

Extreme Risk Protection Orders in Massachusetts

A map of the state of Massachusetts is shown in the upper right corner, with the state's outline filled with a solid blue color. The rest of the page has a dark blue background with faint white outlines of state boundaries.

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 an Extreme Risk Protection Order (ERPO), which is a civil court order that temporarily prohibits a person from possessing or purchasing firearms.

- Law enforcement officers, family and household members, health care providers, and educators may file an ERPO petition.
- An ERPO will require an individual to temporarily surrender any guns and ammunition in their possession and prohibit them from purchasing guns.
- An ERPO may be issued for one year.
- When an ERPO is issued, the licensing authority where the individual resides will immediately suspend their license to carry firearms and firearm identification card.

ERPOs 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

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

If there is evidence that an individual “poses a risk of causing bodily injury to self or others” by having access to firearms or ammunition, consider filing a petition for an ERPO.

- When the petition is filed, the court will schedule a hearing within 10 days and require notice to the individual.

A law enforcement officer may also request that an **emergency ERPO** be issued immediately without prior notice to the individual. An emergency order may only last for up to 10 days until the hearing is held.

- If courts are closed, an officer may request an emergency ERPO from an on-call judge via phone, which if granted will only be in effect until the next business day. The officer will then need to file an ERPO petition with the court to extend the order.

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

To effectuate safe service of ERPOs 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 ERPO, including what the individual must do to comply and that noncompliance is a crime.
- Provide a receipt for any guns surrendered.

Warrants:

A law enforcement officer may request a search warrant if there is probable cause that the individual has failed to surrender all firearms and ammunition to which they have access.