

EXTREME RISK PROTECTION ORDERS

STATE LAWS AT A GLANCE



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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 August 1, 2023, twenty-one 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.

The chart below summarizes key components of each state’s laws, including the eligible petitioners, the types of orders available, the length of the orders, and the legal standard for establishing risk of harm to self or others. We use the term “family or household member” to include petitioners such as parents, spouses, dating partners, and roommates. Please see state laws for the complete list of petitioners in each state.

STATE ERPO LAWS AT A GLANCE

STATE	PETITIONERS	ORDERS AVAILABLE
Name of order 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 EMPLOYERS Ex Parte, Final CO-WORKERS Ex Parte, Final EMPLOYEES AND TEACHERS AT SECONDARY AND POST-SECONDARY SCHOOLS Ex Parte, Final	TEMPORARY EMERGENCY · Up to 21 days after issuance · Reasonable cause EX PARTE · Up to 21 days after issuance · Substantial likelihood FINAL · One to five years · Clear and convincing
COLORADO Extreme Risk Protection Order Colo. Rev. Stat. §§ 13-14.5-101 - 13-14.5-116	LAW ENFORCEMENT Temporary, Final FAMILY OR HOUSEHOLD MEMBER Temporary, Final MEDICAL PROFESSIONALS Temporary, Final EDUCATORS Temporary, Final	TEMPORARY EMERGENCY · Up to 14 days after issuance · Preponderance of the evidence FINAL · 364 days · Clear and convincing
CONNECTICUT Risk Protection Order Conn. Gen. Stat. § 29-38c	LAW ENFORCEMENT Temporary, Final [ASSISTANT] STATE'S ATTORNEY Temporary, Final	WARRANT · Up to 14 days · Probable cause FINAL · Until terminated · Clear and convincing
DELAWARE Lethal Violence Protective Order Del. Code Ann. tit. 10, §§ 7701-7709	LAW ENFORCEMENT Emergency, Final FAMILY MEMBER Final	EMERGENCY · Up to 10 days after issuance · Preponderance of the evidence FINAL · Up to 1 year · Clear and convincing
DISTRICT OF COLUMBIA Extreme Risk Protection Order D.C. Code Ann. §§ 7-2510.01 - 7-2510.13	LAW ENFORCEMENT Ex Parte, Final FAMILY OR HOUSEHOLD MEMBER Ex Parte, Final MENTAL HEALTH PROFESSIONALS Ex Parte, Final	EX PARTE · Up to 10 days after issuance · Probable cause FINAL · One year · Preponderance of the evidence
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

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STATE LAWS AT A GLANCE (CONTINUED)

STATE	PETITIONERS	ORDERS AVAILABLE
Name Citation	Types of orders	Length of orders Burden of proof
HAWAII Gun Violence Protective Order Haw. Rev. Stat. Ann. §§ 134-61 - 134-72	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
MICHIGAN Extreme Risk Protection Order Senate Bill 83 (2023)	LAW ENFORCEMENT Ex Parte, Final FAMILY OR HOUSEHOLD MEMBERS Ex Parte, Final *Certain health care providers can also file a petition. However, only law enforcement may petition for an immediate emergency extreme risk protection order. MENTAL HEALTH PROFESSIONALS Ex Parte, Final	EX PARTE ORDER · One year unless a hearing is requested, which then must be held within 14 days (same for emergency orders).* · Clear and convincing *A requested hearing must be held within 5 days for certain respondents who are required to carry a firearm as part of their employment. FINAL · 1 year · Preponderance of the evidence
MINNESOTA Extreme Risk Protection Order Minn. Stat. § 624.7171 - 624.7178	LAW ENFORCEMENT Ex Parte, Final FAMILY OR HOUSEHOLD MEMBERS Ex Parte, Final CITY OR COUNTY ATTORNEYS Ex Parte, Final	EX PARTE ORDER · 14 Days · Probable cause FINAL · 6 months - 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
NEVADA Order for Protection Against High-Risk Behavior Nev. Rev. Stat. Ann. §§ 33.500 - 33.670	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
NEW JERSEY Extreme Risk Protective Order N.J. Stat. Ann. §§ 2C:58-20 - 2C:58-32	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 Protective Order N.M. Stat. Ann. §§ 40-17-1 - 40-17-13	LAW ENFORCEMENT Temporary, Final	TEMPORARY · Up to 10 days after service · Probable cause FINAL · 1 year · Preponderance of the evidence
NEW YORK Extreme Risk Protection Order N.Y. C.P.L.R. 6340 - 6348	LAW ENFORCEMENT Temporary, Final DISTRICT ATTORNEY Temporary, Final FAMILY OR HOUSEHOLD MEMBER Temporary, Final SCHOOL ADMINISTRATOR OR DESIGNEE Temporary, Final HEALTHCARE PRACTITIONERS 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 Va. Code Ann. §§ 19.2-152.13 - 19.2-152.17	LAW ENFORCEMENT OFFICER Emergency ATTORNEY FOR THE COMMONWEALTH Emergency, Final	EMERGENCY · Up to 14 days after issuance · Probable cause FINAL · Up to 180 days · Clear and convincing
WASHINGTON Extreme Risk Protection Order Wash. Rev. Code Ann. §§ 7.105.330 - 7.105.375	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