



RHODE ISLAND

TEMPORARY EXTREME RISK PROTECTION ORDERS

A GUIDE TO THE PROCESS



**Bloomberg American
Health Initiative**

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RHODE ISLAND

Temporary Extreme Risk Protection Order Process

Authorized petitioners in Rhode Island include:

- Law enforcement

FILE AN ERPO PETITION

Petitioners may file an ERPO petition 24/7 with the court describing why the respondent poses a significant danger of causing imminent personal injury to self or others by having custody or control of, or by purchasing, possessing, or receiving a firearm.

The petitioner concurrently files for a search warrant to search for and seize any firearms in the possession, custody, or control of the respondent.

COURT ASSESSES ERPO PETITION

The court determines if there is probable cause to issue a temporary ERPO.

TEMPORARY ERPO ISSUED

Law enforcement immediately serves the respondent with the temporary ERPO, any supporting documents that formed the basis of the temporary ERPO, the notice of hearing, and the ERPO petition.

COMPLY WITH TEMPORARY ERPO, DISPOSSESS FIREARMS

Respondent immediately turns over to law enforcement any firearms in their custody, control, or possession and surrenders to law enforcement or the attorney general any concealed carry permit issued to the respondent.

UPDATE BACKGROUND CHECK SYSTEM

The clerk of the court enters a temporary ERPO into a statewide judicial information system, and forwards a copy to the law enforcement agency specified in the order and the attorney general (who enters the order in NICS and other specified databases) and the licensing authority to revoke any concealed carry permit.

ERPO HEARING

The court hears from the petitioner and respondent and decides whether to issue a one-year ERPO upon finding, by clear and convincing evidence, that the respondent poses a significant danger of causing imminent personal injury to self or others by having custody or control, or by purchasing, possessing, or receiving a firearm.

ONE-YEAR ERPO ISSUED

If the respondent is present at the hearing, they are served the one-year ERPO.

If the respondent is not present at the hearing, law enforcement serves the respondent with a copy of the ERPO and any other required documents.

Background check system is updated.

ONE-YEAR ERPO NOT ISSUED

Surrendered firearms are returned to the respondent upon request, within 10 days, when the respondent produces documentation issued by the court indicating that the temporary ERPO issued has expired and law enforcement in possession of the firearms determines the respondent is not otherwise prohibited from possessing a firearm.

TERMINATE OR RENEW ERPO

The respondent may submit one request for termination while the one-year ERPO is in effect.

A petitioner may request a one year renewal of the one-year ERPO within 14 days before expiration.

UPDATE BACKGROUND CHECK SYSTEM

When a one-year ERPO is terminated or expires, the order is removed from any system in which it was entered.

RETURN FIREARMS

Any firearms surrendered are returned to the respondent upon request, within 10 days, when the respondent produces documentation issued by the court indicating that any ERPO issued has expired, terminated, or has not been renewed and law enforcement in possession of the firearms determines the respondent is not otherwise prohibited from possessing a firearm.