

A faint, light blue map of New Jersey is visible in the background of the slide, showing the state's outline and major geographical features.

# Extreme Risk Protective Orders in New Jersey

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 and family/household members 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. An ERPO will also require the individual to surrender any firearms purchaser identification card, permit to purchase a handgun, or permit to carry a handgun.
- It is not required that the individual currently own firearms before an ERPO may be sought or issued.

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 injury to the respondent’s self or others” by having access to firearms, 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.

An officer may request an *ex parte* **temporary ERPO** be issued immediately without prior notice to the individual if there is good cause to believe that there is an immediate and present danger of bodily injury. A temporary order may only last until the hearing is held.

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

- History of threats or acts of violence directed toward self or others
- History of use, attempted use, or threatened use of physical force against another person
- Any existing domestic violence restraining orders or violations of a domestic violence restraining order
- Any existing sexual assault protective orders or violations of a sexual assault protective order
- Prior arrests, pending charges, or convictions for a violent indictable crime or disorderly persons offense, stalking offense, or domestic violence offense
- Prior arrests, pending charges, or convictions for any offense involving cruelty to animals or any history of acts involving cruelty to animals
- History of drug or alcohol abuse and recovery from this abuse
- Recent acquisition of a firearm, ammunition, or other deadly weapon

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 evidence that the individual owns or possesses firearms or ammunition at the time the petition is filed or if, after service of an ERPO, the individual has failed to surrender all firearms or ammunition in their possession.