and note that backyand. Terrified neighbors called police as bulkets fiew into their backyand. A Ge-year-old man who grabbed a gun case and the with the gun in his volation. A Se-year-old man who grabbed a gun case and threatened suicide. When his ext-pir/field tried to call for the hat and their haund th

A GUIDE TO THE PROCESS

uught and **crying in the bathroom, and cocking his .40 caliber pistol.** A 28-year-old man who grabbed a gun case and threatened suicide. When hi lifeles, and a shotgun. A 33-year-old man who locked his wife in a car with him, threatening her with a loaded firearm. When the Police Departme and an .380 handgun. A 35-year-old man with a small arsenal and a history of domestic violence, whose wife suffered a serious laceration the sad and feared he might kill her. The man owned a 9mm pistol, a Mosquito semi-automatic pistol, a Ruger .22, a Springfield .40 caliber pistol, rifte, a Mossberg shotgun, and an unmarked handgun. A 40-year-old man who told his fince by text message that he wanted to shoot her in the risted his fiance's ex-boyfriend and threatened to kill him while holding a knife behind his back. The man surrendered a handgun and an AF-15 butomatic rifte frequently used by mass shooters. A 23-year-old ex-Marine who had developed a paranois that all males wanted to harm him. He has been the gun in its vehicle. A 38-year-old man who threatened to kill him while holding a knife behind his back. The man surrendered a bandgun and an AF-15 butomatic rifte frequently used by mass shooters. A 23-year-old ex-Marine who had developed a paranois that all males wanted to harm him. He has been the gun in its vehicle. A 38-year-old man who, yence hild it she left him. His wife has developed a paranois that all males wanted to harm him. He has a developed is a subject of the second man who, yence hild is she left him. His wife has deal the gun in its vehicle. A 38-year-old man who threatened to kill him shife hashife, him site, and their young child is she left him. His wife has deal the gun in the scheme and searched the car, they found a meth pipe along with two loaded firearms that did not belong to harm was a Glock 9mm and a .380 handgun. A 33-year-old man who threatened to kill himself, his wife, and their young child is she left him. His wife ha a Glock 9mm and a .380 handgun. A 33-year-old man who thecked



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.

Bloomberg American Health Initiative

MASSACHUSETTS

Emergency Extreme Risk Protection Order Process

REQUEST AN EMERGENCY ERPO DURING NON-COURT HOURS

If the petitioner is a family or household member, contact law enforcement and inform them you seek an emergency ERPO. Law enforcement then contacts an "on-call" judge and either the officer reads the petition or the petitioner reads the petition.

If law enforcement is the petitioner, law enforcement contacts an "on-call" judge and reads the petition.

ON-CALL JUDGE ASSESSES EMERGENCY ERPO PETITION

Judge decides whether there is reasonable cause to believe the respondent poses a risk of causing bodily injury to self or others by the respondent having a firearm, weapon or ammunition.

EMERGENCY ERPO

NOT ISSUED

The petitioner may

file an ERPO petition

during court hours.

EMERGENCY ERPO ISSUED (DURING NON-COURT HOURS)

Law enforcement immediately serves the respondent with a copy of the emergency ERPO (issued during non-court hours), which informs the respondent that the order remains in effect until the end of the next business day.

COMPLY WITH EMERGENCY ERPO (ISSUED DURING NON-COURT HOURS), DISPOSSESS FIREARMS

The respondent turns over any license to carry firearms, firearm identification cards and all firearms, weapons, and ammunition to their local law enforcement agency.

Law enforcement issues a receipt to the respondent and files a copy with the court.

PETITIONER FILES EMERGENCY ERPO PETITION DURING COURT HOURS

During court hours, petitioner files an ERPO petition describing why the respondent poses a risk of causing bodily injury to self or others by having a firearm, weapon or ammunition.

(The petitioner will not need to fill out a new petition if the petition used to issue the emergency ERPO - during non-court hours - is on file with the clerk.)

Authorized petitioners in Massachusetts include:

- Family or household members (including current or former spouses, persons currently or formerly residing in the same household, persons currently or formerly related by blood or marriage, persons with a child in common, persons currently or formerly in a substantive dating or engagement relationship)
- · Licensing authority/policy department where the respondent lives

COURT ASSESSES EMERGENCY ERPO PETITION

Court decides whether to issue an emergency ERPO prior to the hearing where the respondent will have an opportunity to be heard.

EMERGENCY ERPO ISSUED

Law enforcement serves the respondent a copy of the emergency ERPO which will remain in effect for ten davs or until the ERPO hearing.

UPDATE BACKGROUND CHECK SYSTEM

The clerk magistrate of the court forwards a copy of the ERPO to: the licensing authority, the Commissioner of Probation. the MA Department of Criminal Justice Information Services (DCJIS) (who forwards the order for inclusion into the National Instant Criminal Background Check System (NICS)), and any other federal or state computer-based systems used by law enforcement or others to identify prohibited firearm purchasers.

EMERGENCY ERPO NOT ISSUED

If the judge decides to proceed with an ERPO hearing, law enforcement serves the respondent a copy of the petition and summons within 7 days of the hearing which is held within 10 days of the petition's filing.

PROCEED WITH ERPO HEARING

Court decides if the respondent poses a risk of causing bodily injury to self or others by having in their possession a firearm, weapon or ammunition.

CONTINUED ON NEXT PAGE

In Massachusetts, petitioners may begin the ERPO process by requesting an emergency ERPO during non-court hours (i.e. when the court is closed for business) or by requesting an emergency ERPO during court hours. The difference between the two is the time of day the petitioner seeks an ERPO. Additionally, an emergency ERPO sought during non-court hours remains in effect only until the end of the next court day, providing the petitioner the time to go to court during court hours to petition for an ERPO.

*In Massachusetts, the licensing authority may petition for an ERPO. The "licensing authority" is the Firearm Owners Identification Card (FID) licensing authority, or police department, in the respondent's town.

Extreme Risk Protection Orders A Guide to the Process in Massachusetts

*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.





MASSACHUSETTS

Emergency Extreme Risk Protection Order Process

Authorized petitioners in Massachusetts include:

- Family or household members (including current or former spouses, persons currently or formerly residing in the same household, persons currently or formerly related by blood or marriage, persons with a child in common, persons currently or formerly in a substantive dating or engagement relationship)
- · Licensing authority/policy department where the respondent lives

PROCEED WITH ERPO HEARING (repeated from previous page)

Court decides if the respondent poses a risk of causing bodily injury to self or others by having in their possession a firearm, weapon or ammunition.

ERPO ISSUED

If the respondent is at the hearing, they are served with the ERPO while in court.

If the respondent is not at the hearing, law enforcement serves respondent with a copy of the ERPO, the petition, and informational resources, including a list of services relating to crisis intervention, mental health, substance use disorders a nd counseling.

Background check system is updated.

ERPO is in effect for up to one year.

(If firearms were not surrendered pursuant to an emergency order, they are surrendered at this time.)

ERPO NOT ISSUED

If the respondent requests the return of items surrendered and is found to be suitable for a license to carry firearms or a firearm identification card and lawfully permitted to possess firearms or ammunition, law enforcement returns any license to carry firearms or firearm identification card and all firearms, weapons, and ammunition requested.

Background check system is updated.

TERMINATE OR RENEW ERPO

The court may modify, suspend or terminate the ERPO at any time upon motion by either party.

UPDATE BACKGROUND CHECK SYSTEM

The clerk magistrate of the court forwards a copy of the terminated or expired ERPO to: the licensing authority, the Commissioner of Probation, DCJIS (who transmits for entry into NICS), and any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms.



RETURN FIREARMS

Upon expiration or termination of an ERPO, the respondent may request the return of firearms, weapons, and ammunition.

Law enforcement returns items requested after confirming the respondent is not otherwise prohibited from purchasing and possessing firearms or ammunition.