Johns Hopkins Bloomberg School of Public Health | Center for Gun Violence Solutions

Extreme Risk Protection Orders

Extreme risk laws empower law enforcement, and, depending on the jurisdiction, family members, health professionals, and school administrators, among others, to prevent gun tragedies by temporarily removing firearms from individuals who are behaving dangerously and at an elevated risk of harming themselves or others.

State laws often do not provide a clear legal authority to restrict access to guns before a tragedy occurs, even when it is clear that an individual is at risk of suicide or harm to others. Extreme Risk Protection Order (ERPO) laws, sometimes referred to as red flag laws, provide a legal means, using a civil process, to prevent tragedies. Grounded in evidence and based on risk of violence, ERPOs help to prevent gun deaths and protect communities.

Key Takeaways

- As of February 2025, 21 states, the Virgin Islands, and the District of Columbia have enacted ERPO laws; over half of the U.S. population now lives in jurisdictions with ERPO laws in place. Research has shown how ERPOs have been used in response to threats of suicide and interpersonal violence, including mass shootings.
- ERPOs balance robust due process procedural safeguards with timely intervention to prevent harm.
- By authorizing the temporary removal of firearms and prohibiting the individual from purchasing, possessing, or accessing firearms while the order is in effect, ERPOs provide a critical opportunity to intervene to prevent gun violence, including mass shootings, homicide, and suicide.
- Law enforcement officers should consider ERPO as one of several crisis intervention tools when responding to calls reporting threats of harm to self or others.
- Read more in our Promising Approaches for Implementing Extreme Risk Laws report.
- Read more in our ERPO Model Policy Guide.

ERPO laws vary from state to state, but the process is similar for most petitioners:

1. **Someone files a temporary ERPO petition under penalty of perjury.** (Many ERPO laws also include criminal penalties for presenting false information to the court.)
2. A judicial officer approves or rejects the ERPO petition and grants or denies a temporary ERPO.
3. **A final ERPO hearing is held.** The respondent and petitioner both attend the hearing, and both may testify and present evidence. The respondent is afforded the right to counsel at these hearings. Subsequently, a judge or judicial officer determines if there is sufficient evidence to issue an ERPO.
4. If the court issues the order, law enforcement serves the order and related information to the respondent. **Ideally, firearms are removed or surrendered at that time**, and the ERPO is entered by the law enforcement agency into the background check system to prohibit gun purchases for the duration of the order.
5. **The court issues the ERPO for up to one year** (timeline varies by state) or does not grant the petition. **If the court issues the order, the respondent is advised of the requirements of complying with the order.** To make sure the prohibitions are understood, the court provides the respondent with information about how the renewal process works, and how to request return of firearms when the ERPO has concluded.
6. **At the termination or expiration of the order, if a renewal has not been requested, and if the respondent is not otherwise prohibited, the firearms are returned** (process varies by state) **and the background check system is updated.**

Research Highlights

Data from four ERPO states estimated that one suicide was prevented for every 17 to 23 ERPOs issued.[1]

10% of 6,800 ERPO cases analyzed in a 2022 study involved the threat of killing at least three people. Judges granted 84% of final orders issued for threats of mass violence.[2]

54% of ERPO cases in California involved potential interpersonal violence, 15% included potential harm to self, and 25% involved both. 29% of cases involved mass shooting threats.[3]

Recommendations

A number of specific components are necessary to pass and implement effective ERPO legislation. *This list contains some of the most important components to include but is not exhaustive.*

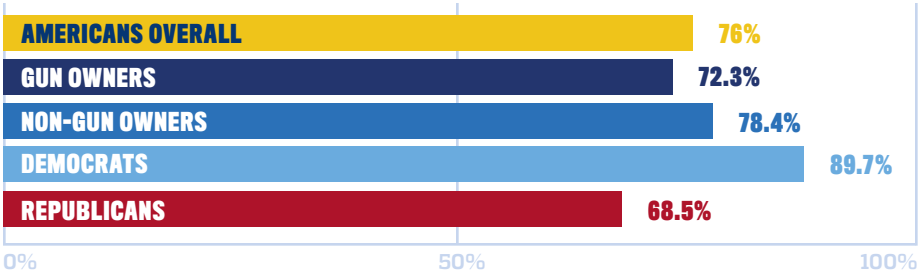
- ☑ Petitioners should include: 1) law enforcement officers 2) family members, household members, and intimate partners and 3) licensed healthcare providers
- ☑ Both ex parte and final orders are heard and issued by a judicial officer
- ☑ Non-exhaustive list of risk factors as considerations for judges to issue an ERPO
- ☑ Detailed requirements for relinquishment and return of firearms
- ☑ Consistent entry into federal and state background check systems
- ☑ Data collection
- ☑ Strong implementation and collaboration with a variety of stakeholders

Request implementation training and technical assistance online!

Public Polling

Nationally representative public opinion survey conducted by researchers at the Johns Hopkins Center for Gun Violence Solutions shows that the majority of Americans, including gun owners and Republicans, support gun policies that have proven effective at or show promise for reducing gun violence such as ERPOs.[4]

Most Americans support allowing family members to ask the court to temporarily remove guns from a relative who they believe is at risk of harming themselves or others.



Endnotes

1 Swanson JW, et al. (2024). Suicide Prevention Effects of Extreme Risk Protection Order Laws in Four States. *The journal of the American Academy of Psychiatry and the Law.*

2 Zeoli AM, et al. (2022). Extreme risk protection orders in response to threats of multiple victim/mass shooting in six U.S. states: A descriptive study. *Preventive Medicine.*

3 Pear VA, et al. (2022). Gun violence restraining orders in California, 2016–2018: case details and respondent mortality. *Injury Prevention.*

4 Johns Hopkins Bloomberg School of Public Health. (2023). 2023 Survey Results: National Survey of Gun Policy.