



## DISTRICT OF COLUMBIA

# EXTREME RISK PROTECTION ORDERS

## A GUIDE TO THE PROCESS



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.

# DISTRICT OF COLUMBIA

## Extreme Risk Protection Order Process

### Authorized petitioners in the District of Columbia include:

- Persons related to the respondent by blood, adoption, guardianship, marriage, domestic partnership, having a child in common, cohabitating, or maintaining a romantic, dating, or sexual relationship
- Mental health professionals\*

### FILE ERPO PETITION AND REQUEST AN EX PARTE ERPO

Go to court and file an ERPO petition describing why the respondent poses a significant danger of causing bodily injury to self or others by having possession or control of, purchasing, or receiving any firearm or ammunition, and request an *ex parte* ERPO.

### COURT ASSESSES ERPO PETITION

Court decides whether there is probable cause to issue an *ex parte* ERPO.

### EX PARTE ERPO ISSUED

Law enforcement serves the *ex parte* ERPO, notice of the final ERPO hearing, and a copy of the ERPO petition.

### EX PARTE ERPO NOT ISSUED

Law enforcement serves the respondent with notice of the final ERPO hearing and a copy of the petition at least 7 business days before the hearing.

### COMPLY WITH EX PARTE ERPO, DISPOSSESS FIREARMS

Respondent surrenders all firearms, ammunition, registration certificates, licenses to carry a concealed pistol, and dealer's licenses in the respondent's possession to law enforcement serving the *ex parte* ERPO.

Law enforcement provides a receipt to the respondent, the court, and Chief of Police identifying everything surrendered.

### UPDATE BACKGROUND CHECK SYSTEM

The Mayor or the Mayor's designee immediately submits information about ERPOs issued, renewed, or terminated to the National Instant Criminal Background Check System (NICS).

### PROCEED WITH FINAL ERPO HEARING

A hearing is held within 14 days of the ERPO petition being filed, at which the petitioner and respondent have an opportunity to appear and be heard regarding whether a final ERPO should be issued.

### FINAL ERPO ISSUED

If the court issues a final ERPO and the respondent is present in court, the respondent is personally served in court.

If respondent was not personally served in court, law enforcement will serve the respondent with the final ERPO.

(If firearms were not surrendered pursuant to an *ex parte* ERPO, firearms are surrendered to the officer serving the ERPO or pursuant to instructions on the ERPO.)

The final ERPO is in effect for one year.

Background check system is updated.

### FINAL ERPO NOT ISSUED

If an *ex parte* ERPO expires and a final ERPO is not issued, the respondent may request the return of any firearm or ammunition surrendered or removed.

Background check system is updated.

### TERMINATE OR RENEW ORDER

A petitioner may request a renewal of a final ERPO, including a final ERPO previously renewed.

A respondent may request termination once while the final ERPO is in effect.

### UPDATE BACKGROUND CHECK SYSTEM

The Mayor or the Mayor's designee immediately submits information about ERPOs issued, renewed, or terminated to NICS.

### RETURN FIREARMS

If the court terminates a final ERPO, or it expires and is not renewed, the respondent may request that law enforcement return any firearms removed.

\*A "mental health professional" includes any of the following persons engaged in the provision of or reasonably believed by the client to be engaged in the provision of professional services: a person licensed to practice medicine; a person licensed to practice psychology; a licensed social worker; a professional marriage, family, or child counselor; a rape crisis or sexual abuse counselor who has undergone at least 40 hours of training and is supervised by a licensed social worker, nurse, psychiatrist, psychologist, or psychotherapist; and a licensed nurse who is a professional psychiatric nurse. D.C. Code Ann. § 7-2510.01(11).