



Extreme Risk Protective Orders in Maryland

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

- Law enforcement officers, family/household members, intimate partners, current or former legal guardians, and medical/mental health professionals 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 before an ERPO may be sought or issued.
- An ERPO may be issued for up to 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 an immediate and present danger of causing personal injury” to self or others by possessing firearms, consider filing a petition for an ERPO.

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

An officer may also request that a **temporary ERPO** be issued immediately without prior notice to the individual. A temporary order may only last for up to 7 days until the hearing is held. If courts are closed, an officer may request an **interim ERPO** from a District Court commissioner, which will last for 1-2 days until a hearing on a temporary ERPO petition is held.

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

- Unlawful, reckless, or negligent use, display, storage, possession, or brandishing of a firearm
- Acts or threats of violence made against self or others (regardless of whether the threat of violence involved a firearm)
- Violations of a protective order or peace order
- Abuse of a controlled dangerous substance or alcohol by the respondent, including any conviction for a criminal offense involving a controlled dangerous substance or alcohol

A law enforcement officer serving an ERPO should request that all firearms 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 in their possession.