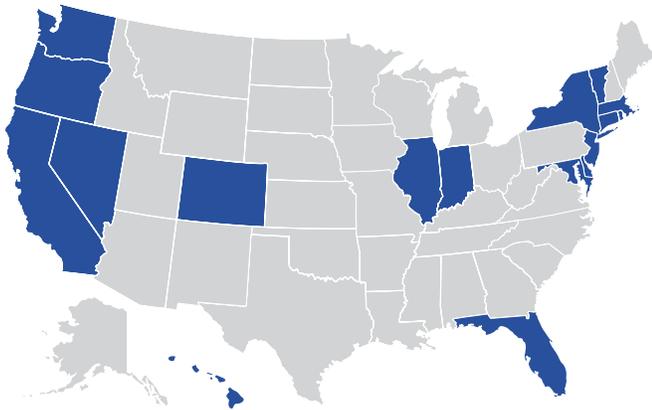


# EXTREME RISK PROTECTION ORDERS

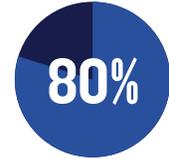
Extreme risk laws empower families and law enforcement to prevent gun tragedies by enabling them to petition a court directly for an extreme risk protection order (ERPO). Extreme risk laws temporarily prohibit individuals at elevated risk of harming themselves or others from purchasing or accessing firearms and require these individuals to relinquish any guns they possess while the order is in effect.

## TEMPORARILY DISARMING THOSE WHO POSE A DANGER TO THEMSELVES OR OTHERS



A total of **seventeen states & DC** currently have extreme risk laws, or similar laws that prevent people from accessing firearms if they pose a danger to themselves or others. **Thirteen of these laws** were enacted after the February 2018 mass shooting in Parkland.

**Gun violence is often precipitated by warning signs.**



Up to 80% of people considering suicide give some sign of their intentions.<sup>1</sup>

## 4 TO 5

An FBI study of the pre-attack behaviors of active shooters found that the average shooter displayed four to five observable and concerning behaviors before their attacks.<sup>2</sup>

**Extreme risk laws save lives.**



One study showed that for every 10 to 20 firearm removals under Connecticut's and Indiana's extreme risk laws, approximately one life was saved through an averted suicide.<sup>3</sup>



Connecticut's and Indiana's extreme risk laws have been shown to reduce firearm suicide rates in these states by 14% and 7.5%, respectively.<sup>4</sup>

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# The Role of Extreme Risk Laws

Perpetrators of gun violence often exhibit dangerous behavior and warning signs. The shooter at Marjory Stoneman Douglas High School in Parkland, Florida, displayed such concerning behavior that his mother contacted authorities on multiple occasions.<sup>5</sup>

In situations such as this, extreme risk laws provide a legal process for intervention. **Under the laws of most states, only individuals who have been adjudicated mentally ill, are convicted of certain crimes, or are subject to domestic violence protection orders are prohibited from purchasing or possessing firearms.** Extreme risk laws temporarily expand firearm prohibitions to people who pose a demonstrated risk of harm to themselves or others.

Extreme risk laws allow intervention *ex parte*, or before a person has appeared before a judge or other adjudicator. **This is a common practice also used in domestic violence protection orders, where waiting for a court hearing could mean the difference between life and death.**

Twelve states allow family members and law enforcement to seek ERPOs, while Florida, Rhode Island, and Vermont only let law enforcement seek them. In Maryland, Hawaii, and the District of Columbia, mental health providers and certain other healthcare workers may also petition a court for an ERPO, in addition to family members and law enforcement. Connecticut and Indiana also have similar laws in place that prevent people from accessing firearms if they pose a danger to themselves or others.

## Fast Facts about ERPOs

Generally, courts must consider evidence of recent threats or acts of violence by the at-risk individual, as well as recent violations of domestic violence protection orders. The court may also consider other evidence that is indicative of an increased risk of violence.

ERPO petitioners are generally required to include information they have about any firearms—and in some cases, ammunition—the respondent possesses.

If an individual poses an imminent risk to self or others, an *ex parte* ERPO may be issued for a limited period of time, often between seven and 21 days.

If the respondent poses a significant ongoing danger, the court may issue an ERPO that lasts for up to one year after a hearing at which the respondent has the opportunity to appear.

UPDATED AUGUST 2019

For more details and underlying research, visit [giffordslawcenter.org/ERPO](http://giffordslawcenter.org/ERPO)

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280+

Lifesaving gun safety laws have been enacted in 45 states and DC since the tragedy at Sandy Hook.

136,000

Americans are shot each year—over one million in the past decade.

25X

Americans are 25 times more likely to be killed in a gun homicide compared to people in other high-income countries.

## WE'RE ON A MISSION TO SAVE LIVES

For over 25 years, the legal experts at Giffords Law Center to Prevent Gun Violence have been fighting for a safer America by researching, drafting, and defending the laws, policies, and programs proven to save lives from gun violence. Founded in the wake of a 1993 mass shooting in San Francisco, in 2016 the Law Center joined with former Congresswoman Gabrielle Giffords to form a courageous new force for gun safety that stretches coast to coast.

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## Extreme Risk Protection Order Citations

1. "Suicide," Mental Health America, <http://www.mentalhealthamerica.net/suicide>.
2. James Silver, Andre Simons, and Sarah Craun, "A Study of the Pre-Attack Behaviors of Active Shooters in the United States," Federal Bureau of Investigation, June 2018, <https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view>.
3. Jeffrey W. Swanson, et al., "Implementation and Effectiveness of Connecticut's Risk-based Gun Removal Law: Does it Prevent Suicides," *Law & Contemporary Problems* 80, (2017): 179–208; Jeffrey W. Swanson, et al., "Criminal Justice and Suicide Outcomes with Indiana's Risk-Based Gun Seizure Law," *The Journal of the American Academy of Psychiatry and the Law* (2019).
4. Aaron J. Kivisto and Peter Lee Phalen, "Effects of Risk-based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015," *Psychiatric Services* 69, no. 8 (2018): 855–862.
5. Marjory Stoneman Douglas High School Public Safety Commission, "Initial Report Submitted to the Governor, Speaker of the House of Representatives and Senate President," January 2019, <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>.