

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
California <sup>1i</sup>	Family, household members, <i>employers, certain coworkers and school staff</i> , and law enforcement	Temporary: Up to 21 days  Ex Parte: Up to 21 days  Final: One <i>to five</i> years	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.	Respondent may petition <i>once per year</i> 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

<sup>1</sup> Provisions in italics become effective September 1, 2020.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
<b>Colorado</b> <sup>ii</sup>	Family, household members <sup>2</sup> 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.	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

<sup>2</sup> Colorado's definition of family or household member includes dating partners. Colo. Rev. Stat. § 13-14.5-101(2) referencing 18-6-800.3.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Connecticut <sup>3iii</sup>	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.	No early termination process	No renewal process

<sup>3</sup> This is a firearm removal warrant. It can only be requested if the respondent owns firearms.

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<b>Delaware</b> <sup>iv</sup>	Family, household members <sup>4</sup> 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.	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

<sup>4</sup> Delaware's definition of family or household member includes dating partners. Del. Code Ann. tit. 10, § 1041(2)(b).

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
<b>District of Columbia</b> <sup>v</sup>	Family, household members, <sup>5</sup> 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.	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

<sup>5</sup> The District of Columbia's definition of family or household member includes dating partners. Title X sec. 1001(2)(A).

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Florida <sup>vi</sup>	Law Enforcement	<p>Ex parte: Up to 14 days</p> <p>Final: Up to one year</p>	<p>Ex parte: Reasonable cause to believe respondent poses significant danger in near future</p> <p>Final: Clear and convincing evidence that respondent poses significant danger</p>	Immediate surrender of firearms, ammunition, and CCW license to local law enforcement	<p>Respondent may petition once during order's duration for early termination</p> <p>Respondent bears burden of proving by clear and convincing evidence that he/she no longer poses significant danger</p>	<p>Final order can be renewed before termination of initial order</p> <p>Same standard and duration as final order</p>

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Hawaii <sup>vii 6</sup>	Family, household members, <sup>7</sup> 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	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

<sup>6</sup> Effective January 1, 2020.

<sup>7</sup> Hawaii's definition of family or household member includes dating partners. Haw. Rev. Stat. Ann. § 134-A.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Illinois <sup>viii</sup>	Family, household members <sup>8</sup> 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.	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

<sup>8</sup> Illinois's definition of family or household member includes dating partners. 2017 ILH 2354 sec. 5.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Indiana <sup>9</sup> ix	Law enforcement	Emergency firearm removal: <sup>10</sup> 14 days from submission of statement  Ex Parte: 14 days  Final: Lasts until terminated by petition and a hearing, no earlier than 180 days after hearing for final order	Emergency firearm removal: <sup>11</sup> Probable cause that respondent is dangerous.  Ex Parte: Probable cause that respondent is dangerous and in possession of a firearm  Final: Clear and convincing evidence that the respondent is dangerous	Law enforcement searches areas named in the warrant for firearms and seizes them	Respondent may petition once every 180 days:  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.  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.	Does not require renewal

<sup>9</sup> This is a firearm removal warrant. It can only be requested if the respondent owns firearms.

<sup>10</sup> 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.

<sup>11</sup> *Id.*

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<b>Maryland</b> <small>xi</small>	Family, household members, <sup>12</sup> 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.	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.

<sup>12</sup> Maryland’s definition of family or household member includes dating partners. Md. Code Ann., Pub. Safety § 5-601(e)(2)(vii).

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
<b>Massachusetts</b> <small>13xii</small>	Family, household members, <sup>14</sup> 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.	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

<sup>13</sup> A petition for this order can only be filed against a person who has a firearms identification or a license to carry.

<sup>14</sup> Massachusetts's definition of family or household member includes dating partners. Mass. Gen. Laws, ch. 140 § 121.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Nevada <sup>xiii</sup>	Family, household members, <sup>15</sup> 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.	The <b>petitioner</b> 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

<sup>15</sup> Nevada’s definition of family or household member includes dating partners. 2019 NV AB 291 sec. 9.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
<b>New Jersey</b> <sup>xiv</sup>	Family, household members, <sup>16</sup> 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	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

<sup>16</sup> New Jersey's definition of family or household member includes dating partners. N.J. Stat. Ann. § 2C:58-21.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
<b>New Mexico</b> <sup>xv17</sup>	Law enforcement <sup>18</sup>	Ex Parte: Up to 10 days  Final: Up to one year	Ex Parte: Probable cause to believe respondent poses a significant danger of causing imminent personal injury  Final: Preponderance of the evidence that respondent poses a significant danger of causing imminent personal injury	Surrender firearms to a law enforcement officer or agency or a federally licensed dealer in 48 hours.  The law enforcement officer or agency or federally licensed dealer must file a receipt with the court that issued the order within 72 hours of taking possession of the firearms.	Respondent may petition during order's duration for early termination.	Final order can be renewed before termination of initial order.  Same standard and duration as final order

<sup>17</sup> This law becomes effective May 20, 2020.

<sup>18</sup> If the respondent of an ERPO is a law enforcement officer, the petitioner must be a district attorney or the attorney general.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
<b>New York</b> <sup>xvi</sup>	Family, household members, <sup>19</sup> 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	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

<sup>19</sup> New York's definition of family or household member includes dating partners. NY CLS Soc Serv § 459-a(2)(f).

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Oregon <sup>xvii</sup>	Family, household members, <sup>20</sup> 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' <sup>xviii</sup> to law enforcement, gun dealer, or third party legally allowed to possess 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 presents risk	Final order can be renewed before termination of initial order.  Same standard and duration as final order

<sup>20</sup> Oregon's definition of family or household member includes dating partners. Or. Rev. Stat. Ann. § 166.525(2).

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
<p><b>Rhode Island</b><sup>xix</sup></p>	<p>Law enforcement</p>	<p>Ex parte: up to 14 days</p> <p>Final: Up to one year</p>	<p>Ex Parte: Probable cause that respondent poses significant danger of causing imminent injury</p> <p>Final: Clear and convincing evidence that respondent poses significant danger</p>	<p>Immediate surrender of firearms to law enforcement upon service of order</p>	<p>Respondent may petition once during order's duration for early termination</p> <p>Respondent bears burden of proving by clear and convincing evidence that he/she no longer poses significant risk of danger</p>	<p>Final order can be renewed before termination of initial order</p> <p>Same standard and duration as final order</p>

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Vermont <sup>xx</sup>	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 <sup>21</sup> to law enforcement.	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

<sup>21</sup> 'Dangerous weapon' refers to explosives and firearms. Vt. Stat. Ann. tit. 13, § 4051.

State	Who can petition?	How long order lasts	Standard of proof to obtain order	Relinquishment process	Early termination of order	Renewal
Washington <sup>xxi</sup>	Family, household members, <sup>22</sup> 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	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

<sup>22</sup> Washington's definition of family or household member includes dating partners. Rev. Code Wash. § 7.94.020(2)(b)

- i Cal. Penal Code § 18100 et seq.
- ii 2019 CO HB 1177.
- iii Conn. Gen. Stat. § 29-38c.
- iv Del. Code Ann. tit. 10, § 7701 et seq.
- v 2017 DC B22-0588, Act A22-0620 (projected law date June 6, 2019); 2019 DC B 286.
- vi Fla. Stat. § 790.401, et seq.
- vii 2019 HI SB 1466.
- viii 430 Ill. Comp. Stat. Ann. 67/1, et seq.
- ix Ind. Code Ann. § 35-47-14-1, et seq.
- x 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
- xi Md. Code Ann., Pub. Safety § 5-601 et seq.
- xii Mass. Gen. Laws, ch. 140 § 131R(b).
- xiii 2019 Nevada AB 291, effective January 2020.
- xiv N.J. Stat. Ann. § 2C:58-20, et seq.
- xv 2020 NM SB 5.
- 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 Wash. Rev. Code Ann. § 7.94.010, et seq.