

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Is a court explicitly authorized to issue a search warrant when issuing an order? ¹	Early termination of order	Renewal
California ⁱ	Family, household members and law enforcement Only law enforcement can petition for temporary orders, which can be granted at any time of the day or night.	Temporary: Up to 21 days Ex Parte: Up to 21 days Final: One Year	Temporary: Reasonable cause to believe respondent poses immediate and present danger Ex Parte: Substantial likelihood that respondent poses significant danger in near future Final: Clear and convincing evidence that respondent poses significant danger	Firearms, ammunition, and magazines must either be relinquished: 1) Immediately upon request of a law enforcement officer, or 2) To law enforcement or transferred to a federally licensed dealer within 24 hours Respondent must file proof of relinquishment with the court within 48 hours of being served.	No. Showing required that respondent failed to relinquish in order to obtain warrant. ⁱⁱ	Respondent may petition once during order's duration for early termination If no longer clear and convincing evidence to believe that respondent meets the standard of dangerousness, court shall terminate the order	Final order can be renewed before termination of initial order Same standard and duration as final order

¹ The Fourth Amendment to the United States Constitution allows for a warrantless search when exigent circumstances exist. In order to issue a ERPO, a court must find credible evidence that an individual is dangerous. In situations where the individual is also armed, it is likely that a court would find exigent circumstances allowing law enforcement to conduct a warrantless search for weapons concurrently with serving an order. Whether or not exigent circumstances were present, however, would be evaluated by a court on a case by case basis. When such circumstances exist, some states explicitly authorize a court to issue a warrant at the same time the court issues an ERPO.

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Coloradoⁱⁱⁱ	Family, household members and law enforcement	Ex Parte: 14 days Final: One year (364 days)	Ex Parte: Preponderance of the evidence that the respondent poses a significant risk in the near future Final: Clear and convincing evidence that respondent poses a significant risk	Respondent must surrender all firearms and concealed carry permit to law enforcement upon service of the order. Respondent can then inform law enforcement of his or her preference for the storage, sale, or transfer of the firearms. If order was not served by law enforcement, respondent must surrender firearms and permit to law enforcement within 24 hours.	No. Showing required that respondent failed to relinquish in order to obtain warrant.	Respondent may petition once during order's duration for early termination The respondent bears burden of proving by clear and convincing evidence that he/she no longer poses a significant risk	Final order can be renewed before termination of initial order Same standard and duration as final order

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Connecticut² ^{iv}	One state's attorney or any two police officers	Ex parte: 14 days Final: Up to one year	Ex parte: probable cause that: 1. respondent poses an imminent risk; 2. respondent owns firearms; and 3. firearms are in a specified location Final: Clear and convincing evidence that respondent poses a risk	Law enforcement searches areas named in the warrant for firearms and ammunition and seizes them.	Yes. The order is a warrant.	No early termination process	No renewal process

² This is a firearm removal warrant. It can only be requested if the respondent owns firearms.

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Delaware^v	Family, household members and law enforcement Only law enforcement can petition for ex parte orders.	Ex parte: Usually 15 days, up to 45 days Final: One year	Ex Parte: Preponderance of the evidence that respondent poses an immediate and present danger Final: Clear and convincing evidence that respondent poses significant danger	Respondent must relinquish firearms and ammunition to law enforcement, or another individual eligible to possess firearms.	Yes. The court can direct law enforcement to search for and seize firearms.	Respondent may petition once during order's duration for early termination Respondent bears burden of proving by clear and convincing evidence that he/she no longer poses danger	Final order can be renewed before termination of initial order Same standard and duration as final order

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District of Columbia^{vi}	Family, household members, mental health professionals and law enforcement	Ex parte: Up to 14 days Final: One year	Ex parte: Probable cause to believe that respondent poses significant danger Final: preponderance of the evidence that respondent poses significant danger	Respondent must relinquish all firearms, ammunition, registration certificates, licenses to carry and dealer licenses to law enforcement.	Yes. The court can issue a warrant directing law enforcement to search for and seize ammunition, firearms, and licenses.	Respondent may petition once during order's duration for early termination Respondent bears burden of proving by preponderance of evidence that he/she no longer poses significant danger	Final order can be renewed before termination of initial order Same standard and duration as final order

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Florida^{vii}	Law Enforcement	Ex parte: Up to 14 days Final: Up to one year	Ex parte: Reasonable cause to believe respondent poses significant danger in near future Final: Clear and convincing evidence that respondent poses significant danger	Immediate surrender of firearms, ammunition, and CCW license to local law enforcement	No. Showing required that respondent failed to relinquish in order to obtain warrant.	Respondent may petition once during order's duration for early termination Respondent bears burden of proving by clear and convincing evidence that he/she no longer poses significant danger	Final order can be renewed before termination of initial order Same standard and duration as final order

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Hawaii ^{viii} ³	Family, household members, educators, medical professionals, coworkers, and law enforcement	Ex parte: Up to 14 days Final: Up to one year	Ex parte: Probable cause to believe respondent poses imminent danger Final: Preponderance of the evidence that respondent poses significant danger	Firearms and ammunition must either be relinquished: 1) Immediately upon request of a law enforcement officer, or 2) To chief of police within 48 hours	No. Showing required that respondent failed to relinquish or obtained a firearm despite the order in order to obtain warrant.	Respondent may petition during order's duration for early termination Respondent bears burden of proving by Preponderance of the evidence that he/she no longer poses significant danger	Final order can be renewed before termination of initial order Same standard and duration as final order

³ Effective January 1, 2020.

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Illinois^{ix}	Family, household members and law enforcement	Ex Parte: up to 14 days Final: Up to six months	Ex parte: Probable cause to believe respondent poses immediate and present danger Final: Clear and convincing evidence that respondent poses significant danger	Respondent must surrender FOID (Firearms ID card), concealed carry license and firearms to law enforcement.	Yes. A warrant is issued concurrently if probable cause to believe respondent owns firearms.	Respondent may petition once during order's duration for early termination Respondent bears burden of proving by preponderance of the evidence that he/she no longer poses a significant danger	Final order can be renewed before termination of initial order Same standard and duration as final order

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Indiana⁴ ^x	Law enforcement	<p>Emergency firearm removal:⁵ 14 days from submission of statement</p> <p>Ex Parte: 14 days</p> <p>Final: Lasts until terminated by petition and a hearing, no earlier than 180 days after hearing for final order</p>	<p>Emergency firearm removal:⁶ Probable cause that respondent is dangerous^{xi}</p> <p>Ex Parte: Probable cause that respondent is dangerous and in possession of a firearm</p> <p>Final: Clear and convincing evidence that the respondent is dangerous</p>	<p>Law enforcement searches areas named in the warrant for firearms and seizes them</p>	Yes. The order is a warrant.	<p>Respondent may petition once every 180 days:</p> <p>If it has been less than one year since the order was originally issued, respondent bears the burden of proving by preponderance of the evidence that he/she is not dangerous.</p> <p>If it has been longer than one year since the original order, the burden of proof falls to the state, which must prove by clear and convincing evidence that the respondent is still dangerous.</p>	Does not require renewal

⁴ This is a firearm removal warrant. It can only be requested if the respondent owns firearms. Some of the information in this table is based on a new law which updated Indiana's existing ERPO. That law will be effective July 1, 2019.

⁵ Indiana allows law enforcement officers to seize firearms from individuals they believe to be dangerous without first obtaining an order, however they must subsequently submit a statement to the court, which can overturn the officer's decision if the standard of proof is not met.

⁶ *Id.*

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Maryland^{xii}	Family, household members, law enforcement, and certain health workers	Ex parte: up to two days (The first or second day a district court judge is sitting.) Temporary: seven days, but can be extended up to six months Final: Up to one year	Ex parte: reasonable grounds to believe respondent poses immediate and present danger Temporary: Reasonable grounds to believe respondent poses immediate and present danger Final: Clear and convincing evidence that respondent poses danger of causing personal injury	Must surrender firearms and ammunition to law enforcement (no specified timeline). Law enforcement may seek a search warrant.	No. Showing required that respondent failed to relinquish in order to obtain warrant.	An order can be terminated after notice and a hearing.	A final order can be extended for six months, for good cause shown, following a hearing.

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Massachusetts ^{7xiii}	Family, household members, and law enforcement	Ex Parte: Up to 10 days (Hearing is held within two days if petition indicates that respondent is required to carry a firearm for work.) Final: Up to one year	Ex parte: Reasonable cause to believe respondent poses risk of danger Final: Preponderance of the evidence that respondent poses risk of danger	Immediate surrender of all firearms, ammunition, and firearms license or ID to law enforcement.	No. ⁸	The order can be terminated at any time after a hearing.	Final order can be renewed before termination of initial order Same standard and duration as final order

⁷ A petition for this order can only be filed against a person who has a firearms identification or a license to carry.

⁸ Mass. Gen. Laws, ch. 140 § 131X (a) states that the ERPO statutes, “shall not affect the ability of a law enforcement officer to remove firearms, rifles, shotguns, machine guns, weapons or ammunition from any person or conduct any search and seizure for firearms, rifles, shotguns, machine guns, weapons or ammunition pursuant to other lawful authority.”

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Nevada ^{9xiv}	Family, household members, and law enforcement	Ex Parte: up to 7 days Final: Up to one year	Ex parte: Preponderance of the evidence that respondent poses imminent risk of danger Final: Clear and convincing evidence that respondent poses a risk of danger	Immediate surrender of all firearms to law enforcement or to person designated in the ERPO. Respondent must file receipt of surrender with court within 72 hours.	No. Showing required that respondent failed to relinquish in order to obtain warrant.	The petitioner can request a hearing for dissolution of the order. Court must find by clear and convincing evidence that the respondent no longer poses a risk.	Final order can be renewed before termination of initial order Same standard and duration as final order

⁹ This law becomes effective January 1, 2020.

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New Jersey ^{10xv}	Family, household members, and law enforcement	Ex Parte: Up to 10 days Final: Lasts until terminated by petition and a hearing	Ex Parte: Good cause to believe respondent poses immediate and present danger Final: Preponderance of the evidence that respondent poses significant danger	Immediate surrender of firearms and ammunition to law enforcement upon service of order 48 hours to file a receipt in court documenting surrender	Yes. Issued if petition states respondent owns guns.	Termination petition can be filed at any time Respondent bears burden of proving by preponderance of the evidence that he/she no longer poses significant danger	Does not require renewal

¹⁰ This law becomes effective September 1, 2019.

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New York^{11xvi}	Family, household members, school administrators, and law enforcement	Ex Parte: Up to six business days Final: Up to one year	Ex parte: Probable cause to believe respondent is likely to cause serious harm Final: Clear and convincing evidence that respondent is likely to cause serious harm	Immediate surrender of firearms to law enforcement upon service of order	Yes. Court may direct law enforcement to search for firearms.	Respondent may petition once during order's duration for early termination or any other change to the order. Respondent bears burden of proving by clear and convincing evidence any change of circumstances that justify a change to the order	Final order can be renewed before termination of initial order. Same standard and duration as final order

¹¹ This law becomes effective August 24, 2019.

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Oregon ^{xvii}	Family, household members, and law enforcement	Ex Parte: If respondent requests hearing, must be held within 21 days. Final: Up to one Year	Ex Parte: Clear and convincing evidence that respondent presents risk in the near future. Final: automatic if respondent does not request hearing after ex parte. Same standard as ex parte.	Surrender all ‘deadly weapons’ ^{xviii} to law enforcement, gun dealer, or third party legally allowed to possess firearms.	No. ¹²	Respondent may petition once during order’s duration for early termination Respondent bears burden of proving by clear and convincing evidence that he/she no longer presents risk	Final order can be renewed before termination of initial order. Same standard and duration as final order

¹² Or. Rev. Stat. Ann. § 166.537(3) states that for orders that remain in effect after a hearing, law enforcement can “conduct any search permitted by law for deadly weapons in the custody ... of the respondent.”

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Rhode Island^{xix}	Law enforcement	Ex parte: up to 14 days Final: Up to one year	Ex Parte: Probable cause that respondent poses significant danger of causing imminent injury Final: Clear and convincing evidence that respondent poses significant danger	Immediate surrender of firearms to law enforcement upon service of order	Yes. Issued concurrently if probable cause to believe respondent owns firearms.	Respondent may petition once during order's duration for early termination Respondent bears burden of proving by clear and convincing evidence that he/she no longer poses significant risk of danger	Final order can be renewed before termination of initial order Same standard and duration as final order

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Vermont ^{xx}	State's Attorneys or the Office of the Attorney General	Ex Parte: up to 14 days Final: Up to six Months	Ex Parte: Preponderance of the evidence that respondent poses immediate and extreme risk Final: Clear and convincing evidence that respondent poses extreme risk	Immediate relinquishment of firearms to a court-approved person, law enforcement, or firearms dealer. Surrender of other dangerous weapons ^{xxi} to law enforcement.	No. ¹³	Respondent may petition once during order's duration for early termination If state can no longer prove by clear and convincing evidence that respondent poses risk, order is terminated	Final order can be renewed before termination of initial order Same standard and duration as final order

¹³ The ERPO statute states "Law enforcement officers are authorized to enforce orders ... enforcement may include collecting and disposing of dangerous weapons" Vt. Stat. Ann. tit. 13, § 4058

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Washington <small>xxii</small>	Family, household members, and law enforcement	Ex Parte: up to 14 days Final: Up to one year	Ex Parte: Reasonable cause to believe respondent poses significant danger of injury in near future Final: Preponderance of the evidence that respondent poses significant danger	Immediate surrender of firearms and concealed pistol license to law enforcement If order is not served by law enforcement, surrender to law enforcement within 48 hours	No. Showing required that respondent failed to relinquish in order to obtain warrant.	Respondent may petition once during order's duration for early termination Respondent bears burden of proving by preponderance of the evidence that he/she no longer poses significant risk of danger	Final order can be renewed before termination of initial order Must be requested within 105 days before expiration, same burden of proof as yearlong order

ⁱ Cal. Penal Code § 18100 et seq.

ⁱⁱ Cal. Penal Code § 1524(a)(14).

ⁱⁱⁱ 2019 CO HB 1177.

^{iv} Conn. Gen. Stat. § 29-38c.

^v Del. Code Ann. tit. 10, § 7701 et seq.

^{vi} 2017 DC B22-0588, Act A22-0620 (projected law date June 6, 2019); 2019 DC B 286.

^{vii} Fla. Stat. § 790.401, et seq.

^{viii} 2019 HI SB 1466.

^{ix} 430 Ill. Comp. Stat. Ann. 67/1, et seq.

^x Ind. Code Ann. § 35-47-14-1, et seq.

^{xi} In Indiana, an individual is ‘dangerous’ if: “(1) the individual presents an imminent risk of personal injury to the individual or to another individual; or (2) the individual may present a risk of personal injury to the individual or to another individual in the future and the individual:

(A) has a mental illness that may be controlled by medication, and has not demonstrated a pattern of voluntarily and consistently taking the individual’s medication while not under supervision; or (B) is the subject of documented evidence that would give rise to a reasonable belief that the individual has a propensity for violent or emotionally unstable conduct. Ind. Code Ann. § 35-47-14-1

^{xii} Md. Code Ann., Pub. Safety § 5-601 et seq.

^{xiii} Mass. Gen. Laws, ch. 140 § 131R(b).

^{xiv} 2019 Nevada AB 291, effective January 2020.

^{xv} N.J. Stat. Ann. § 2C:58-20, et seq.

^{xvi} NY CLS CPLR § 6340 et seq.

^{xvii} Or. Rev. Stat. Ann. § 166.525, et seq.

^{xviii} “Deadly weapon” means (a) Any instrument, article or substance Cal Pen Code § 1524(a)(14) specifically designed for and presently capable of causing death or serious physical injury; or (b) A firearm, whether loaded or unloaded. Or. Rev. Stat. Ann. § 166.525 (1).

^{xix} R.I. Gen. Laws §§ 8-8.3-1, et seq.

^{xx} Vt. Stat. Ann. tit. 13, § 4051, et seq.

^{xxi} ‘Dangerous weapon’ refers to explosives and firearms. Vt. Stat. Ann. tit. 13, § 4051.

^{xxii} Wash. Rev. Code Ann. § 7.94.010, et seq.