EXTREME RISK PROTECTION ORDERS (ERPOs)

In most instances of gun violence, the individual previously showed signs that they were at risk of hurting themselves or others. Extreme risk protection orders (ERPOs) empower family members, law enforcement and other key individuals to respond on those signs and prevent a tragedy from occurring. That’s why Sandy Hook Promise supports ERPOs.

WHAT ARE EXTREME RISK PROTECTION ORDERS (ERPOs)?

Extreme risk protection orders (ERPOs) empower family members and law enforcement to prevent gun violence and gun-related suicides by petitioning a court to temporarily separate an at-risk individual from firearms. ERPOs are civil, not criminal, proceedings and help prevent suicide and gun-related violence while protecting an individual’s 2nd Amendment rights.

HOW DO ERPOS WORK?

ERPOs can be issued in two different ways:

- An **Ex Parte ERPO** is an emergency order that can be granted when the threat of harm is imminent. For these ERPOs, the person filing the petition (the petitioner) must include detailed allegations that the respondent poses a threat in the near future. These orders are processed quickly, usually the day the petition is filed, and last for a short period of time until a final ERPO hearing can be held.

- A **long-term ERPO** is issued after a hearing, in which the respondent can present evidence in their defense. After a petitioner files, the court has 14 days to hold a hearing. If the judge finds substantial evidence that the respondent poses a significant danger to themselves or others, they will issue a final ERPO, lasting for up to 1 year.

ARE ERPOS THE SAME AS “RED FLAG LAWS?”

Red flag laws are one name often given to ERPOs. SHP does not use “red flag” because we believe all caution must be taken to ensure that these laws are not used to further perpetuate stigma or marginalize any person or community. The intent of these laws is to reduce risk and protect people in crisis from harming themselves or others. Therefore, members of the gun violence prevention movement call these laws “extreme risk laws” or “extreme risk protection orders,” instead of “red flag laws.”
WHAT HAPPENS AFTER AN ERPO IS ISSUED?
After an ERPO is issued, law enforcement removes any existing firearms from the respondent’s possession and updates the background check system to temporarily prohibit purchases for the duration of the ERPO. Once the ERPO is terminated, the respondent has the right to have their firearms returned and the background check system is updated to signal the end of the ERPO.

WHAT TYPE OF EVIDENCE IS NECESSARY TO GRANT AN ERPO?
When deciding to grant an ERPO, judges can consider, among other things: recent acts or threats of violence against self or others, patterns of violence over the past year, prior convictions of domestic violence, prior unlawful or reckless use of a firearm and previous violations of protection orders or no contact orders.\(^1\)

IS THERE SUPPORT FOR ERPOS?
Yes! Multiple studies have shown that a majority of Americans support extreme risk protection laws. A survey conducted by Johns Hopkins University in 2017 found that 80% of non-gun owners and 75% of gun owners supported extreme risk protection laws.\(^2\)

DO ERPOs WORK IN PREVENTING GUN DEATHS?
Studies have shown that ERPO laws are effective in preventing many forms of gun violence. A recent study found that for every 10-20 ERPOs filed, at least one life is saved from suicide.\(^3\) In Connecticut and Indiana, versions of extreme risk protection laws have been shown to reduce firearm suicide rates by 14% and 7.5% respectively.\(^4\) Between 2016-2018, California saw 21 cases in which the use of an ERPO helped prevent a mass shooting.\(^5\) In Maryland, 302 ERPO petitions were filed in the first three months after an ERPO law was put into effect in October of 2018. Just under half of those cases (148) resulted in 1-year ERPOs being issued and in four of those cases, the gun owners posed a “significant threat” to schools.\(^6\)

WHICH STATES HAVE ERPO LAWS IN PLACE?
As of July 10, 2019, ERPOs or substantially similar legislation have been passed in 17 states (California, Colorado, Connecticut, District of Columbia, Delaware, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Nevada, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington), as well as the District of Columbia.

HOW CAN WE PASS ERPO LAWS?
Sign the petition and call on Congress to pass a federal ERPO.

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