



NEW JERSEY

EXTREME RISK PROTECTIVE ORDERS

A GUIDE TO THE PROCESS



Bloomberg American
Health Initiative

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NEW JERSEY

Extreme Risk Protective Order Process

FILE A TEMPORARY ERPO (TERPO) PETITION*

Go to court and file a petition describing why the respondent poses an immediate and present danger of bodily injury to self or others by having custody or control of, owning, possessing, purchasing, or receiving a firearm.

(If law enforcement has probable cause, they must file a petition.)

COURT ASSESSES TERPO PETITION

Superior Court judge decides whether to issue a TERPO and sets a final ERPO (FERPO) hearing date to be held within 10 days.

TERPO ISSUED

Law enforcement immediately, or as soon as practicable, serves a copy of the TERPO on the respondent.

COMPLY WITH TERPO, DISPOSSESS FIREARMS

Law enforcement, upon service of the TERPO, dispossesses respondent of all firearms and ammunition, and any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun.

PROCEED WITH FERPO HEARING

The court determines whether the respondent poses a significant danger of bodily injury to self or others.

FERPO ISSUED

If the respondent is present at the hearing, the respondent is served at the hearing and ordered to surrender firearms and ammunition to a local law enforcement agency, if not already surrendered pursuant to a TERPO.

If the respondent is not present at the hearing, law enforcement serves the respondent with a copy of the FERPO and requests surrender of all firearms and ammunition, if not already surrendered pursuant to a TERPO.

FERPO NOT ISSUED

The respondent may petition for the return of any surrendered firearms or ammunition upon termination of a TERPO. Family and household members of the respondent will be notified of the TERPO's termination at least 10 days before the firearms and ammunition are returned to the respondent.

Authorized petitioners in New Jersey include:

- Family or household members (including a current or former spouse, domestic partner, partner in a civil union couple, household member, dating partner, and a person with a child in common)
- Law enforcement

UPDATE BACKGROUND CHECK SYSTEM

The NJ Administrative Office of the Courts enters FERPO respondents and all persons charged with a violation of a TERPO or FERPO into an electronic central registry.

A respondent's information, other than information related to a violation of a TERPO is removed from the registry upon the termination of the TERPO.

TERMINATE OR RENEW FERPO

A FERPO remains in effect until terminated by petition and a court hearing.

(The petitioner or the respondent may request termination of a FERPO after notice to the other party, law enforcement, and the county prosecutor.)

UPDATE BACKGROUND CHECK SYSTEM

A respondent's information, other than information related to a violation of a TERPO or FERPO, is removed from the registry upon the termination of the FERPO.

RETURN FIREARMS

The respondent may petition for the return of any surrendered firearms or ammunition upon termination of a FERPO. Family and household members of the respondent will be notified of the FERPO's termination at least 10 days before the firearms and ammunition are returned to the respondent.

*If a petition for a TERPO is filed against a law enforcement officer, it must be filed in the jurisdiction of the law enforcement agency in which the officer is employed. Upon filing, an internal affairs investigation will be opened and the outcome immediately sent to the county prosecutor who will make a determination whether to refer the matter to the courts.