

# The Lifesaving Gun Law You've Never Heard Of

## What is an Extreme Risk Protection Order?

Also known as a gun violence restraining order or gun violence protection order, extreme risk protection orders (ERPO) are state laws that work like domestic violence restraining orders. They give family and law enforcement an avenue to prevent an individual in crisis from harming themselves or others by temporarily removing firearms and prohibiting the purchase of another gun.

## How Do They Work?

A family member or law enforcement officer offers a civil court proof of: a history, pattern, or recent threats or acts of violence; dangerous past behavior with firearms; substance abuse; or recent firearms or ammunition acquisition. These factors are considered when a judge issues an ERPO. This process protects the legal rights of the at-risk individual.

A judge can then issue a temporary order (typically for 3 weeks) preventing the individual in crisis from purchasing a firearm, and allowing law enforcement to temporarily hold their firearms for safekeeping. At a subsequent hearing, the order can be extended for a year given additional evidence that the individual in crisis continues to be a threat to themselves or others. The individual is also granted time to present evidence in their defense.

## Where Are These ERPOs In Effect?

■ California - 2016   ■ Connecticut - 1999   ■ Washington - 2016   ■ Oregon - 2017 (passed)

California was the first state to allow a family member or intimate partner to directly petition the court to prevent an at-risk individual from purchasing firearms after its law went into effect in 2016. Connecticut's law, enacted in 1999, gives only law enforcement the ability to ask a court to remove firearms currently in a person's possession. Law enforcement, however can act on the behalf of family members. Washington's ERPO went into effect in 2016, and Oregon, the latest state to pass such a law, did so in 2017.



**42%**

of mass shooters exhibited warning signs  
or concerning behavior before their crimes

## Why are ERPOs important?

A recent study found that almost half of mass shooters exhibited warning signs or concerning behavior before their crimes. They made threats or acted in a way that worried family or friends. But more often than not, these family and friends had no official mechanism to prevent their loved one from obtaining or using firearms against themselves or others, leading to tragic consequences.

The shooter who targeted members of Congress in Alexandria, VA, and the man who attacked former co-workers at the Bronx-Lebanon Hospital both had long and complex histories of violent and threatening behaviors, according to family members or co-workers. These are exactly the sorts of behaviors and violence patterns that ERPO petitioners frequently use to obtain a life-saving order.

About 85 percent of suicide attempts with guns are fatal. Furthermore, ERPOs provide a swift, effective way for family members to remove guns from a person in mental health crisis.

## Do they work?

A study of Connecticut firearm safety warrants from 1999 to 2013 found: ninety-nine percent of risk warrants resulted in the removal of at least one gun; however, law enforcement temporarily removed an average of seven guns per individual.

In 44 percent of cases, this warrant led to the respondent receiving psychiatric treatment they may not have otherwise received.

For every 10-20 risk warrants issued from 1999-2013, a life was saved.

**99%**

of risk warrants resulted in the removal of at least one gun

**44%**

of warrants led to the respondent receiving psychiatric treatment they may not have otherwise received

## What's next?

- The Oregon legislature enacted an "Extreme Risk Protection Order" in July 2017.
- New York, Massachusetts, and seven other states are considering ERPOs.
- Congress has introduced legislation in May 2017: "The Gun Violence Restraining Act," H.R. 2598, by Representative Carbajal, and "The Gun Violence Protection Act," S.1212 by Senator Feinstein. Each would expand funding for ERPOs nationwide.