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#### **MARYLAND**

# Extreme Risk Protective Order Process

#### **TEMPORARY ERPO PROCESS**

#### **COMPLETE AN ERPO PETITION**

#### **DISTRICT COURT IS OPEN**

#### FILE PETITION WITH DISTRICT COURT JUDGE FOR A TEMPORARY ORDER

Petition describes how the respondent poses an immediate and present danger of causing injury to self or others by possessing firearms.

### DISTRICT COURT IS CLOSED

#### FILE PETITION WITH DISTRICT COURT COMMISSIONER FOR AN INTERIM ERPO

Petition describes how the respondent poses an immediate and present danger of causing injury to self or others by possessing firearms. If the commissioner finds the criteria for issuing an ERPO have been met, he/she issues an interim order prohibiting the respondent from purchasing and possessing guns for the duration of the order. Respondent receives notice that a temporary hearing will take place before a judge.

#### **TEMPORARY ERPO HEARING BEFORE A JUDGE**

If an interim order was issued and the petitioner and the respondent were present at the Temporary ERPO hearing, they can waive the Temporary ERPO hearing and proceed to a Final ERPO hearing.

#### TEMPORARY ERPO ISSUED

Temporary ERPOs last for up to 7 days. The court sets the final ERPO hearing date.

### COURT DOES NOT ISSUE ERPO

The petitioner may appeal the court's decision. If there is no appeal, the process ends.

#### LAW ENFORCEMENT SERVES THE ERPO

Law enforcement provides the respondent with a copy of the ERPO and explains to the respondent the process of dispossessing him/herself of firearms and ammunition for the duration of the order. Law enforcement will also provide the respondent with a record of the firearms and ammunition removed. Law enforcement adds the ERPO to existing background check data systems to bar firearm purchases.

#### Authorized petitioners in Maryland include:

- Family, including someone related by blood, marriage, or adoption
- · Law enforcement
- · Health professionals

#### **FINAL ERPO PROCESS**

#### FINAL ERPO HEARING BEFORE A JUDGE

### RESPONDENT IS IN COURT

Petitioner presents the petition to the court, respondent responds to the petition in court.

### RESPONDENT IS NOT IN COURT

Petitioner presents the petition to the court

#### **COURT DETERMINES WHETHER TO ISSUE FINAL ERPO**

#### COURT ISSUES FINAL ERPO

ERPO is in place for up to one year. Respondent may appeal the court's decision. Petitioner may petition to extend Final ERPO for six months.

#### COURT DOES NOT ISSUE FINAL ERPO AND FIREARMS ARE RETURNED

Petitioner may appeal the court's decision. If there is no appeal, the process ends.

## ERPO EXPIRES OR



#### RESPONDENT REQUESTS RETURN OF FIREARMS

Law enforcement verifies the former respondent is not otherwise disqualified and returns firearms to the individual. Law enforcement updates the background check system.



IF A FINAL ERPO IS ISSUED, PURCHASE AND POSSESSION OF FIREARMS IS PROHIBITED FOR UP TO 1 YEAR.