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#### WASHINGTON

# Extreme Risk Protection Order Process

#### Authorized petitioners in Washington include:

- · Law enforcement officer or agency
- Family or household members (including persons related by blood, marriage, domestic partnership, or adoption; persons who currently or formerly resided together; persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grand-children, or a parent's intimate partner and children; and a person who is acting or has acted as a legal guardian)

#### **TEMPORARY ERPO PROCESS**

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

May have the option to participate by telephone. Law enforcement may petition outside of normal business hours.

#### TEMPORARY ERPO HEARING BEFORE A JUDGE



Temporary ERPOs last for up to 14 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 serves the order to the respondent, at which point the respondent surrenders their firearms and concealed pistol license.

#### SEARCH AND SEIZURE PROCESS

If the court finds probable cause that the respondent failed to surrender all their firearms, then the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be. Law enforcement updates the temporary ERPO to the background check system on the same day it was issued.

#### **FINAL ERPO PROCESS**

#### FINAL ERPO HEARING BEFORE A JUDGE

### RESPONDENT IS IN COURT

Petitioner presents the petition to the court; other witnesses testify. Respondent responds to the petition in court.

## RESPONDENT IS NOT IN COURT

Petitioner presents the petition to the court. A temporary ERPO may be reissued if the respondent does not attend the full hearing and there is no proof of timely and proper service to the respondent about the hearing.

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

### COURT ISSUES

An ERPO is active for up to one year, before which the respondent must surrender their firearms and concealed pistol license to law enforcement. Otherwise, law enforcement will seize them pursuant to a lawful search.

# COURT DOES NOT ISSUE FINAL ERPO

Petitioner may appeal the court's decision. If there is no appeal, the process ends. Law enforcement returns firearms to respondent.

#### FINAL ERPO IS TERMINATED OR RENEWED

The respondent may request a hearing for the early termination of the ERPO once during its one-year duration. A petitioner may request a hearing for the renewal of an ERPO if they request is made within 90 days before the prior ERPO expires.

### RETURN FIREARMS

Law enforcement returns surrendered firearms and concealed pistol license after verifying that the former respondent is not otherwise prohibited from possessing firearms. Law enforcement then updates the background check system to expunge the ERPO record.