

Extreme Risk Protection Orders in Oregon

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 and family and 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.
- 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 “presents a risk in the near future, including an imminent risk, of suicide or of causing physical injury to another person” consider filing a petition for an ERPO. The court will consider the petition and either grant or deny the request within one judicial business day.

If the court issues an ERPO, the court will notify the individual that they may request a hearing to contest the order within 30 days. Any such hearing must be held within 21 days of being requested. If the individual does not request a hearing, the ERPO will remain in effect for one year.

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

- History of suicide threats or attempts or acts of violence directed against another person
- History of use, attempted use or threatened use of physical force against another person
- Previous conviction for a misdemeanor involving violence, a stalking offense, an offense constituting domestic violence, driving under the influence of intoxicants, or an offense involving cruelty to animals
- Evidence of recent unlawful use of controlled substances
- Previous unlawful and reckless use, display or brandishing of a deadly weapon
- Previous violation of a Family Abuse Prevention Act order
- Evidence of an acquisition or attempted acquisition within the previous 180 days of a deadly weapon

When the court issues an ERPO, it will direct the individual to surrender any guns in their possession within 24 hours to law enforcement, a gun dealer, or a third party.

When a law enforcement officer serves an ERPO, they should request that the individual immediately surrender any firearms in their possession, as well as any concealed handgun license they possess.

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.

If at the time of service the individual indicates that they intend to surrender firearms to a gun dealer or third party, the officer should ask for the identity of that dealer or third party.