

# EXTREME RISK PROTECTION ORDERS

An extreme risk protection order (ERPO) empowers families and law enforcement to prevent gun tragedies by allowing them to petition a court to **temporarily remove guns from individuals at an elevated risk of endangering themselves or others**. An ERPO prohibits individuals in crisis from purchasing or accessing firearms and requires them to relinquish any guns they possess while the order is in effect.

## TEMPORARILY DISARMING PEOPLE WHO ARE A DANGER TO SELF OR OTHERS



● Families and law enforcement may seek ERPOs ● Only law enforcement may seek ERPOs

Six states have ERPO laws in effect. Of these, four states allow family or household members *and* law enforcement to petition a court for an order, while two states limit petitioners to law enforcement or certain state officials.

**22,000**

Americans die by firearm suicide each year, almost two-thirds of all gun deaths.

**85%**

of suicide attempts with a gun are fatal, making it the most lethal of the commonly available means of suicide in the US.

**90%**

of people who survive a suicide attempt do not ultimately die by suicide. Even if laws cannot prevent all people from attempting suicide, restricting access to firearms significantly increases the likelihood of survival.



## ERPO LAWS SAVE LIVES

Duke University researchers showed that for every 10 to 20 guns removed from an individual in crisis using a similar risk-based removal law in Connecticut, **one suicide was prevented**.

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## ERPOs Fill an Important Gap

The first ERPO law was enacted after the 2014 massacre near the University of California, Santa Barbara, where an assailant killed six and injured 14. The attacker had previously exhibited highly dangerous behavior, including making explicit threats and posting violent content online, and his parents, concerned, contacted the police. Law enforcement officers briefly interviewed him but had no legal authority to remove his guns—guns he later used to murder and wound innocent people.

**Situations like this leave family members and law enforcement with limited options. Fortunately, ERPO laws now provide a legal process for intervention.**

Generally, under the laws of most states, only individuals who have been adjudicated mentally ill or convicted of certain crimes, or are subject to domestic violence protection orders, are prohibited from purchasing or possessing firearms. ERPO laws expand firearm prohibitions, temporarily, to people who pose a demonstrated risk of harm to themselves or others.

ERPO laws allow intervention *ex parte*, or before a person has appeared before a judge or other adjudicator, a common, lifesaving practice with other types of protection orders, particularly in the realm of domestic violence.

**California, Maryland, Oregon, and Washington allow family members and law enforcement to seek ERPOs, while Florida and Vermont only let law enforcement seek these lifesaving orders.** In Maryland, mental health providers and certain other healthcare workers may also petition a court for an ERPO. Connecticut, Illinois, Indiana, Massachusetts, and New York also have similar laws in place that prevent people from accessing firearms if they pose a danger to themselves or others.

## Fast Facts about ERPOs

- **Generally, courts must consider evidence** of recent threats or acts of violence by the at-risk individual, as well as recent violations of domestic violence orders. The court may also consider other evidence indicative of an increased risk for violence.
- An ***ex parte* ERPO** lasts for a limited period of time, such as 21 days in California, if an individual poses an imminent risk to self or others.
- Some states allow **immediate family members**, as well as cohabitating couples, current or former dating partners, and mental health providers, to seek an ERPO.
- After a hearing at which the respondent has the opportunity to appear, **the court may issue an ERPO that lasts for one year** if the respondent poses a significant ongoing danger.

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For more details and underlying research, visit [giffordslawcenter.org/ERPO](http://giffordslawcenter.org/ERPO)

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## 230+

lifesaving gun safety laws have been enacted in 45 states and DC since the tragedy at Sandy Hook.

## 115,000

Americans are shot each year—over one million in the past decade.

## 25x

Americans are 25 times more likely to be killed by a gun than people in other developed nations.

## WE'RE ON A MISSION TO SAVE LIVES

For 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence. Founded in the wake of a 1993 mass shooting in San Francisco, in 2016 the Law Center joined with former Congresswoman Gabrielle Giffords to form a courageous new force for gun safety that stretches coast to coast.

**CONTACT US**  
[media@giffords.org](mailto:media@giffords.org)