

# Gun Violence Protective Orders in Hawaii



When a person with access to firearms is making threats or behaving in a manner that creates a risk of harm to self or others, consider filing for a Gun Violence Protective Order (GVPO), which is a civil court order that temporarily prohibits a person from possessing or purchasing firearms.

- Law enforcement officers, family and household members, medical professionals, educators, or colleagues may file a GVPO petition.
- A GVPO will require an individual to temporarily surrender any guns or ammunition in their possession and prohibit them from purchasing guns or ammunition.
- A GVPO may be issued for one year.

GVPOs are temporary and are a civil process distinct from arrests and prosecutions, mental health commitments, and other civil or criminal restraining orders. A GVPO may be requested on its own or alongside another type of intervention.

GVPOs may be an appropriate intervention in the following circumstances:

- Threats of self harm/suicide
- Threats of harm to others, including domestic/family violence
- Threats of mass harm, including school shootings

**If there is evidence that an individual “poses a significant danger of causing a self-inflicted bodily injury or an injury to another person by owning, purchasing, possessing, receiving, or having in the respondent’s custody or control any firearm or ammunition,” consider filing a petition for a GVPO.**

When the petition is filed, the court will schedule a hearing to be held within 14 days and require notice to the individual.

If there is an imminent risk of harm, an officer may also request that an *ex parte* GVPO be issued immediately without prior notice to the individual. An ex parte order may last for up to 14 days until the hearing is held.

**The court will consider any of the following in determining whether to issue a GVPO:**

- Unlawful, reckless, or negligent use, display, storage, possession, or brandishing of a firearm
- Act or threat of violence against self or others, regardless of whether the violence involves a firearm
- Violation of a domestic violence protective order or harassment restraining order
- Abuse of controlled substances or alcohol or commission of any criminal offense that involves controlled substances or alcohol
- Recent acquisition of any firearms, ammunition, or other deadly weapons

A law enforcement officer serving a GVPO should request that all firearms and ammunition be immediately surrendered to the officer.

**To effectuate safe service of GVPOs and relinquishment of firearms:**

- Conduct a threat assessment prior to service, including coordinating with the individual's family/friends when appropriate to identify the safest options for service.
- Clearly explain the terms of the GVPO, including what the individual must do to comply.
- Provide a receipt for any guns and ammunition surrendered.

**Warrants:**

A law enforcement officer may request a search warrant to search for and take custody of any firearm or ammunition in the individual's possession if there is probable cause that they have failed to surrender all firearms or ammunition in their possession or have obtained a firearm or ammunition while the order was in effect.