

Fact Sheet - Extreme Risk Protection Orders

My loved one is in crisis, what are my options?

Under current law, if a family is afraid a loved one will hurt themselves or someone else, their options are extremely limited. Pennsylvania's process for involuntarily committing someone is necessarily difficult because it takes away not only someone's freedom but eliminates their gun rights for life. Often, the crisis is temporary and such an extreme option is unnecessary. HB 1075 creates an Extreme Risk Protection Order which gives families and law enforcement the option to temporarily remove someone's guns while providing full due process.

What is an Extreme Risk Protection Order?

An Extreme Risk Protection Order ("ERPO") is a temporary order issued by a judge which limits someone's access to firearms. This order may only be issued if a family member or law enforcement officer goes before a judge and presents evidence to the judge that the person against whom they are seeking the order "**present a risk of suicide or causing the death of or extreme bodily injury to another person**".

HB 1075 provides for two types of order:

First, an "Interim Extreme Risk Protection Order". This order may be issued by a judge after hearing the evidence of **immediate** risk of suicide or extreme harm from a family member or law enforcement without input from the person in need of help. This interim order is designed to allow swift action in emergency situations where delay or letting the person in crisis know what is happening may result in harm. However, the interim order will only be in effect until a full hearing is scheduled and cannot exceed 10 days.

Second, the "Extreme Risk Protection Order". This order may only be issued after the person against whom the order is sought is given notice of the hearing, the right to speak to the court, and the right to consult with and have counsel present to represent them. The order may not exceed one year and the person in need of help may return to the court and request that their gun rights be restored.

How are ERPOs working in other states?

ERPO laws are new, but the data being generated so far is very promising. In Connecticut suicides have been reduced by 13.7% and by 7.5% in Indiana since they enacted their ERPO laws. Law enforcement and family members are often aware that their loved one is in danger, but absent a law which allows for a reasonable intervention, their hands were tied. ERPO laws permit targeted action to individuals who pose an extreme risk, without the lifetime burden of a mental health commitment or criminal record.

What can I do to help pass HB 1075?

Contact your legislator and ask that they support HB 1075 to give our families, our communities, our law enforcement and our judges the tools they need to support people in crisis.