

Extreme Risk Laws

Extreme Risk Laws have the potential to save many lives. They provide family members, dating partners, and law enforcement officers a safe and effective way of removing access to guns from individuals at risk of harming themselves or others. ERPOs are civil, not criminal court orders. ERPOs sometimes go by different names, like Gun Violence Restraining Orders (GVROs), but all have the same goal: empowering members of the community to prevent gun violence that we know can be prevented, without threatening an individual's Second Amendment rights. Here are some typical myths propagated by the gun rights community, and the real truths behind these laws.

MYTHS vs. FACTS

MYTH:

This policy is just another way for the gun grabbers to take away law-abiding citizens' guns without respecting their Second Amendment rights.

Extreme Risk Laws are not permanent prohibitions on purchasing or possessing guns. They are temporary civil orders, which respect the constitutional rights of the individual by allowing them to respond to the person bringing an ERPO before a judge. Both sides have an opportunity to present evidence before the court. The affected individual may submit a request for the judge to reconsider the order based on new evidence for each year that it is renewed.

FACT:

MYTH:

Anybody can bring an allegation against another person under these laws, putting individuals at risk of losing their gun rights by those with malicious or revengeful intent.

While each state's law differs, typically only close family members, dating partners, current or recent co-habitants, and law enforcement officers may file ERPO petitions. Maryland recently extended their law to include certain mental health professionals and other healthcare providers. Some states even have added protections by making it illegal to file a false petition. Punishments may include fines or jail time. Additionally, in states where ERPOs have been enacted, anecdotal evidence shows they are typically only used in high risk situations.

FACT:

MYTH:

Under ERPO laws, law enforcement can seize a person's guns without any notification, due process, or opportunity to respond to these allegations.

In states that have enacted ERPOs (or GVROs), the burden of proof falls on the person bringing the ERPO petition. When a judge issues an ERPO, the individual who it affects receives notice, and can present evidence that they are not a risk to keep their guns. If an ex-parte order (one without the accused present) is issued, it requires at least one hearing within a short time frame where the individual is given the opportunity to respond to the evidence presented.

FACT:**MYTH:**

These laws do nothing to help the individual in question. If the person is truly "in crisis," and a danger to themselves or others, they need access to mental health services instead of just having their guns taken from them.

Suicide attempts are frequently impulsive decisions, and a gun in the home triples the risk of death. Removing guns from these scenarios is proven to save lives. A study evaluating Connecticut's law found that a life was saved for each 10-20 ERPO warrants issued, and that many individuals received mental health care services they might not have otherwise accessed without the ERPO.

FACT:**MYTH:**

ERPOs do nothing to limit or stop these individuals from attempting to commit suicide by other means.

FACT:

ERPOs alone cannot stop all suicide attempts. However, compared to other methods, guns are uniquely lethal - about 90% of gun suicide attempts are fatal, compared to just 3% when attempting suicide using other methods. Contrary to popular belief, most individuals who survive suicide go on to live happy, productive lives and never attempt suicide again.

Brady Campaign



To Prevent Gun Violence