

Extreme Risk Protection Orders in Rhode Island

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 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 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 causing imminent personal injury to self or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm,” consider filing a petition for an ERPO. A petition must state “the specific statements, actions, or facts that support the belief” that the individual poses such a danger. 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 14 days until the hearing is held.

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

- Recent act or credible threat of violence against self or others (regardless of whether it involves a firearm)
- A pattern of acts or threats of violence within the past twelve months
- Mental health history or evidence of abuse of controlled substances or alcohol
- Previous violations of any court order including, restraining orders and protective orders
- Previous ERPOs issued
- Unlawful, threatening, or reckless use or brandishing of a firearm, including on social media
- Ownership of, access to, or intent to possess firearms or evidence of recent acquisition or attempts at acquisition of firearms
- Criminal history
- The history, use, attempted use, or threatened use of physical violence against another person, history of stalking, or evidence of cruelty to animals

A law enforcement officer serving an ERPO should request that all firearms in their possession 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 file a sworn affidavit for a search warrant at the time of filing an ERPO petition for the search of any firearms in the possession, custody, or control of the individual.