



OREGON

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.

OREGON

Extreme Risk Protection Order Process

Authorized petitioners in Oregon include:

- Family or household member (including a spouse, intimate partners, mother, father, child, or sibling, or any person living in the same household as the respondent)
- Law enforcement

FILE AN ERPO PETITION

Go to court and file an ERPO petition describing why the respondent presents a risk in the near future, including an imminent risk, of suicide or of causing physical injury to another person.

COURT ASSESSES ERPO PETITION

On the same day the petition is filed or on the next judicial business day, the circuit court judge decides whether to issue an ERPO.

ERPO ISSUED

The respondent is personally served with a copy of the ERPO and a hearing request form.

COMPLY WITH ERPO, DISPOSSESS DEADLY WEAPONS

The respondent surrenders all deadly weapons and any concealed handgun license to law enforcement.

The law enforcement officer issues the respondent a receipt identifying all surrendered items and files a copy with the court.

(The respondent may surrender their deadly weapons to a gun dealer or a third party who may legally possess the deadly weapons.)

UPDATE BACKGROUND CHECK SYSTEM

The county sheriff enters the ERPO into the Law Enforcement Data System (LEDS) maintained by the Oregon Department of State Police and requests the entrance of the ERPO into the databases of the National Crime Information Center (NCIC) of the United States Department of Justice (DOJ).

RESPONDENT REQUESTS ERPO HEARING

Within 30 days of service of the ERPO, the respondent may request a court hearing to contest the ERPO.

If the respondent requests a hearing, the clerk of the court provides the respondent and the petitioner with a hearing notice and the petitioner with a copy of the hearing request.

RESPONDENT DOES NOT REQUEST ERPO HEARING

The initial ERPO is automatically confirmed and in effect for one year from the date the court issued the original order or until the order is terminated, whichever is sooner.

PROCEED WITH ERPO HEARING

Within 21 days of the respondent's hearing request, the court holds a hearing to determine whether or not to continue the ERPO for one year from the date the court issued the original order.

ERPO CONTINUED

If the respondent is present at the hearing, they are served in court.

If the respondent is not present at the hearing, they are personally served with a copy of the ERPO.

ERPO NOT CONTINUED

The law enforcement agency holding any deadly weapons or concealed handgun license returns the items requested by the respondent.

Background check system is updated.

TERMINATE OR RENEW ERPO

The petitioner may file a written ERPO renewal request with the court.

The petitioner or the respondent may submit a written request for a hearing to terminate the ERPO once while the ERPO is in effect and once during any period of a renewed ERPO.

UPDATE BACKGROUND CHECK SYSTEM

Upon termination of the ERPO, the county sheriff promptly removes the original ERPO from the LEDS and requests the removal of the ERPO from the US DOJ NCIC.

RETURN FIREARMS

The law enforcement agency holding any deadly weapons or concealed handgun license returns the items requested by the respondent.