

EXTREME RISK PROTECTION ORDERS

STATE LAWS AT A GLANCE



**Bloomberg American
Health Initiative**

Information on this website does not constitute legal advice. Every factual situation is unique; if you want legal advice specific to your particular circumstances, please consult knowledgeable counsel.

As of April 16, 2020, nineteen states and the District of Columbia have enacted an extreme risk law. An Extreme Risk Protection Order is a civil order that temporarily prohibits individuals who pose a danger to themselves or others from purchasing and possessing firearms.

DIFFERENCES BETWEEN STATE LAWS

Each state's law has key components that may vary; below we highlight differences in the types of orders, length, and legal standards.

DEFINITIONS

Petitioners: The named groups authorized under the law to request an ERPO from the court varies by state. Law enforcement are petitioners in all state ERPO laws; family members are petitioners in most state laws. Other groups are named in some states. Please see state laws for the complete list of petitioners in each state.

Ex Parte: A legal term that refers to a judicial process in which only one party, the petitioner, is present.

STATE ERPO LAWS AT A GLANCE

STATE	PETITIONERS	ORDERS AVAILABLE
Name Citation	Types of orders	Length of orders Burden of proof
CALIFORNIA Gun Violence Restraining Order Cal. Penal Code §§ 18100-18205	LAW ENFORCEMENT Temporary Emergency, Ex Parte, Final FAMILY OR HOUSEHOLD MEMBER Ex Parte, Final	TEMPORARY EMERGENCY <ul style="list-style-type: none"> Up to 21 days after issuance Reasonable cause EX PARTE <ul style="list-style-type: none"> Up to 21 days after issuance Substantial likelihood FINAL <ul style="list-style-type: none"> One year Clear and convincing
COLORADO Extreme Risk Protection Order H.R. 19-1177, 72nd Gen. Assemb., Reg. Sess. (Colo. 2019)	LAW ENFORCEMENT Temporary, Final FAMILY OR HOUSEHOLD MEMBER Temporary, Final	TEMPORARY EMERGENCY <ul style="list-style-type: none"> Up to 14 days after issuance Preponderance of the evidence FINAL <ul style="list-style-type: none"> 364 days Clear and convincing
CONNECTICUT Seizure of Firearms (Risk-Warrant) Conn. Gen. Stat. § 29-38c	LAW ENFORCEMENT Warrant, Final [ASSISTANT] STATE'S ATTORNEY Warrant, Final	WARRANT <ul style="list-style-type: none"> Up to 14 days after execution Probable cause FINAL <ul style="list-style-type: none"> Up to 1 year Clear and convincing
DELAWARE Lethal Violence Protective Order Del. Code Ann. tit. 10, §§ 7701-7709	LAW ENFORCEMENT Emergency, Final FAMILY MEMBER Final	EMERGENCY <ul style="list-style-type: none"> Up to 10 days after issuance Preponderance of the evidence FINAL <ul style="list-style-type: none"> Up to 1 year Clear and convincing
DISTRICT OF COLUMBIA Extreme Risk Protection Order D.C. Act 22-629 (D.C. 2018)	LAW ENFORCEMENT Ex Parte, Final FAMILY OR HOUSEHOLD MEMBER Ex Parte, Final MENTAL HEALTH PROFESSIONALS Ex Parte, Final	EX PARTE <ul style="list-style-type: none"> Up to 10 days after issuance Probable cause FINAL <ul style="list-style-type: none"> One year Preponderance of the evidence

STATE LAWS AT A GLANCE (CONTINUED)

STATE	PETITIONERS	ORDERS AVAILABLE
Name Citation	Types of orders	Length of orders Burden of proof
FLORIDA Risk Protection Order Fla. Stat. Ann. § 790.401	LAW ENFORCEMENT Temporary Ex Parte, Final	TEMPORARY EX PARTE · Up to 14 days after issuance · Reasonable cause FINAL · Up to 1 year · Clear and convincing
HAWAII Gun Violence Protective Order S. 1466, 2019 Leg., 30th Sess. (HI 2019)	LAW ENFORCEMENT Ex Parte, Final FAMILY OR HOUSEHOLD MEMBER Ex Parte, Final MEDICAL PROFESSIONAL Ex Parte, Final EDUCATOR Ex Parte, Final WORK COLLEAGUE Ex Parte, Final	EX PARTE · Up to 14 days after petition for a one-year order submitted · Probable cause FINAL · 1 year · Preponderance of the evidence
ILLINOIS Firearms Restraining Order 430 Ill. Comp. Stat. Ann. 67/1-67/80	LAW ENFORCEMENT Ex Parte, Final FAMILY OR HOUSEHOLD MEMBER Ex Parte, Final	EX PARTE · Up to 14 days after issuance · Probable cause FINAL · 6 months · Clear and convincing
INDIANA Seizure and Retention of a Firearm (Risk-Warrant) Ind. Code Ann. §§ 35-47-14-1 - 35-47-14-10	LAW ENFORCEMENT Warrant, Warrantless	WARRANT · At least 180 days after issuance · Probable cause (initial warrant) · Clear and convincing (at hearing) WARRANTLESS · At least 180 days after the court orders law enforcement to retain firearm · Probable cause (after firearm seizure) · Clear and convincing (at hearing)
MARYLAND Extreme Risk Protective Order Md. Code Ann., Pub. Safety §§ 5-601 - 5-610	LAW ENFORCEMENT Interim, Ex Parte, Final FAMILY OR HOUSEHOLD MEMBER Interim, Ex Parte, Final HEALTHCARE PROFESSIONAL Interim, Ex Parte, Final	INTERIM · Up to 2 business days · Reasonable grounds EX PARTE · Up to 7 days after service · Reasonable grounds FINAL · Up to 1 year · Clear and convincing
MASSACHUSETTS Extreme Risk Protection Order Mass. Gen. Laws Ann. ch. 140, §§131R-131Y	LAW ENFORCEMENT Emergency, Final FAMILY OR HOUSEHOLD MEMBER Emergency, Final	EMERGENCY · Up to 10 days after issuance · Reasonable cause FINAL · Up to 1 year · Preponderance of the evidence
NEVADA Order for Protection Against High-Risk Behavior Assemb. 291, 2019 Leg., 80th Sess. (Nev. 2019)	LAW ENFORCEMENT Ex Parte, Final FAMILY OR HOUSEHOLD MEMBER Ex Parte, Final	EX PARTE · Up to 7 days after issuance or until final hearing held · Preponderance of the evidence FINAL (EXTENDED) · Up to 1 year · Clear and convincing

STATE LAWS AT A GLANCE (CONTINUED)

STATE	PETITIONERS	ORDERS AVAILABLE
Name Citation	Types of orders	Length of orders Burden of proof
NEW JERSEY Extreme Risk Protective Order Assemb. 1217, 2018 Leg., 218th Sess. (N.J. 2018)	LAW ENFORCEMENT Temporary, Final FAMILY OR HOUSEHOLD MEMBER Temporary, Final	TEMPORARY · Up to 10 days after petition is filed · Good cause FINAL · 1 year · Preponderance of the evidence
NEW MEXICO Extreme Risk Firearm Protection Order Senate Bill 5, 2020 Regular Session	LAW ENFORCEMENT Temporary, One Year	TEMPORARY · Up to 10 days · Probable cause ONE YEAR · Up to 1 year · Preponderance of the evidence
NEW YORK Extreme Risk Protection Order S. 2451, 2019 Leg., Reg. Sess. (N.Y. 2019)	LAW ENFORCEMENT Temporary, Final DISTRICT ATTORNEY Temporary, Final FAMILY OR HOUSEHOLD MEMBER Temporary, Final SCHOOL ADMINISTRATOR OR DESIGNEE Temporary, Final	TEMPORARY · Up to 6 days after service · Probable cause FINAL · Up to 1 year · Clear and convincing
OREGON Extreme Risk Protection Order Or. Rev. Stat. §§ 166.525-166.543	LAW ENFORCEMENT Final FAMILY OR HOUSEHOLD MEMBER Final	FINAL* · 1 year · Clear and convincing *Court may issue a final order at an ex parte hearing. Respondent may request a hearing to terminate the order within 30 days of service.
RHODE ISLAND Extreme Risk Protection Order R.I. Gen. Laws Ann. §§ 8-8.3-1 - 8-8.3-14	LAW ENFORCEMENT Temporary, Final	TEMPORARY · Up to 14 days after issuance · Probable cause FINAL · 1 year · Clear and convincing
VERMONT Extreme Risk Protection Order Vt. Stat. Ann. tit. 13, §§ 4051-4061	STATE'S ATTORNEY Temporary, Final OFFICE OF THE ATTORNEY GENERAL Temporary, Final	TEMPORARY EX PARTE · 14 days after issuance · Preponderance of the evidence FINAL · Up to 6 months · Clear and convincing
VIRGINIA Substantial Risk Order H.B. 674, 2020 Gen. Assemb., Reg. Sess. (Va. 2020) S.B. 240, 2020 Gen. Assemb., Reg. Sess. (Va. 2020)	LAW ENFORCEMENT OR COMMONWEALTH'S ATTORNEY Emergency, Final	EMERGENCY · Up to 14 days · Probable cause FULL · Up to 180 days · Clear and convincing
WASHINGTON Extreme Risk Protection Order Wash. Rev. Code Ann. §§ 7.94.010-7.94.900	LAW ENFORCEMENT Ex Parte, Final FAMILY OR HOUSEHOLD MEMBER Ex Parte, Final	EX PARTE · Up to 14 days after issuance · Reasonable cause FINAL · 1 year · Preponderance of the evidence