

EXTREME RISK PROTECTION ORDERS & DOMESTIC VIOLENCE RESTRAINING ORDERS

HOW DO THEY DIFFER?



Bloomberg American
Health Initiative

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ERPOs temporarily remove firearms from individuals at risk of harming themselves or others.

DVROs offer multiple protections for individuals experiencing domestic violence.

It is critical for family members, advocates, domestic violence survivors, and law enforcement to work together to decide the best course of action given the tools available to reduce the risk of violence.

WHAT IS AN EXTREME RISK PROTECTION ORDER?

An Extreme Risk Protection Order (ERPO) (also known as a Gun Violence Restraining Order, Lethal Violence Protection Order, among other terms) is a civil order that temporarily prohibits individuals who pose a danger to self or others from purchasing and possessing firearms. Depending on the state, a law enforcement officer, state's attorney, family or household member, school administrator, and/or health professional may petition a court for an ERPO. As of May 2019, fifteen states and the District of Columbia have enacted an extreme risk law: California, Colorado, Connecticut, Delaware, Florida, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Oregon, Rhode Island, Vermont, and Washington. ERPOs are based on the well-established system of Domestic Violence Restraining Orders.

HOW ARE ERPOs DIFFERENT?

Petitioners

Law enforcement can petition for ERPOs, and in most states with ERPO laws family and intimate partners can also petition. A few states also authorize clinicians and school administrators to petition.

Protections

Extreme risk laws offer one type of protection – they address access to firearms for individuals at risk of violence to self or others.

WHAT IS A DOMESTIC VIOLENCE RESTRAINING ORDER?

Domestic Violence Restraining Orders (DVROs) (also known as protection orders and no contact orders) can be a civil or criminal orders (depending on state law and the nature of the abuse) and are designed to protect survivors of domestic violence from further abuse. Through DVROs, the court may order the respondent/defendant not to have contact with the petitioner, to stay away from the petitioner, to move out from a shared home, to participate in counseling, or prohibit firearm purchase and possession for the duration of the order, among other provisions.

HOW ARE DVROs DIFFERENT?

Petitioners

Intimate partners can petition for DVROs; law enforcement, for the most part, cannot.

Protections

These laws offer multiple protections through provisions that order no contact, to stay away, move out, counseling, and firearms prohibitions, among others.

ABOUT THIS PROJECT

In 2013, following the Sandy Hook massacre, the Consortium for Risk-Based Firearm Policy published evidence-based recommendations to address all forms of gun violence. Among the recommendations was a call for states to pass a new policy called Extreme Risk Protection Orders. As of May 2019, six years since the Consortium released its report, 13 states and the District of Columbia have passed new ERPO laws. Dozens more states have introduced ERPO bills.

With many laws in place, and several additional states poised to enact ERPO laws, there is a need for information, technical assistance, and support for implementing ERPO laws. This project was created to address that need. Please visit the central resource for ERPO implementers at americanhealth.jhu.edu/implementERPO.