



EXTREME RISK PROTECTION ORDERS: NEW RECOMMENDATIONS FOR POLICY AND IMPLEMENTATION

Extreme risk protection orders (ERPOs) allow law enforcement, and in some states family and household members, among others, to petition a court for a civil order to temporarily remove firearms from, and prevent the purchase of additional firearms by, individuals who are at risk of harming themselves and/or others. Available in 19 states and the District of Columbia, these orders are being used to help prevent suicides, mass shootings and other types of interpersonal gun violence.

The Consortium for Risk-Based Firearm Policy, which developed the original ERPO concept in 2013 in the aftermath of the shooting at Sandy Hook Elementary School, released a detailed set of recommendations to improve and enhance the effectiveness of the policy in the new report, "[Extreme Risk Protection Orders: New Recommendations for Policy and Implementation](#)." These new recommendations are based on the latest research and an examination of the enacted versions of the law. The Consortium's new recommendations build upon its initial 2013 recommendations and provide resources for policymakers as they move forward with passing and amending ERPO laws.

RECOMMENDATIONS

At the state level, the Consortium recommends:

1. **Duration of orders:** Temporary (ex parte) ERPOs should be in effect for two to three weeks, while final orders should last one year with limited, specified exceptions.
2. **Third party clauses / joint occupancy clauses:** In cases where firearms belonging to someone other than the respondent are removed pursuant to an ERPO, "third party clauses" (i.e., "joint occupancy clauses") should permit the legal owner to petition for return of their firearms. It should be unlawful for any legal firearms owner to knowingly, recklessly, or negligently allow an individual known to be under an ERPO to access their firearms.
3. **Cases involving minors at risk of violence:** ERPOs, including ex parte orders, should be applicable to minors, regardless of legal firearm ownership, if the minor has access to a firearm or would otherwise become eligible to purchase a firearm while the order is in effect.
4. **Eligible petitioners:** Persons eligible to petition for ERPOs should include: 1) law enforcement officers; 2) family members, household members, and intimate partners; and 3) licensed healthcare providers.
5. **Submission of records to NICS to prevent firearm purchases:** States should require a state-designated entity to enter ERPO order information into the National Instant Criminal Background Check System (NICS) and/or, depending on the state, the state background check database, such that ERPO respondents are ineligible to purchase firearms.



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6. **Data reporting and availability:** States should assure that ERPO case data are entered into a centralized state database and should facilitate access to these data for research and policy purposes.

*Though ERPOs are a state-level policy, there are policies the federal government can enact to improve their effectiveness. **At the federal level**, the Consortium recommends:*

1. **Supporting state policy implementation:** Federal grant funding should be available to states to support at least the following six implementation activities:
 - a. Building infrastructure to support implementation;
 - b. Training law enforcement, judges, and court clerks;
 - c. Educating allied professionals and diverse community stakeholders;
 - d. Enhancing social services;
 - e. Supporting research to inform policy and practice regarding ERPO implementation;
 - f. Improving states' reporting of extreme risk protection order records to the national background check system.
2. **Funding for NICS to assure that ERPOs effectively serve as firearm purchase prohibitors:** Congress should appropriate additional funding for NICS to take the necessary action to assure that ERPOs effectively serve as firearm prohibitors at the point of firearm purchases.

ABOUT THE CONSORTIUM:

The Consortium for Risk-Based Firearm Policy (Consortium) includes the nation's leading researchers and academics with expertise at the intersections of gun violence prevention and public health, law, behavioral health, medicine, criminology, and related fields. The Consortium convenes regularly to develop and advance evidence-based gun violence prevention policies.