



Extreme Risk Protection Orders in Minnesota

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/household members, and city/county attorneys may file an ERPO petition.
- An ERPO will require an individual to temporarily surrender any guns in their possession and prohibit them from purchasing guns.
- It is not required that the individual currently own firearms in order for an ERPO to be sought or issued.
- An ERPO will have a duration of between six months and one year.

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.

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

If there is evidence that an individual “poses a significant danger of bodily harm to other persons or is at significant risk of suicide by possessing a firearm,” consider filing a petition for an ERPO. When the petition is filed the court will schedule a hearing and require notice to the individual.

If there is evidence that this danger is immediate, consider requesting an **emergency ERPO**, which may be issued prior to notice and a hearing and lasts for up to 14 days.

The court will consider any of the following in determining whether to issue an ERPO:

- History of threats or acts of violence or use of physical force
- Violation of any court order
- Prior arrest for a violent felony
- Conviction or prior arrest for a violent misdemeanor offense, for a stalking offense or for domestic assault;
- Unlawful and reckless use, display, or brandishing of a firearm
- Suicide attempts by the respondent or a serious mental illness

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.
- Request that firearms be immediately surrendered to officers or a licensed gun dealer within 24 hours.
- Provide a receipt for any guns surrendered.

Warrants:

The court shall issue a search warrant if it issues an emergency order or makes a finding of immediate and present danger and there is probable cause to believe the individual possesses firearms.

- The warrant may only be executed if the individual refuses to voluntarily comply with the order to surrender firearms.