON THE LAWYERS' ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGHER-QUALITY EDUCATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE COMMISSION ON YOUTH AT RISK STANDING COMMITTEE ON ELECTION LAW CENTER ON CHILDREN AND THE LAW STANDING COMMITTEE ON PUBLIC EDUCATION	Urges all governments to develop and implement an age appropriate curricula designed to instill in all students a sense of the personal responsibility to cast informed votes and to teach them how to educate themselves regarding candidates and issues in elections.	Approved

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
<a href="#">117C</a>	COMMISSION ON THE LAWYERS' ROLE IN ASSURING EVERY CHILD'S RIGHT TO A HIGHER-QUALITY EDUCATION SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CENTER ON CHILDREN AND THE LAW COMMISSION ON YOUTH AT RISK	Endorses the <i>Blueprint for Change: Education Success for Children in Foster Care (2007)</i> and the <i>Blueprint for Change: Education Success for Youth in the Juvenile Justice System (2016)</i> , which provide a framework to improve educational access, stability, and success for court-involved youth.	Approved
418A	STANDING COMMITTEE ON GUN VIOLENCE SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF LITIGATION COMMISSION ON YOUTH AT RISK SECTION OF STATE AND LOCAL GOVERNMENT LAW	Urges Congress to amend the Gun Control Act of 1968 to include, among the list of those ineligible to possess, purchase, sell, deliver or otherwise transfer any firearm, persons who have been previously convicted of a misdemeanor crime of violence that was motivated by hate or bias because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity or diversity, or disability of any person.	Withdrawn
<a href="#">118B</a>	STANDING COMMITTEE ON GUN VIOLENCE SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE CRIMINAL JUSTICE SECTION SECTION OF LITIGATION COMMISSION ON YOUTH AT RISK SECTION OF STATE AND LOCAL GOVERNMENT LAW	Urges governments to enact statutes, rules, or regulations authorizing courts to issue gun violence restraining orders, including <i>ex parte</i> orders.	Approved as Revised*
<a href="#">119A</a>	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE SECTION OF STATE AND LOCAL GOVERNMENT LAW COMMISSION ON HOMELESSNESS AND POVERTY COMMISSION ON VETERANS LEGAL SERVICES	Urges governments to enact legislation prohibiting discrimination in housing on the basis of lawful source of income.	Approved

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\* See Attached.

<u>RPT NO.</u>	<u>PROPOSED BY</u>	<u>SHORT TITLE</u>	<u>ACTION</u>
<a href="#">119B</a>	SECTION OF CIVIL RIGHTS AND SOCIAL JUSTICE STANDING COMMITTEE ON PUBLIC EDUCATION	Urges all legislative bodies to enact statutes and school districts to adopt policies that rigorously protect the ability of student journalists at the secondary and postsecondary levels to make the independent editorial judgments necessary to meaningfully cover issues of social and political importance without fear of retaliation or reprisal.	Approved
<a href="#">120</a>	COMMISSION ON VETERANS LEGAL SERVICES STANDING COMMITTEE ON LEGAL ASSISTANCE FOR MILITARY PERSONNEL	Recommends review and improvement of the processes by which military records are corrected, discharge status petitions are considered, and the character of one's discharge is reviewed.	Approved
<a href="#">121</a>	YOUNG LAWYERS DIVISION JUDICIAL DIVISION SECTION OF LITIGATION	Urges all courts to develop plans of action to make de-biasing training an important part of both initial judicial training and continuing judicial education.	Approved
<a href="#">400A</a>	RESOLUTION WITH REPORT ON ARCHIVING	Recommends that certain Association policies that pertain to public issues and are 10 years old or older be archived.	Approved as Revised**
<a href="#">400B</a>	RESOLUTION WITH REPORT ON ARCHIVING	Recommends that certain Association policies that pertain to public issues that were adopted in 1997 which were previously considered for archiving but retained be archived.	Approved as Revised**

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\*\*Item No. 61 was removed from the 400A archival list; Item Nos. 24 and 38 were removed from the 400B archival list.

# REVISED AND AMENDED 10B

## RESOLUTION

1           RESOLVED, That the American Bar Association opposes the imposition of a mandatory  
2 minimum sentence ~~in any criminal case;~~ and

3  
4           FURTHER RESOLVED, That the American Bar Association urges Congress, ~~and~~ state,  
5 and territorial legislatures to repeal ~~existing criminal~~ laws requiring minimum sentences, to refrain  
6 from enacting ~~criminal~~ laws punishable by mandatory minimum sentences ~~in the future~~.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

# REVISED 102C

## RESOLUTION

1 RESOLVED, That the American Bar Association urges all federal, state, local,  
2 territorial, and tribal legislative, judicial and other governmental bodies to support  
3 the principles that:

4 (1) the holder of the attorney-client privilege does not waive the privilege  
5 ~~or protection~~ by sharing communications or materials (or by having  
6 contemporaneous communications with) with another person (not jointly  
7 represented by the same counsel) who,

8 (a) having common legal interests with the holder in some  
9 litigated, potentially litigated, or nonlitigated matter or in related  
10 matters (such as parallel lawsuits),

11 (b) has agreed with the holder of the privilege or protection

12 (i) to cooperate with one another to develop and pursue a  
13 joint legal strategy with respect to some aspect of the  
14 matter or matters in which the parties have common  
15 interests, and

16 (ii) to maintain the confidentiality of any privileged or  
17 protected communications or materials shared in pursuit of  
18 such cooperation;

19 *provided that* the communications or materials shared relate to the parties'  
20 common interests;

21 (2) no party to such a common-interest arrangement can unilaterally waive  
22 privilege or protection with respect to communications or materials other  
23 than the waiving party's own communications or materials;

24 (3) in the event of later adverse proceedings between or among the parties  
25 to the common-interest arrangement, any party may use communications  
26 or materials shared against any other party;

27 (4) existence of a common-interest or agreement to a common-interest  
28 arrangement is not a basis to compel the holder of a privilege or protection  
29 to disclose to others having that common interest any communications or  
30 materials that the holder does not voluntarily share;

31 (5) while some authorities condition protection of common-interest  
32 sharing on each party to the common-interest arrangement being  
33 separately represented, no such requirement should be applied when the  
34 parties to the common-interest arrangement have a preexisting relationship  
35 (including, without limitation, indemnitor-indemnitee, insurer-insured,  
36 patent holder-licensee, or lead lender and participants in the loan) that

# REVISED 102C

37 (a) binds them to a common outcome on the issue(s) as to which  
38 they have a common interest,

39 (b) creates duties to respect one another's interests, and

40 (c) creates rights to participate in decision making regarding the  
41 common interest (at least to the extent of providing input).

42 Nothing in this Resolution applies to waiver of work product protection, which is governed by  
43 different standards than attorney-client privilege.—~~(Paragraph (5) has no application in criminal~~  
44 ~~litigation.~~

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

# REVISED 108

## RESOLUTION

1 RESOLVED, That the American Bar Association supports the principle that bar admission should  
2 not be denied based solely on immigration status.

3  
4 FURTHER RESOLVED, That the American Bar Association urges Congress to amend 8 U.S.C.  
5 § 1621(d) to insert, at the conclusion of all existing language, the following sentence:

6  
7 “A state court vested with exclusive authority to regulate admission to the bar may, by rule,  
8 order, or other affirmative act, permit an undocumented alien seeking legal status to obtain  
9 a professional license to practice law in that jurisdiction.”

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

# REVISED 112C

## RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state, local,  
2 territorial, and tribal governments to ~~promote public safety and assure that defendants~~  
3 ~~appear in court by~~ adopt~~ing~~ policies and procedures that:

- 4 1. favor release of defendants upon their own recognizance or unsecured bond;
- 5 2. require that a court determine that release on cash bail or secured bond is  
6 necessary to assure the defendant's appearance and no other conditions will  
7 suffice for that purpose before requiring such bail or bond;
- 8 3. prohibit a judicial officer from imposing a financial condition of release that  
9 results in the pretrial detention of a defendant solely due to the defendant's  
10 inability to pay;
- 11 4. permit a court to order a defendant to be held without bail where public safety  
12 warrants pretrial detention and no conditions of pretrial release suffice, and  
13 require that the court state on the record the reasons for detention; and
- 14 5. bar the use of "bail schedules" that consider only the nature of the charged  
15 offense, and require instead that courts make bail and release determinations  
16 based upon individualized, evidence-based assessments that use objective  
17 verifiable release criteria that do not have a discriminatory or disparate impact  
18 based on race, ethnicity, religion, socio-economic status, disability, ~~or~~ sexual  
19 orientation, or gender identification.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

# REVISED 112E

## RESOLUTION

1 RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal  
2 legislative bodies and governmental agencies to enact laws and adopt policies prohibiting the use  
3 of solitary confinement – the involuntary placement alone in a cell, room or other area for any  
4 reason other than as a temporary response to behavior that threatens immediate harm and ends  
5 when the threat is over and, in no case, more than 4 hours - of children and youth under age 18.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED

## RESOLUTION

1 RESOLVED, That the American Bar Association supports, in a post issuance proceeding at the  
2 U.S. Patent and Trademark Office in which a previously issued patent is challenged by a  
3 petitioner, applying the statutory requirement that the petitioner asserting the unpatentability of a  
4 patent “shall have the burden of proving unpatentability by a preponderance of the evidence” on  
5 both the challenged claims and any amendment of the claims proposed by the patent owner  
6 during the proceeding; provided that the patent owner has the initial burden of production  
7 (burden of going forward) on the patentability of any proposed amended claims.

**DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED**

## RESOLUTION

- 1 RESOLVED, That the American Bar Association urges state, local, territorial, and tribal  
2 governments to enact statutes, rules, or regulations authorizing courts to issue gun violence  
3 restraining orders, including *ex parte* orders, that include at least the following provisions:  
4
- 5 1. That a person (a “petitioner”) with documented evidence that another person (a  
6 “respondent”) poses a serious threat to himself or herself or others may petition a court  
7 for an order temporarily suspending the respondent’s possession of a firearm or  
8 ammunition ~~poses a credible threat~~;
  - 9 2. That there shall be a verifiable procedure to ensure the surrender of firearms and  
10 ammunition pursuant to the court order; and
  - 11 3. That the issuance of the gun violence restraining order shall be reported to appropriate  
12 state or federal databases in order to prevent respondent from passing a background  
13 check required to purchase a firearm or obtain a firearm license or permit while  
14 restraining order is in effect.

DELETIONS STRUCK THROUGH; ADDITIONS UNDERLINED