

Extreme Risk Protection Orders

AT A GLANCE



PROTECTION ORDERS

NATIONAL CENTER ON PROTECTION
ORDERS AND FULL FAITH & CREDIT

Extreme Risk Protection Orders - At a Glance



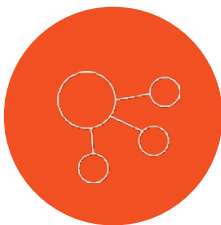
What are Extreme Risk Laws?

An extreme risk protection order (ERPO) allows family members, law enforcement officers, or other concerned individuals to petition a court to temporarily remove firearms from individuals who are deemed to pose a risk to themselves or others. The order prohibits the individual from purchasing, possessing, or receiving firearms for the duration of the order. These orders are also known by various other names, including Gun Violence Restraining Orders (GVROs), Risk-Warrants, and Lethal Violence Protection Orders (LVPOs).



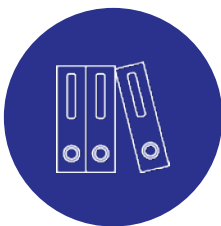
How are ERPOs issued?

ERPOs typically involve a civil legal process that includes a court hearing, where evidence is presented to determine whether the individual poses a significant risk that justifies the temporary removal of their firearms.



What Types of ERPOs are there?

Most states have two kinds of orders: a temporary or ex parte order and an extended order after a hearing. California and Maryland also allow for a brief interim order before a temporary or ex parte order. Interim orders are often sought by law enforcement or state social service agencies until the parties fearing harm (the family, co-workers, etc.) can file for a temporary order during regular court business hours. Temporary ERPOs allow the court to prioritize an ERPO petition and issue an ERPO immediately to prevent the harm that might result if the person continues to have access to firearms. Temporary ERPOs are valid until the court can hold a hearing where the respondent has the opportunity to participate. At an ERPO hearing, the court can issue an extended ERPO and renew ERPOs where a petitioner has requested one.



State ERPO Laws

Several states have enacted extreme risk laws to decrease the danger from firearms. These laws are known by a variety of names, such as Gun Violence Restraining Orders, Risk-Warrants, and Lethal Violence Protection Orders, but are most commonly called Extreme Risk Protection Orders (ERPO). In order for a petitioner to obtain an ERPO, a court must find that there is evidence that the respondent poses a danger to themselves or others. Specific provisions and procedures for ERPOs vary from state to state and are implemented at the state level.

Types of ERPOs, Length of Order and Persons Eligible

Note: This chart is not a substitute for legal advice from someone with experience on the particular state laws. The research in this chart was completed August, 2023.

Jurisdiction	Types	Length	Persons Eligible to Petition
California Gun Violence Restraining Order	Temporary Emergency ¹	21 days ²	Law enforcement officer ³
	Ex Parte ⁴	Up to 21 days ⁵	Immediate family member, employer, coworker if they have had substantial and regular interactions with the subject for least one year and obtained approval of the employer, a school staff member or teacher from a school the individual attended in the past six months can act, but only with approval from a senior school official; law enforcement officer; a roommate of the subject of the petition; an individual who has a dating relationship with the subject of the petition; or an individual who has a child in common with the subject of the petition, if they have had substantial and regular interactions with the subject for at least one year. ⁶
	Order Issued After Notice and Hearing ⁷	1 to 5 years ⁸	
Colorado Extreme Risk Protection Order	Temporary ⁹	Expires on the date and time of the hearing on the extreme risk protection order petition OR withdrawal of petition ¹⁰	Family or household member, community member (health professional, educator), law enforcement officer or agency ¹¹
	Final ¹²	364 days ¹³	
Connecticut Risk Protection Order and Warrant	Ex parte ¹⁴	14 days ¹⁵	Two law enforcement officers or one state's attorney or assistant state's attorney ¹⁶
	After hearing ¹⁷	Indefinite or at least in 180-day increments if respondent petitions court to terminate ¹⁸	
Delaware Lethal Violence Protective Order	Emergency ¹⁹	Usually 15 days, may not exceed 45 days ²⁰	Law enforcement officer ²¹
	Non-emergency ²²	Fixed period of time not to exceed 1 year ²³	Family member or law enforcement officer ²⁴

Jurisdiction	Types	Length	Persons Eligible to Petition
District of Columbia Extreme Risk Protection Order	Ex Parte ²⁵	14 days & can be extended in 14-day increments for good cause shown ²⁶	Persons related by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating or sexual relationship; mental health professionals; Metropolitan police department member ²⁷
	Final ²⁸	1 year ²⁹	
Florida Risk Protection Order	Temporary Ex Parte ³⁰	Until a RPO hearing is held (which is no later than 14 days after court issues order) ³¹	Law enforcement officer or agency. ³²
	Final ³³	A period the court deems appropriate up to and including but not exceeding 12 months ³⁴	
Hawaii Gun Violence Protective Order	Ex Parte ³⁵	Until hearing that should be held within 14 days of granting of petition (hearing time can be extended by Respondent) ³⁶	Law enforcement officer, family or household member, medical professional, educator, or colleague ³⁷
	One-year ³⁸	1 year ³⁹	
Illinois Firearms Restraining Order	Emergency ⁴⁰	up to 14 days or until there is a hearing ⁴¹	Family or law enforcement officer ⁴²
	Plenary ⁴³	Up to 1 year but not less than 6 months ⁴⁴	

Jurisdiction	Types	Length	Persons Eligible to Petition
Indiana Warrant for Seizure and Retention of a Firearm	Seizure without a Warrant ⁴⁵	Until hearing date, which should be scheduled within 14 days but otherwise as soon as possible. If respondent requests a continuance, then a period of not more than 60 days after seizure ⁴⁶	Law enforcement officer ⁴⁷
	Warrant for Search and Seizure of a Firearm ⁴⁸		
	Retention of Firearm Order ⁴⁹	Indefinite or at least in 180-day increments if respondent petitions court to terminate ⁵⁰	
Maryland Extreme Risk Protective Order	Interim ⁵¹	Until the temporary order hearing (which should occur on the 1 st or 2 nd day on which a District Court judge is sitting after interim order issued or the end of the second business day after interim order is issued in which the Office of the District Court Clerk is open ⁵²	A physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist, or health officer or designee of a health officer who has examined the individual; a law enforcement officer; the spouse of the respondent; a cohabitant of the respondent; a person related to the respondent by blood, marriage, or adoption; an individual who has a child in common with the respondent; a current dating or intimate partner of the respondent; and a current or former legal guardian of the respondent. ⁵³
	Temporary ⁵⁴	Normally up to 7 days; can be extended up to 6 months if necessary to complete service; if court is closed on the day on which the temporary order is due to expire, the temporary order shall be effective until the 2 nd day on which the court is open ⁵⁵	
	Final ⁵⁶	up to 1 year ⁵⁷	

Jurisdiction	Types	Length	Persons Eligible to Petition
Massachusetts Extreme Risk Protective Order	Emergency ⁵⁸	Up to 10 days or until a hearing is held ⁵⁹	Family or household member or firearm licensing authority of the municipality where the respondent resides. The local police department would be considered the licensing authority. ⁶⁰
	Final ⁶¹	1 year ⁶²	
Michigan Extreme Risk Protection Order	Immediate Emergency ⁶³	14 days ⁶⁴	The spouse of the respondent, a former spouse of the respondent, an individual who has a child in common with the respondent, an individual who has or has had a dating relationship with the respondent, an individual who resides or has resided in the same household with the respondent, a family member, a guardian of the respondent, a law enforcement officer, a health care provider. ⁶⁵
	Extended ⁶⁶	1 year ⁶⁷	
Minnesota Extreme Risk Protection Order	Emergency ⁶⁸	Up to 14 days unless a hearing is set on an earlier date ⁶⁹	The chief law enforcement officer, the chief law enforcement officer's designee, a city or county attorney, any family or household members of the respondent, or a guardian of the respondent. ⁷⁰
	Extreme Risk Protection Order ⁷¹	The court shall determine the length of time the order is in effect, but may not set the length of time for less than six months or more than one year ⁷²	
Nevada Order of Protection Against High-Risk Behavior	Emergency ⁷³	Not to exceed 7 days ⁷⁴	Law enforcement officer or family or household member ⁷⁵
	Extended ⁷⁶	Up to 1 year ⁷⁷	
New Jersey Extreme Risk Protective Order	Temporary ⁷⁸	Until a final order is issued or denied ⁷⁹	Family or household member or law enforcement officer ⁸⁰
	Final ⁸¹	Indefinite, until terminated by the court ⁸²	

Jurisdiction	Types	Length	Persons Eligible to Petition
New Mexico Extreme Risk Firearm Protection Order	Temporary ⁸³	Valid for a maximum of 10 days or until there is a hearing, whichever happens first. Respondent can request an extension of up to 30 days. ⁸⁴	Law enforcement officer. If Respondent is a law enforcement officer, then filed by district attorney or attorney general ⁸⁵
	One-year ⁸⁶	1 year ⁸⁷	
New York Extreme Risk Protection Order	Temporary ⁸⁸	Until a hearing on a final order (which will take place 3-6 days after service of temporary order, unless respondent requests more time beyond the 6 day timeframe) ⁸⁹	Law enforcement; or district attorney; or family or household members, school administrator or designee of any school which the respondent is currently enrolled or has been enrolled in 6 months immediately preceding the petition's filing, licensed health professional ⁹⁰
	Final ⁹¹	Up to 1 year, as determined by the court but if temporary order was issued, duration of the final order will start counting from the day the temporary order was issued ⁹²	
Oregon Extreme Risk Protection Order	Ex Parte ⁹³	Until hearing date; within 30 days of service, the respondent can request a court hearing; if requested, both parties are notified of the hearing date within 21 days, and if the respondent doesn't request a hearing within 30 days, the order automatically remains effective for one year or until it's terminated earlier. ⁹⁴	Law enforcement officer or household member ⁹⁵
	Final ⁹⁶	1 year ⁹⁷	

Jurisdiction	Types	Length	Persons Eligible to Petition
Rhode Island Extreme Risk Protection Order	Temporary ⁹⁸	Up to 14 days, until a hearing is held to determine if a one-year order should be issued ⁹⁹	Law enforcement agency ¹⁰⁰
	Final ¹⁰¹	1 year ¹⁰²	
Vermont Extreme Risk Protection Order	Temporary Ex Parte ¹⁰³	Up to 14 days until hearing date. ¹⁰⁴	State's Attorney, the Office of the Attorney General or a family or household member ¹⁰⁵
	Final ¹⁰⁶	Up to 6 months ¹⁰⁷	
Virginia Substantial Risk Order	Emergency ¹⁰⁸	Shall expire at 11:59 p.m. on the fourteenth day following issuance of the order but if court isn't in session on that day then it's extended until when the court is next open. ¹⁰⁹	Attorney for the Commonwealth (Prosecutor's office) or a law-enforcement officer ¹¹⁰
	Final ¹¹¹	Lasts up to 180 days. The order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the 180-day period if no date is specified. ¹¹²	
Washington Extreme Risk Protection Order	Temporary Ex Parte ¹¹³	Up to 14 days, until a hearing is held ¹¹⁴	Intimate partner or a family or household member; or a law enforcement agency ¹¹⁵
	Full ¹¹⁶	1 year ¹¹⁷	

Policy Recommendations

ERPOs can be a powerful tool to prevent gun-related domestic violence. However, their efficacy depends on three key factors. Firstly, it is important to educate stakeholders on how ERPOs differ from Domestic Violence Protection Orders (DVPOs). Secondly, centralized reporting and data collection are crucial to keep track of ERPOs issued and their outcomes. Finally, stakeholder support is necessary to ensure that practical implementation does not undermine the issuance and enforcement of DVPOs and firearm removal in these orders. By adopting these strategies, stakeholders can execute a survivor-centered approach to increase community safety and prevent gun-related domestic violence.

- Stakeholders must understand the intersection between ERPOs and DVPOs. The majority of ERPO laws were enacted in the past few years. These laws may be unfamiliar to many stakeholders, system actors, and allied professionals who work with petitioners. Applied incorrectly, ERPOs can undermine long-standing protections established in DVPO statutes.

Stakeholder Education: Develop and implement comprehensive ERPO training tools and resources for law enforcement officers, court clerks, judges, and advocates.

- Provide clear and accessible instructions on how to obtain an extreme risk protection order to potential petitioners.
- Reporting: Implement an automated system to facilitate the connection and upload of ERPOs into the National Instant Criminal Background Check System (NICS).
- Expand funding sources, such as the NICS Act Record Improvement Program (NARIP) and the National Criminal History Improvement Program (N-CHIP), to assist states in the development and maintenance of the necessary technology and infrastructure for automating the entry of ERPOs.
- Provide technical assistance and support to states in adopting and implementing automated processes for connecting state and local ERPO records with federal databases. Develop data collection procedures and metrics to track ERPO outcomes on a state and federal level.
- Practical execution: Create safety procedures for firearms in the respondent's home that are not owned by the respondent.
- Allocate funding for wraparound services for petitioners and respondents in collaboration with advocates, social services, mental health services, and survivor-supporting organizations.
- Establish a crisis intervention system as part of the ERPO process that identifies individuals who require urgent mental health care. Integrate comprehensive mental health assessments into the ERPO process to determine necessary interventions.

State Citations

California | Cal. Penal Code §§ 18005, 18100 – 18205

Colorado | Colo. Rev. Stat. Ann. §§ 13-14.5-101 to 13-14.5-114

Connecticut | Conn. Gen. Stat. § 29-38c

Delaware | Del. Code Ann. tit. 10, §§ 7701-7709

District of Columbia | D.C. Code §§ 7-2510.01 - 7-2510.12

Florida | Fla. Stat. Ann. § 790.401

Hawaii | Haw. Rev. Stat. Ann. §§ 134-61 to 134-72

Illinois | 430 Ill. Comp. Stat. Ann. 67/1 – 67/85

Indiana | Ind. Code Ann. §§ 35-47-14-1 to 35-47-14-13

Maryland | Md. Code Ann., Pub. Safety Code §§ 5-601 - 5-610

Massachusetts | Mass. Ann. Laws ch. 140, §§ 131R - 131Y

Michigan | Mich. Comp. Laws §§ 691.1801-691.1821

Minnesota | Minn. Stat. §§ 624.7171-624.7178

Nevada | Nev. Rev. Stat. §§ 33.500 – 33.670

New Jersey | N.J. Stat. Ann. §§ 2C:58-20 to 2C:58-32

New Mexico | N.M. Stat. Ann. §§ 40-17-1 - 40-17-13

New York | N.Y. C.P.L.R. §§ 6340 – 6348

Oklahoma | Okla. Stat. tit. 21, § 1289.24c

Oregon | Or. Rev. Stat. §§ 166.525 – 166.543

Rhode Island | 8 R.I. Gen. Laws § 8-8.3-1 to 8-8.3-14

Vermont | Vt. Stat. Ann. tit. 13, §§ 4051 – 4062

Virginia | Va. Code Ann. §§ 19.2-152.13 – 19.2-152.17

Washington | Wash. Rev. Code §§ 7.105.100-7.105.120, 7.105.330 - Rev. Code Wash. 7.105.375, Rev. Code Wash. 7.105.410, Rev. Code Wash. 7.105.505

West Virginia | W. Va. Code § 61-7B-3, 5-6

Endnotes

- 1 Cal. Penal Code §§ 18125-18148.
- 2 Cal. Penal Code § 18125.
- 3 Cal. Penal Code § 18125.
- 4 Cal. Penal Code §§ 18150-18165.
- 5 Cal. Penal Code § 18165.
- 6 Cal. Penal Code §§ 18150(a)(1), 18170(a)(1).
- 7 Cal. Penal Code § 18170.
- 8 Cal. Penal Code § 18175(e)(1).
- 9 Colo. Rev. Stat. § 13-14.5-103.
- 10 Colo. Rev. Stat. § 13-14.5-103(5)(b).
- 11 Colo. Rev. Stat. §§ 13-14.5-103(1)(a), -104.
- 12 Colo. Rev. Stat. §§ 13-14.5-104-105.
- 13 Colo. Rev. Stat. § 13-14.5-105(2).
- 14 Conn. Gen. Stat. §29-38c(a)-(c).
- 15 Conn. Gen. Stat. § 29-38c(e).
- 16 Conn. Gen. Stat. §§ 29-38c(c)-(e).
- 17 Conn. Gen. Stat. § 29-38c(a).
- 18 Conn. Gen. Stat. § 29-38c(f).
- 19 Del. Code Ann. tit. 10, § 7703.
- 20 Del. Code Ann. tit. 10, § 7703(f).
- 21 Del. Code Ann. tit. 10, § 7703(a).
- 22 Del. Code Ann. tit. 10, § 7704.
- 23 Del. Code Ann. tit. 10, § 7704(j).
- 24 Del. Code Ann. tit. 10, §§ 7701(4), 7704(a).
- 25 D.C. Code § 7-2510.04.
- 26 D.C. Code § 7-2510.04(h).
- 27 D.C. Code §§ 7-2510.01(2), -.02; -.04.
- 28 D.C. Code § 7-2510.03.
- 29 D.C. Code § 7-2510.03(i).
- 30 Fla. Stat. Ann. § 790.401(4).
- 31 Fla. Stat. Ann. §§ 790.401(4)(f); -(3)(a).
- 32 Fla. Stat. Ann. § 790.401(1)(a).
- 33 Fla. Stat. Ann. § 790.401(3).
- 34 Fla. Stat. Ann. § 790.401(3)(b).
- 35 Haw. Rev. Stat. Ann. § 134-64.
- 36 Haw. Rev. Stat. Ann. § 134-64(i).
- 37 Haw. Rev. Stat. Ann. § 134-61.
- 38 Haw. Rev. Stat. Ann. §§ 134-61, -65.
- 39 Haw. Rev. Stat. Ann. §§ 134-61, -65.
- 40 430 Ill. Comp. Stat. Ann. 67/35.
- 41 430 Ill. Comp. Stat. Ann. 67/35(i).
- 42 430 Ill. Comp. Stat. Ann. 67/5.
- 43 430 Ill. Comp. Stat. Ann. 67/40.
- 44 430 Ill. Comp. Stat. Ann. 67/40(g).
- 45 Ind. Code Ann. § 35-47-14-3.
- 46 Ind. Code Ann. § 35-47-14-5(b)
- 47 Ind. Code Ann. §§ 35-47-14-2, -3.
- 48 Ind. Code Ann. § 35-47-14-2, -5.
- 49 Ind. Code Ann. § 35-47-14-8.
- 50 Ind. Code Ann. § 35-47-14-8.
- 51 Md. Code Ann., Pub. Safety § 5-603
- 52 Md. Code Ann., Pub. Safety § 5-603(b)(1)(ii), -(e).
- 53 Md. Code Ann., Pub. Safety § 5-601(e).
- 54 Md. Code Ann., Pub. Safety § 5-604.
- 55 Md. Code Ann., Pub. Safety § 5-604(c).
- 56 Md. Code Ann., Pub. Safety § 5-605.
- 57 Md. Code Ann., Pub. Safety § 5-605(f).
- 58 Mass. Ann. Laws ch. 140, § 131T.
- 59 Mass. Ann. Laws ch. 140, § 131T(a).
- 60 Mass. Ann. Laws ch. 140, § 121; Gun Ownership in Massachusetts, [Mass.gov](https://www.mass.gov).
- 61 Mass. Ann. Laws ch. 140, § 131R-S.
- 62 Mass. Ann. Laws ch. 140, § 121.
- 63 Mich. Comp. Laws Serv. § 691.1807.
- 64 Mich. Comp. Laws Serv. § 691.1807(3)(a).
- 65 Mich. Comp. Laws Serv. § 691.1805(2).
- 66 Mich. Comp. Laws Serv. § 691.1807.
- 67 Mich. Comp. Laws Serv. § 691.1809(k).
- 68 Minn. Stat. § 624.7174.
- 69 Minn. Stat. § 624.7174(e).
- 70 Minn. Stat. § 624.7171(Subd. 3)(b).
- 71 Minn. Stat. § 624.7172.
- 72 Minn. Stat. § 624.7172(e).
- 73 Nev. Rev. Stat. Ann. §§ 33.570-575.
- 74 Nev. Rev. Stat. Ann. § 33.575(1).
- 75 Nev. Rev. Stat. Ann. § 33.560(1)-(2).
- 76 Nev. Rev. Stat. Ann. §§ 33.575-33.580
- 77 Nev. Rev. Stat. Ann. § 33.575(4).
- 78 N.J. Rev. Stat. § 2C:58-23.
- 79 N.J. Rev. Stat. § 2C:58-23(h).
- 80 N.J. Rev. Stat. § 2C:58-21.
- 81 N.J. Rev. Stat. §§ 2C:58-24, -25.
- 82 N.J. Rev. Stat. § 2C:58-24, -25.
- 83 N.M. Stat. Ann. § 40-17-6.
- 84 N.M. Stat. Ann. §§ 40-17-6(C)-(E).
- 85 N.M. Stat. Ann. § 40-17-2(G); -5(A)
- 86 N.M. Stat. Ann. § 40-17-2(F); -8
- 87 N.M. Stat. Ann. § 40-17-2(F).
- 88 N.Y. C.P.L.R. § 6342.
- 89 N.Y. C.P.L.R. § 6342(4)(d)(ii).
- 90 N.Y. C.P.L.R. § 6340(2).
- 91 N.Y. C.P.L.R. § 6343.
- 92 N.Y. C.P.L.R. § 6343(3)(c).
- 93 Or. Rev. Stat. § 166.527.
- 94 Or. Rev. Stat. §§166.527(9)-(10).
- 95 Or. Rev. Stat. § 166.527(1).
- 96 Or. Rev. Stat. § 166.530.
- 97 Or. Rev. Stat. § 166.530(3)(a)(A).

- 98 R.I. Gen. Laws § 8-8.3-4.
- 99 R.I. Gen. Laws § 8-8.3-4(f).
- 100 R.I. Gen. Laws § 8-8.3-1(8), -(5).
- 101 R.I. Gen. Laws § 8-8.3-5.
- 102 R.I. Gen. Laws § 8-8.3-5(a).
- 103 Vt. Stat. Ann. tit. 13, § 4054.
- 104 Vt. Stat. Ann. tit. 13, § 4054(c)(1).
- 105 Vt. Stat. Ann. tit. 13, § 4053(a).
- 106 Vt. Stat. Ann. tit. 13, § 4053.
- 107 Vt. Stat. Ann. tit. 13, § 4053(e)(2).
- 108 Va. Code Ann. Ann. § 19.2-152.13.
- 109 Va. Code Ann. Ann. § 19.2-152.13(D).
- 110 Va. Code Ann. Ann. § 19.2-152.13(A).
- 111 Va. Code Ann. Ann. §§ 19.2-152.14.
- 112 Va. Code Ann. Ann. § 19.2-152.14(C).
- 113 Wash. Rev. Code Ann. § 7.105.330.
- 114 Wash. Rev. Code Ann. §§ 7.105.100(8); 7.105.330(4).
- 115 Wash. Rev. Code Ann. § 7.105.100(e).
- 116 Wash. Rev. Code Ann. § 7.1052.335.
- 117 Wash. Rev. Code Ann. § 7.105.505(1).

National Center on Protection Orders and Full Faith & Credit, Extreme Risk Protection Orders - At a Glance, BATTERED WOMEN'S JUSTICE PROJECT, (July 2023).

This project was supported by Grant No. 15JOVW-21-GK-02253-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

This document is for informational purposes only. Nothing contained in this document is intended as legal advice to any person or entity. Statutes are constantly changing. This toolkit was created with the assistance of 2023 Legal Intern Brionna Crawford, MPP. Please independently verify the information found in this document. If you have questions or changes, please email ncffc@bwjp.org.