

# EXTREME RISK PROTECTION ORDERS

## STATE LAWS AT A GLANCE



Bloomberg American  
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 July 12, 2019, seventeen 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.

## DIFFERENCES BETWEEN STATE LAWS

Each state's law has key components that may vary; below we highlight differences in the types of orders, length, and legal standards.

## DEFINITIONS

**Petitioners:** The named groups authorized under the law to request an ERPO from the court varies by state. Law enforcement are petitioners in all state ERPO laws; family members are petitioners in most state laws. Other groups are named in some states. Please see state laws for the complete list of petitioners in each state.

**Ex Parte:** A legal term that refers to a judicial process in which only one party, the petitioner, is present.

## STATE ERPO LAWS AT A GLANCE

STATE	PETITIONERS	ORDERS AVAILABLE
<b>Name</b> <b>Citation</b>	Types of orders	Length of orders Burden of proof
<b>CALIFORNIA</b>  Gun Violence Restraining Order  Cal. Penal Code §§ 18100-18205	<b>LAW ENFORCEMENT</b> Temporary Emergency, Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final	<b>TEMPORARY EMERGENCY</b> · Up to 21 days after issuance · Reasonable cause  <b>EX PARTE</b> · Up to 21 days after issuance · Substantial likelihood  <b>FINAL</b> · One year · Clear and convincing
<b>COLORADO</b>  Extreme Risk Protection Order  H.R. 19-1177, 72nd Gen. Assemb., Reg. Sess. (Colo. 2019)	<b>LAW ENFORCEMENT</b> Temporary, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Temporary, Final	<b>TEMPORARY EMERGENCY</b> · Up to 14 days after issuance · Preponderance of the evidence  <b>FINAL</b> · 364 days · Clear and convincing
<b>CONNECTICUT</b>  Seizure of Firearms (Risk-Warrant)  Conn. Gen. Stat. § 29-38c	<b>LAW ENFORCEMENT</b> Warrant, Final  <b>[ASSISTANT] STATE'S ATTORNEY</b> Warrant, Final	<b>WARRANT</b> · Up to 14 days after execution · Probable cause  <b>FINAL</b> · Up to 1 year · Clear and convincing
<b>DELAWARE</b>  Lethal Violence Protective Order  Del. Code Ann. tit. 10, §§ 7701-7709	<b>LAW ENFORCEMENT</b> Emergency, Final  <b>FAMILY MEMBER</b> Final	<b>EMERGENCY</b> · Up to 10 days after issuance · Preponderance of the evidence  <b>FINAL</b> · Up to 1 year · Clear and convincing
<b>DISTRICT OF COLUMBIA</b>  Extreme Risk Protection Order  D.C. Act 22-629 (D.C. 2018)	<b>LAW ENFORCEMENT</b> Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final  <b>MENTAL HEALTH PROFESSIONALS</b> Ex Parte, Final	<b>EX PARTE</b> · Up to 10 days after issuance · Probable cause  <b>FINAL</b> · One year · Preponderance of the evidence

## STATE LAWS AT A GLANCE (CONTINUED)

STATE	PETITIONERS	ORDERS AVAILABLE
<p><b>Name</b> <b>Citation</b></p>	<p>Types of orders</p>	<p>Length of orders Burden of proof</p>
<p><b>FLORIDA</b> <b>Risk Protection Order</b> Fla. Stat. Ann. § 790.401</p>	<p><b>LAW ENFORCEMENT</b> Temporary Ex Parte, Final</p>	<p><b>TEMPORARY EX PARTE</b> · Up to 14 days after issuance · Reasonable cause</p> <p><b>FINAL</b> · Up to 1 year · Clear and convincing</p>
<p><b>HAWAII</b> <b>Gun Violence Protective Order</b> S. 1466, 2019 Leg., 30th Sess. (HI 2019)</p>	<p><b>LAW ENFORCEMENT</b> Ex Parte, Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final</p> <p><b>MEDICAL PROFESSIONAL</b> Ex Parte, Final</p> <p><b>EDUCATOR</b> Ex Parte, Final</p> <p><b>WORK COLLEAGUE</b> Ex Parte, Final</p>	<p><b>EX PARTE</b> · Up to 14 days after petition for a one-year order submitted · Probable cause</p> <p><b>FINAL</b> · 1 year · Preponderance of the evidence</p>
<p><b>ILLINOIS</b> <b>Firearms Restraining Order</b> 430 Ill. Comp. Stat. Ann. 67/1-67/80</p>	<p><b>LAW ENFORCEMENT</b> Ex Parte, Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final</p>	<p><b>EX PARTE</b> · Up to 14 days after issuance · Probable cause</p> <p><b>FINAL</b> · 6 months · Clear and convincing</p>
<p><b>INDIANA</b> <b>Seizure and Retention of a Firearm (Risk-Warrant)</b> Ind. Code Ann. §§ 35-47-14-1 - 35-47-14-10</p>	<p><b>LAW ENFORCEMENT</b> Warrant, Warrantless</p>	<p><b>WARRANT</b> · At least 180 days after issuance · Probable cause (initial warrant) · Clear and convincing (at hearing)</p> <p><b>WARRANTLESS</b> · At least 180 days after the court orders law enforcement to retain firearm · Probable cause (after firearm seizure) · Clear and convincing (at hearing)</p>
<p><b>MARYLAND</b> <b>Extreme Risk Protective Order</b> Md. Code Ann., Pub. Safety §§ 5-601 - 5-610</p>	<p><b>LAW ENFORCEMENT</b> Interim, Ex Parte, Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Interim, Ex Parte, Final</p> <p><b>HEALTHCARE PROFESSIONAL</b> Interim, Ex Parte, Final</p>	<p><b>INTERIM</b> · Up to 2 business days · Reasonable grounds</p> <p><b>EX PARTE</b> · Up to 7 days after service · Reasonable grounds</p> <p><b>FINAL</b> · Up to 1 year · Clear and convincing</p>
<p><b>MASSACHUSETTS</b> <b>Extreme Risk Protection Order</b> Mass. Gen. Laws Ann. ch. 140, §§131R-131Y</p>	<p><b>LAW ENFORCEMENT</b> Emergency, Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Emergency, Final</p>	<p><b>EMERGENCY</b> · Up to 10 days after issuance · Reasonable cause</p> <p><b>FINAL</b> · Up to 1 year · Preponderance of the evidence</p>
<p><b>NEVADA</b> <b>Order for Protection Against High-Risk Behavior</b> Assemb. 291, 2019 Leg., 80th Sess. (Nev. 2019)</p>	<p><b>LAW ENFORCEMENT</b> Ex Parte, Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final</p>	<p><b>EX PARTE</b> · Up to 7 days after issuance or until final hearing held · Preponderance of the evidence</p> <p><b>FINAL (EXTENDED)</b> · Up to 1 year · Clear and convincing</p>

## STATE LAWS AT A GLANCE (CONTINUED)

STATE	PETITIONERS	ORDERS AVAILABLE
Name Citation	Types of orders	Length of orders Burden of proof
<p><b>NEW JERSEY</b></p> <p>Extreme Risk Protective Order</p> <p>Assemb. 1217, 2018 Leg., 218th Sess. (N.J. 2018)</p>	<p><b>LAW ENFORCEMENT</b> Temporary, Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Temporary, Final</p>	<p><b>TEMPORARY</b></p> <ul style="list-style-type: none"> <li>Up to 10 days after petition is filed</li> <li>Good cause</li> </ul> <p><b>FINAL</b></p> <ul style="list-style-type: none"> <li>1 year</li> <li>Preponderance of the evidence</li> </ul>
<p><b>NEW YORK</b></p> <p>Extreme Risk Protection Order</p> <p>S. 2451, 2019 Leg., Reg. Sess. (N.Y. 2019)</p>	<p><b>LAW ENFORCEMENT</b> Temporary, Final</p> <p><b>DISTRICT ATTORNEY</b> Temporary, Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Temporary, Final</p> <p><b>SCHOOL ADMINISTRATOR OR DESIGNEE</b> Temporary, Final</p>	<p><b>TEMPORARY</b></p> <ul style="list-style-type: none"> <li>Up to 6 days after service</li> <li>Probable cause</li> </ul> <p><b>FINAL</b></p> <ul style="list-style-type: none"> <li>Up to 1 year</li> <li>Clear and convincing</li> </ul>
<p><b>OREGON</b></p> <p>Extreme Risk Protection Order</p> <p>Or. Rev. Stat. §§ 166.525-166.543</p>	<p><b>LAW ENFORCEMENT</b> Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Final</p>	<p><b>FINAL*</b></p> <ul style="list-style-type: none"> <li>1 year</li> <li>Clear and convincing</li> </ul> <p>*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.</p>
<p><b>RHODE ISLAND</b></p> <p>Extreme Risk Protection Order</p> <p>R.I. Gen. Laws Ann. §§ 8-8.3-1 - 8-8.3-14</p>	<p><b>LAW ENFORCEMENT</b> Temporary, Final</p>	<p><b>TEMPORARY</b></p> <ul style="list-style-type: none"> <li>Up to 14 days after issuance</li> <li>Probable cause</li> </ul> <p><b>FINAL</b></p> <ul style="list-style-type: none"> <li>1 year</li> <li>Clear and convincing</li> </ul>
<p><b>VERMONT</b></p> <p>Extreme Risk Protection Order</p> <p>Vt. Stat. Ann. tit. 13, §§ 4051-4061</p>	<p><b>STATE'S ATTORNEY</b> Temporary, Final</p> <p><b>OFFICE OF THE ATTORNEY GENERAL</b> Temporary, Final</p>	<p><b>TEMPORARY EX PARTE</b></p> <ul style="list-style-type: none"> <li>14 days after issuance</li> <li>Preponderance of the evidence</li> </ul> <p><b>FINAL</b></p> <ul style="list-style-type: none"> <li>Up to 6 months</li> <li>Clear and convincing</li> </ul>
<p><b>WASHINGTON</b></p> <p>Extreme Risk Protection Order</p> <p>Wash. Rev. Code Ann. §§ 7.94.010-7.94.900</p>	<p><b>LAW ENFORCEMENT</b> Ex Parte, Final</p> <p><b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final</p>	<p><b>EX PARTE</b></p> <ul style="list-style-type: none"> <li>Up to 14 days after issuance</li> <li>Reasonable cause</li> </ul> <p><b>FINAL</b></p> <ul style="list-style-type: none"> <li>1 year</li> <li>Preponderance of the evidence</li> </ul>