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Fall 11-30-2021

### Extreme Risk Protection Orders

Anna Heetmann

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**University of Missouri-Kansas City School of Law**  
**Advanced Legal Research Pathfinder**

**Extreme Risk Protection Orders**  
**By Anna Heetmann**

Fall 2021

Last Updated: November 30, 2021

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## Table of Contents

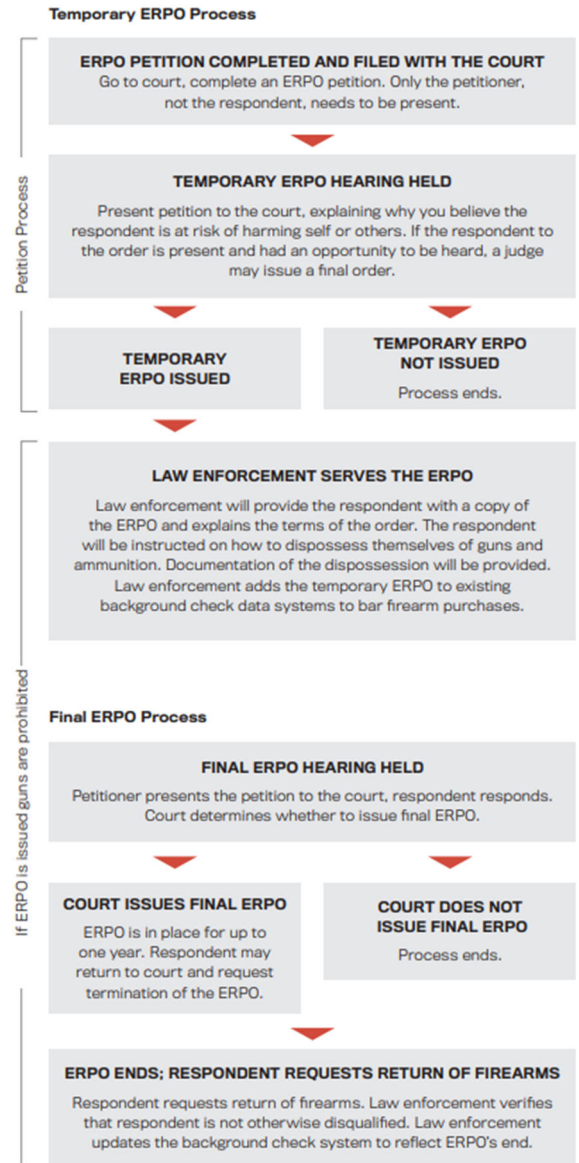
I.	INTRODUCTION.....	1
	a. Overview.....	1
	b. Intended Audience.....	2
II.	PRIMARY SOURCES.....	2
	a. State Law.....	2
	i. Statutes.....	2
	ii. Case Law.....	6
	b. Federal Law.....	8
	i. Statutes.....	8
	ii. Case Law.....	8
	c. Model Legislation.....	9
III.	SECONDARY SOURCES.....	9
	a. Treatises.....	9
	b. Law Reviews and Journals.....	10
	c. Legal Encyclopedias.....	11
	d. ALR.....	11
	e. Websites.....	12
IV.	LEGISLATIVE HISTORY.....	13
V.	STAYING UP TO DATE.....	14
	a. Using Alerts.....	14
	b. News.....	16
VI.	CONCLUSION.....	17

# I. Introduction

## a. OVERVIEW

Extreme Risk Protection Orders<sup>1</sup> (ERPOs) are civil orders issued when a person is a danger to themselves or others.<sup>2</sup> These orders prevent a person from purchasing or possessing guns while the order is in place.<sup>3</sup> ERPOs are mainly intended to prevent suicides, but there is some discussion on their potential usefulness for elderly people with cognitive difficulties, including dementia.<sup>4</sup> The first ERPO law was enacted by the state of Connecticut in 1999 after a mass shooting at the Connecticut Lottery Corporation's headquarters.<sup>5</sup> Many states followed suit with their own ERPO laws after the 2018 Parkland Massacre.<sup>6</sup> ERPOs have been a subject of increased interest since President Biden's April 2021 executive order announcing his plan to address gun violence.<sup>7</sup>

### PROCESS FLOWCHART



[https://americanhealth.jhu.edu/sites/default/files/website-media/high-impact/ERPO/resources/ERPO\\_A\\_Guide\\_To\\_The\\_Process\\_FINAL.pdf](https://americanhealth.jhu.edu/sites/default/files/website-media/high-impact/ERPO/resources/ERPO_A_Guide_To_The_Process_FINAL.pdf)

<sup>1</sup> Also known as red flag laws, gun violence restraining orders, risk-warrants, lethal violence protective orders, risk protection orders, gun violence protective orders, firearms restraining orders, extreme risk protective orders, orders for protection against high-risk behavior, extreme risk firearm protection orders, and substantial risk orders.

<sup>2</sup> Jeffrey W. Swanson et al., *Implementation and effectiveness of Connecticut's Risk-Based Gun Removal Law: Does it Prevent Suicides?*, 80 LAW AND CONTEMPORARY PROBLEMS 179-208 (2017).

<sup>3</sup> *Id.*

<sup>4</sup> See, e.g., Tara Sklar, *Elderly Gun Ownership and the Wave of State Red Flag Laws: An Unintended Consequence that Could Help Many*, 27 ELDER L. J. 35 (2019).

<sup>5</sup> <https://cagv.org/20-years-later-its-time-to-update-cts-extreme-risk-protection-order-law/>

<sup>6</sup> <https://www.cnn.com/2018/03/07/us/gun-extreme-risk-protection-orders/index.html>

<sup>7</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-biden-harris-administration-announces-initial-actions-to-address-the-gun-violence-public-health-epidemic/>

b. INTENDED AUDIENCE

This pathfinder is intended to provide both an overview of current ERPO laws and avenues to research emerging information. This pathfinder is targeted primarily towards law students and legal scholars who are interested in the laws and legal issues surrounding ERPOs. This pathfinder will best serve those who intend to write an article pertaining to ERPOs; information on this topic is scattered, and it can be particularly difficult to parse through the state-specific nomenclature and minute differences in these laws. For those interested in a particular state's ERPO law, I recommend skipping to the State Law table in section II.a.i.

## II. Primary Sources

a. STATE LAW

At this time, nineteen states and the District of Columbia have enacted ERPO laws. As this area of law is still novel and developing, more states likely will enact their own ERPO laws as time goes on. It is difficult to research broadly on ERPO law because there are many state-specific phrasings for what is, ultimately, ERPO law.

i. Statutes

Bloomberg American Health Initiative has compiled a chart detailing states' ERPO statutes, their similarities and differences, and where to find states' specific ERPO laws.<sup>8</sup> This resource, along with their general ERPO webpage,<sup>9</sup> is invaluable for those researching ERPO law, and should be frequently checked for updates.

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<sup>8</sup> [https://americanhealth.jhu.edu/sites/default/files/website-media/high-impact/ERPO/resources/ERPO\\_GENERAL\\_StateLawTable.pdf](https://americanhealth.jhu.edu/sites/default/files/website-media/high-impact/ERPO/resources/ERPO_GENERAL_StateLawTable.pdf)

<sup>9</sup> <https://americanhealth.jhu.edu/implementERPO>

<b>STATE</b> Name Citation	<b>PETITIONERS</b> Types of orders	<b>ORDERS AVAILABLE</b> Length of orders Burden of proof
<b>CALIFORNIA</b> Gun Violence Restraining Order  Cal. Penal Code §§ 18100-18205	<b>LAW ENFORCEMENT</b> Temporary Emergency, Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final	<b>TEMPORARY EMERGENCY</b> Up to 21 days after issuance Reasonable cause <b>EX PARTE</b> Up to 21 days after issuance Substantial likelihood <b>FINAL</b> One year Clear and convincing
<b>COLORADO</b> Extreme Risk Protection Order  H.R. 19-1177, 72nd Gen. Assemb., Reg. Sess. (Colo. 2019)	<b>LAW ENFORCEMENT</b> Temporary, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Temporary, Final	<b>TEMPORARY EMERGENCY</b> Up to 14 days after issuance Preponderance of the evidence <b>FINAL</b> 364 days Clear and convincing
<b>CONNECTICUT</b> Seizure of Firearms (Risk-Warrant)  Conn. Gen. Stat. § 29-38c	<b>LAW ENFORCEMENT</b> Warrant, Final  <b>[ASSISTANT] STATE'S ATTORNEY</b> Warrant, Final	<b>WARRANT</b> Up to 14 days after issuance Probable cause <b>FINAL</b> Up to one year Clear and convincing
<b>DELAWARE</b> Lethal Violence Protective Order  Del. Code. Ann. tit. 10, §§ 7701-7709	<b>LAW ENFORCEMENT</b> Emergency, Final  <b>FAMILY MEMBER</b> Final	<b>EMERGENCY</b> Up to 10 days after issuance Preponderance of the evidence <b>FINAL</b> Up to one year Clear and convincing
<b>D.C.</b> Extreme Risk Protection Order  D.C. Act 22-629 (D.C. 2018)	<b>LAW ENFORCEMENT</b> Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final  <b>MENTAL HEALTH PROFESSIONALS</b> Ex Parte, Final	<b>EX PARTE</b> Up to 10 days after issuance Probable cause <b>FINAL</b> One year Preponderance of the evidence
<b>FLORIDA</b> Risk Protection Order  Fla. Stat. Ann. § 790.401	<b>LAW ENFORCEMENT</b> Temporary Ex Parte, Final	<b>TEMPORARY EX PARTE</b> Up to 14 days after issuance Reasonable cause <b>FINAL</b> Up to one year Clear and convincing
<b>HAWAII</b> Gun Violence Protective Order  S. 1466, 2019 Leg., 30th Sess. (HI 2019)	<b>LAW ENFORCEMENT</b> Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final	<b>EX PARTE</b> Up to 14 days after petition for a one-year order submitted Probable cause

<b>STATE</b> Name Citation	<b>PETITIONERS</b> Types of orders	<b>ORDERS AVAILABLE</b> Length of orders Burden of proof
	<b>MEDICAL PROFESSIONAL</b> Ex Parte, Final  <b>EDUCATOR</b> Ex Parte, Final  <b>WORK COLLEAGUE</b> Ex Parte, Final	<b>FINAL</b> One year Probable cause
<b>ILLINOIS</b> Firearms Restraining Order  430 Ill. Comp. Stat. Ann. 67/1-67/80	<b>LAW ENFORCEMENT</b> Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final	<b>EX PARTE</b> Up to 14 days after issuance Probable cause  <b>FINAL</b> 6 months Clear and convincing
<b>INDIANA</b> Seizure and Retention of a Firearm (Risk-Warrant)  Ind. Code Ann. §§ 35-47-14-1 - 35-47-14-10	<b>LAW ENFORCEMENT</b> Warrant, Warrantless	<b>WARRANT</b> At least 180 days after issuance Probable cause (initial warrant) Clear and convincing (at hearing)  <b>WARRANTLESS</b> At least 180 days after the law enforcement to retain Probable cause (after firearm) Clear and convincing (at hearing)
<b>MARYLAND</b> Extreme Risk Protective Order  Md. Code Ann., Pub. Safety §§ 5-601 - 5-610	<b>LAW ENFORCEMENT</b> Interim, Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Interim, Ex Parte, Final  <b>HEALTHCARE PROFESSIONAL</b> Interim, Ex Parte, Final	<b>INTERIM</b> Up to 2 business days Reasonable grounds  <b>EX PARTE</b> Up to 7 days after issuance Reasonable grounds  <b>FINAL</b> Up to one year Clear and convincing
<b>MASSACHUSETTS</b> Extreme Risk Protection Order  Mass. Gen. Laws Ann. ch. 149, §§ 131R-131Y	<b>LAW ENFORCEMENT</b> Emergency, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Emergency, Final	<b>EMERGENCY</b> Up to 10 days after issuance Reasonable cause  <b>FINAL</b> Up to one year Preponderance of the evidence
<b>NEVADA</b> Order for Protection Against High-Risk Behavior  Assemb. 291, 2019 Leg., 80th Sess. (Nev. 2019)	<b>LAW ENFORCEMENT</b> Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final	<b>EX PARTE</b> Up to 7 days after issuance hearing held Preponderance of the evidence  <b>FINAL (EXTENDED)</b> Up to one year Clear and convincing
<b>NEW JERSEY</b> Extreme Risk Protective Order	<b>LAW ENFORCEMENT</b> Temporary, Final	<b>TEMPORARY</b> Up to 10 days after petition Good cause

<b>STATE</b> Name Citation	<b>PETITIONERS</b> Types of orders	<b>ORDERS AVAILABLE</b> Length of orders Burden of proof
Assemb. 1217, 2018 Leg., 218th Sess. (N.J. 2018)	<b>FAMILY OR HOUSEHOLD MEMBER</b> Temporary, Final	<b>FINAL</b> One year Preponderance of the evidence
<b>NEW MEXICO</b> Extreme Risk Firearm Protection Order  Senate Bill 5, 2020 Regular Session	<b>LAW ENFORCEMENT</b> Temporary, One Year	<b>TEMPORARY</b> Up to 10 days Probable cause <b>ONE YEAR</b> Up to one year Preponderance of the evidence
<b>NEW YORK</b> Extreme Risk Protection Order  S. 2451, 2019 Leg., Reg. Sess. (N.Y. 2019)	<b>LAW ENFORCEMENT</b> Temporary, Final  <b>DISTRICT ATTORNEY</b> Temporary, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Temporary, Final  <b>SCHOOL ADMINISTRATOR OR DESIGNEE</b> Temporary, Final	<b>TEMPORARY</b> Up to 6 days after service Probable cause <b>FINAL</b> Up to one year Clear and convincing
<b>OREGON</b> Extreme Risk Protection Order  Or. Rev. Stat. §§ 166.525- 166.543	<b>LAW ENFORCEMENT</b> Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Final	<b>FINAL*</b> One year Clear and convincing  *Court may issue a final order hearing. Respondent may request to terminate the order within 30
<b>RHODE ISLAND</b> Extreme Risk Protection Order  R.I. Gen. Laws Ann. §§ 8-8.3- 1 - 8-8.3-14	<b>LAW ENFORCEMENT</b> Temporary, Final	<b>TEMPORARY</b> Up to 14 days after issuance Probable cause <b>FINAL</b> One year Clear and convincing
<b>VERMONT</b> Extreme Risk Protection Order  Vt. Stat. Ann. tit. 13, §§ 4051- 4061	<b>STATE'S ATTORNEY</b> Temporary, Final  <b>OFFICE OF THE ATTORNEY GENERAL</b> Temporary, Final	<b>TEMPORARY EX PARTE</b> 14 days after issuance Preponderance of the evidence <b>FINAL</b> Up to 6 months Clear and convincing
<b>VIRGINIA</b> Substantial Risk Order  H.B. 674, 2020 Gen. Assemb., Reg. Sess. (Va. 2020)  S.B. 240, 2020 Gen. Assemb., Reg. Sess. (Va. 2020)	<b>LAW ENFORCEMENT OR COMMONWEALTH'S ATTORNEY</b> Emergency, Final	<b>EMERGENCY</b> Up to 14 days Probable cause <b>FULL</b> Up to 180 days Clear and convincing



<b>STATE</b> Name Citation	<b>PETITIONERS</b> Types of orders	<b>ORDERS AVAILABLE</b> Length of orders Burden of proof
<b>WASHINGTON</b> Extreme Risk Protection Order  Wash. Rev. Code Ann. §§ 7.94.010-7.94.900	<b>LAW ENFORCEMENT</b> Ex Parte, Final  <b>FAMILY OR HOUSEHOLD MEMBER</b> Ex Parte, Final	<b>EX PARTE</b> Up to 14 days after issuance Reasonable cause <b>FINAL</b> One year Preponderance of the evidence

ii. Cases

**Lexis+:** If you are looking for state-specific cases, you should use that state’s specific terminology in your search terms (i.e., “Substantial Risk Order” for Virginia cases). Conversely, if you want to see cases from different states, I recommend using this search, which includes all variations in terminology:

Cases > State Courts > search: "extreme risk protection order" OR "extreme risk protective order" OR "risk-warrant" OR "red flag law" OR "gun violence restraining order" OR "lethal violence protective orders" OR "risk protection orders" OR "gun violence protective order" OR "firearms restraining order" OR "order for protection against high risk behavior" OR "extreme risk firearm protection order"

The screenshot displays the Lexis+ search interface. At the top, the search query is: "extreme risk protection order" OR "extreme risk protective order" OR "risk-warrant" OR "red flag law" OR "gun violence restraining order" OR "lethal violence protective orders" OR "risk protection orders" OR "gun violence protective order" OR "firearms restraining order" OR "order for protection against high risk behavior" OR "extreme risk firearm...". Below the search bar, there are 64 results in Cases. A bubble chart shows the distribution of cases by state and year, with a significant cluster in New Jersey around 2020. On the right, a detailed case entry for "In re D.L.B." is shown, including the court (Superior Court of New Jersey, Appellate Division), date (Jul 14, 2021), and citation (468 N.J. Super. 397). The overview text states: "Denial of a law enforcement officer's petition for a final extreme risk protective order (FERPO) as to respondent was reversed because absent consideration of certain evidence and findings on critical issues, the trial court's determination that respondent did not pose a danger to self or others rested on an incomplete foundation." The entry also mentions "of Protection Orders, Application & Issuance HN16 Records relating to temporary extreme risk protective order (TERPO) and final extreme risk protective order (FERPO) proceedings are confidential and shall not be disclosed to persons ...".

Use Lexis's "Ravel view" (circled above) for a visual representation of key cases

**Westlaw Edge:** Using the same Boolean search, Westlaw provides far fewer cases than Lexis (25 and 64, respectively). I would suggest Lexis for any multi-jurisdictional searches, and Westlaw for state-specific research.

Cases > State Cases > search: "extreme risk protection order" OR "extreme risk protective order" OR "risk-warrant" OR "red flag law" OR "gun violence restraining order" OR "lethal violence protective orders" OR "risk protection orders" OR "gun violence protective order" OR "firearms restraining order" OR "order for protection against high risk behavior" OR "extreme risk firearm protection order"

**Google Scholar (FREE):** Google Scholar typically does not respond well to longer search terms, so I recommend the below search for all state case law. If you are looking for a specific state, I recommend also including your jurisdiction's ERPO statute name.

Select "Case law" > "Select courts" > Select all "state courts" > search: "extreme risk protection order" OR "red flag law"

**Key Cases:**

- *In re D.L.B.*, 468 N.J. Super. 397 (Super. Ct. App. Div. 2021)  
Provides an excellent summation of ERPO law, including specific factors the court must consider before deciding to issue an ERPO.
- *Nassau Cty. Police Dep't v. M.B.*, 119 N.Y.S.3d 398 (Sup. Ct. 2020)  
Clarifies how a court determines whether an application for a final ERPO should be granted.
- *Anonymous Detective at Westchester Cty. Police v. A.A.*, 144 N.Y.S.3d 809 (Sup. Ct. 2021)

Explains why New York’s ERPO statute is neither unconstitutional nor unenforceable due to vagueness, unreasonable search and seizure, or deprivation of the right to keep and bear arms.

b. FEDERAL LAW

i. Statutes

As of the most recent update of this pathfinder, no federal ERPO statutes are in effect. Although numerous bills pertaining to ERPOs have been introduced to the House,<sup>10</sup> none have been passed.

ii. Case Law

There are far fewer federal cases regarding ERPOs than state cases. All but one are cases from the federal circuit courts. However, I would recommend using the same Boolean search from Part II.a.ii to search for new cases that may find their way into the federal courts.

**Key Cases:**

- *Greco v. Grewal*, No. 3:19-cv-19145 (BRM) (TJB), 2020 U.S. Dist. LEXIS 179016 (D.N.J. Sep. 29, 2020) (appealed: *Greco v. Bruck*, No. 21-1035, 2021 U.S. App. LEXIS 33660 (3d Cir. Nov. 12, 2021), pertaining to issues unrelated to the ERPO statute) Court denies a class action lawsuit against New Jersey’s ERPO statute. Part I.A provides good background information on temporary ERPOs
- *United States v. Cole*, No. CR20-0032-JCC, 2021 U.S. Dist. LEXIS 164052 (W.D. Wash. Aug. 30, 2021)

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<sup>10</sup> See infra part IV for the most recent bill introduced to the House, and how to track this (and/or a future) bill’s progress.

Part III.B explains when a warrantless seizure of firearms is permitted under Indiana’s ERPO statute.

c. MODEL LEGISLATION

On June 7, 2021, the Department of Justice (DOJ) published their “Commentary for Extreme Risk Protection Order Model Legislation.”<sup>11</sup> This commentary first examines the differences between the “warrant” and “order” statutes adopted by the states. Then, a combined approach is offered in the DOJ’s model provisions. This resource not only provides a great overview of existing ERPO laws, but also shows where ERPO law may be headed.

### III. Secondary Sources

Because ERPOs are still an emerging concept in the legal sphere, finding high-quality secondary sources is crucial in gaining a full understanding of ERPOs. Law reviews and journals are particularly helpful here, as their content often reflects and comments on novel areas of the law.

a. TREATISES

**Lexis+:** Content > Treatises & Guides > search: “extreme risk protection order” OR “red flag law”

**Westlaw Edge:** Content types > Secondary Sources > By Type: Texts & Treatises > search: “extreme risk protection order” OR “red flag law”

**Recommended Reading:**

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<sup>11</sup> <https://www.justice.gov/doj/reducing-gun-violence/commentary-extreme-risk-protection-order-model-legislation>

- 13 New York Civil Practice: CPLR §§ 6340-47 (2021)

Highly recommended if your research covers New York law. Currently, New York is the only state to provide such in-depth treatment of its ERPO law in this form.

b. LAW REVIEWS AND JOURNALS

**Lexis+ (recommended):** Content > Law Reviews & Journals > search: “extreme risk protection order” OR “red flag law”

**HeinOnline (recommended):** Browse Databases by Name > Law Journal Library > search: “extreme risk protection order” OR “red flag law”

**Westlaw Edge:** Content types > Secondary Sources > By Type: Law Reviews & Journals > search: “extreme risk protection order” OR “red flag law”

**SSRN (FREE):** Advanced Search > Search Term(s): select “Title, Abstract & Keywords” > search: “extreme risk protection order” OR “red flag law”

**Google Scholar (FREE):** Select “Articles” > search: “extreme risk protection order” OR “red flag law”

**Recommended Reading:**

- David Nielsen, *Disarming Dangerous Persons: How Connecticut’s Red Flag Law Saves Lives Without Jeopardizing Constitutional Protections*, 23 QUINNIPIAC HEALTH L. J. 253 (2020)

Compares Connecticut’s ERPO model with other states’ models, suggesting that the “Connecticut model” is most successful in its alignment with principles of equal protection and due process.

- Matthew Larosiere & Joseph G.S. Greenlee, *Red Flag Law Raise Red Flags of Their Own*, 45 LAW & PSYCHOL. REV. 155 (2020-2021)  
Describes the potential issues ERPOs may pose, focusing primarily on the potential for abuse in ERPO laws.
- Joseph Blocher & Jacob D. Charles, *Firearms, Extreme Risk, and Legal Design: “Red Flag” Laws and Due Process*, 106 VA. L. REV. 1285 (2020)  
Fairly weighs the pros and cons of ERPOs, giving a non-biased explanation of the benefits and potential constitutional issues ERPOs provide.
- Rachel Dalafave, *An Empirical Assessment of Homicide and Suicide Outcomes with Red Flag Laws*, 52 LOY. U. CHI. L. J. 867 (2021)  
Provides empirical evidence that ERPOs have contributed to lower rates of suicide since their inception in 1999.

c. LEGAL ENCYCLOPEDIAS

Currently, the only legal encyclopedia to include ERPOs is the Maryland Law Encyclopedia<sup>12</sup> (Westlaw Edge). For future searches, I recommend these steps:

**Westlaw Edge (recommended):** Content types > Secondary Sources > By Type:

Jurisprudence & Encyclopedias > Select “American Jurisprudence 2d” (or, a specific state’s legal encyclopedia<sup>13</sup>) > search: “extreme risk protection order” OR “red flag law”

**Lexis+:** Content > Treatises & Guides > National: American Jurisprudence 2d (AMJUR) > Select “Weapons & Firearms” > search: “extreme risk protection order” OR “red flag law”

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<sup>12</sup> 22 M.L.E. Weapons and Firearms § 15.50; 23 M.L.E. Witnesses § 38; 7 M.L.E. Courts §§ 13, 48.

<sup>13</sup> As of November 30, 2021, Westlaw Edge has legal encyclopedias for California, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, and Texas.

d. ALR

Currently, there are no ALRs pertaining to ERPOs. However, ALRs are excellent resources to use to gain a broad understanding of a topic and provide links to additional on-point resources. I recommend checking for future ALRs with these steps:

**Lexis+:** Content > Treatises & Guides > National: American Law Reports (ALR) > search: “extreme risk protection order” OR “red flag law”

**Westlaw Edge:** Content types > Secondary Sources > By Type: American Law Reports > search: “extreme risk protection order” OR “red flag law”

e. WEBSITES

- <https://americanhealth.jhu.edu/implementERPO> (**HIGHLY RECOMMENDED**)

This is my absolute go-to site for information on ERPOs (as may be evident in my use of their infographics throughout this Pathfinder). Bloomberg American Health Initiative provides numerous charts, fact sheets, resources, and even a selection of relevant news articles on this site.

- <https://gunresponsibility.org/solution/erpo/>

The Alliance for Gun Responsibility showcases ERPOs as a solution to gun violence and provides an ERPO Toolkit, which outlines how you can help develop these policies in your state if it does not already have an ERPO statute in place.

- <https://americanprogress.org/article/frequently-asked-questions-extreme-risk-protection-orders/>

The Center for American Progress keeps their FAQ updated to account for new developments and provides a succinct, informative summary of current ERPO law.

## IV. Legislative History

ERPOs' legislative history includes three unsuccessful bills<sup>14</sup> and one bill introduced to the House on April 8, 2021.<sup>15</sup> H.R. 2377 proposes to amend Chapter 44 of 18 U.S.C. by adding at the end “§ 932 Extreme risk protection orders.”<sup>16</sup> As of October 27, 2021, this bill has been ordered to be amended.

Tracking legislation is helpful in understanding Congressional intent; you can see what did not work in previous iterations of a bill, and what may be emphasized. In addition, you can follow along with the bill's journey through the Legislative branch.

To track the Federal Extreme Risk Protection Order Act of 2021, 117 H.R. 2377, I recommend Congress.gov ([FREE](#)). You can search for legislation by keywords, public law number, or bill number. If you do not have a public law or bill number, you would find the current ERPO bill this way:

Congress.gov > Select: “Current Congress” > search: “extreme risk protection order”

CONGRESS.GOV | Advanced Searches | Browse | Search Tools | Sign In

Current Congress | "extreme risk protection order" | Search

**Search by Congress**

- Current Congress | Search for ""extreme risk protection order"" in Current Congress (2021-2022) - All Sources
- All Congresses

**Search by Source**

- Legislation | Search for ""extreme risk protection order"" in Current Congress (2021-2022) - Legislation
- Committee Materials
- Congressional Record

Members | Investment and Jobs Act | Introduced | Public Laws | U.S. Code

Defense Authorization Act for Fiscal Year 2022 | Appropriations

14 S. 292, 117th Cong. (2021); H.R. 3480, 117th Cong. (2021); S. 1819, 117th Cong. (2021)

<sup>15</sup> H.R. 2377, 117th Cong. (2021).

<sup>16</sup> *Id.* at § 2.

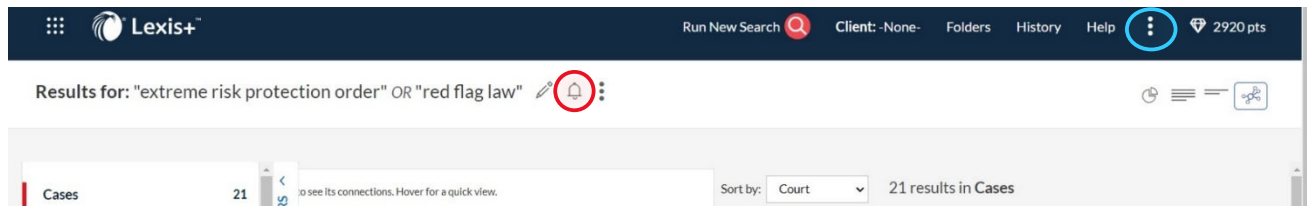


## IV. Staying Up to Date

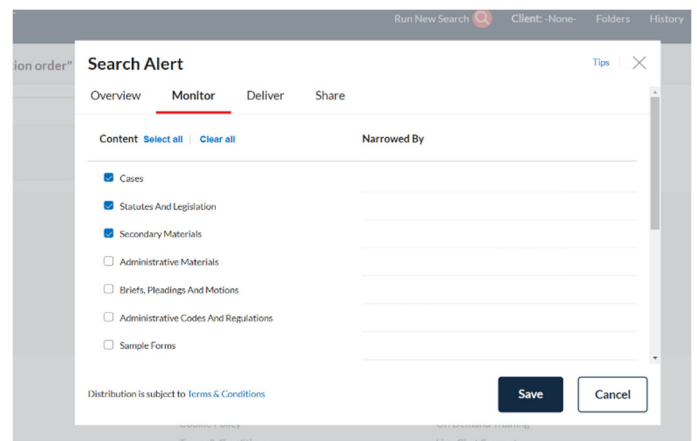
### a. USING ALERTS

To make sure your research is current, you can set up a personalized alert system that will send daily, weekly, or monthly updates via email. This is particularly important for researching novel areas of law like ERPOs, since important materials or decisions could emerge at any time.

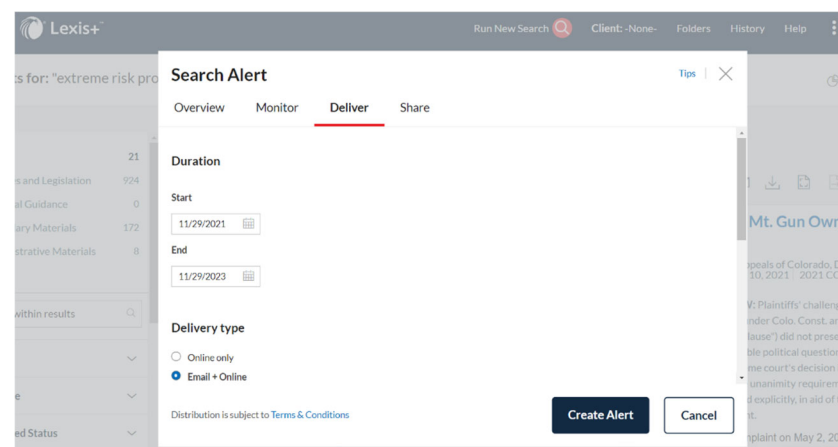
**Lexis+:** First, run the search terms you want to track (suggested: “extreme risk protection order” OR “red flag law”). Click the bell icon (circled in red below)



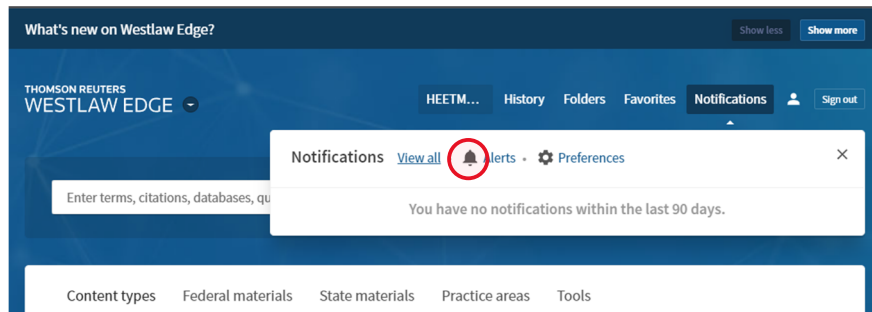
When the Search Alert box pops up, click to “Monitor” and select which content you want to track (suggested: “Cases,” “Statutes and Legislation,” and “Secondary Materials”).



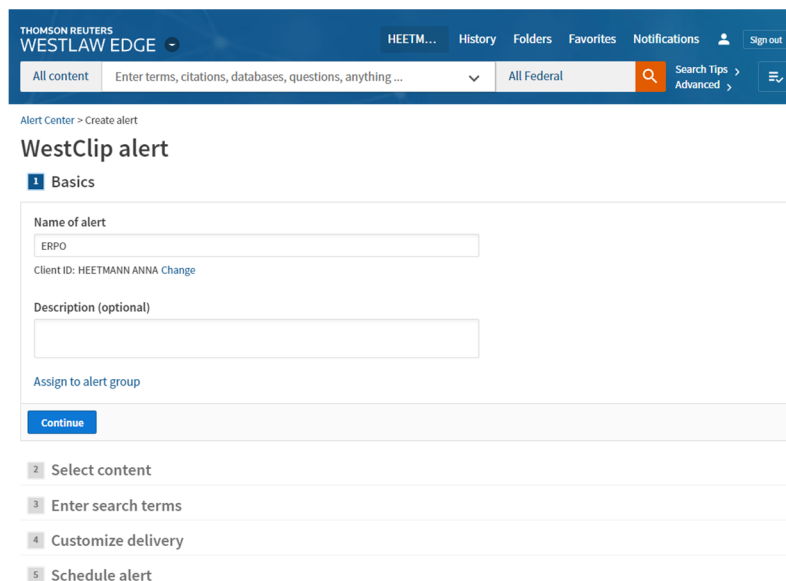
Click to “Deliver” to set the duration of the alert, and how you want the alert to be delivered. Click “Create Alert” to finish. If



you want to pause, edit, or delete this alert, click the vertical ellipsis in the banner (circled in blue above). Select “Alerts” to see all active alerts.



**Westlaw Edge:** Click “Notifications” > Alerts > Create Alert > WestClip > Basics (name of alert, description) > Select content: Content types (suggested: Cases, Statutes & Court Rules, Secondary Sources) > Enter search terms: “extreme risk protection order” OR “red flag law” (optional: click “Term frequency” and set between 5-10 for higher relevancy) > Customize delivery: Email > Schedule alert (frequency, end date, time of alert) > Save alert. You can see this alert any time by clicking the bell icon (circled above).

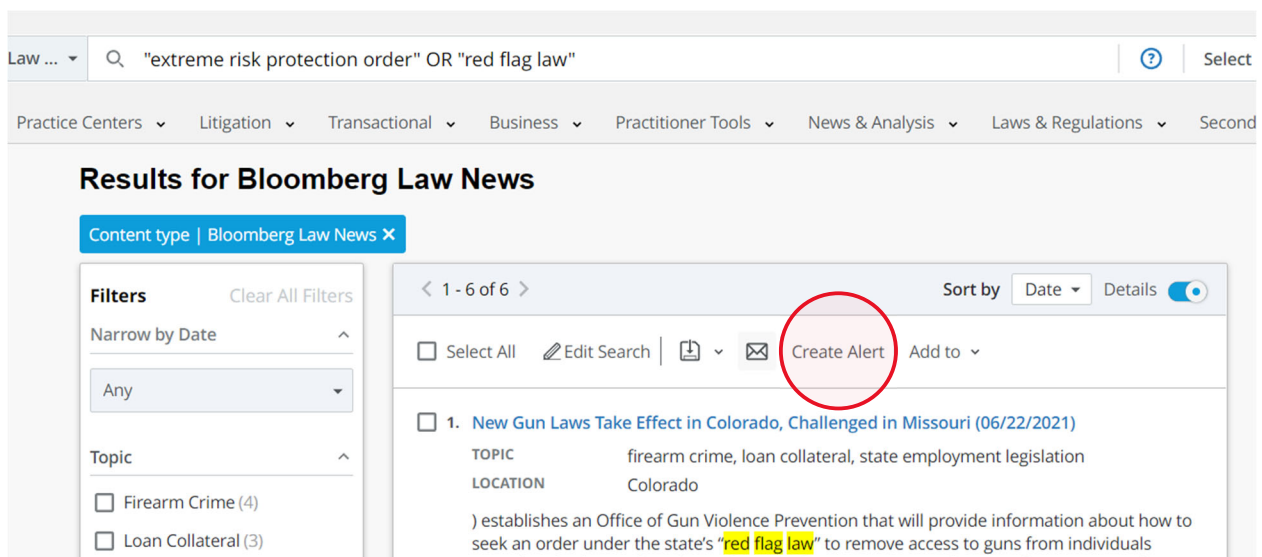


b. NEWS

Following the news is another crucial step to make sure your research is current and keep up with any major developments in the law. The following sources have been especially helpful in delivering relevant news on ERPOs.

**Bloomberg Law:** Bloomberg allows you to set up a personalized alert that will send an email whenever any relevant news becomes available.

Select Content: “Bloomberg Law News” > search: “extreme risk protection order” OR “red flag law” > Create Alert (circled below)



**Google News** <https://news.google.com/> (**FREE**): Surprisingly, Google News offers an excellent selection of news articles related to ERPOs. This is an easy way to find the most recent

news on ERPOs. Google also offers to save your search results and notify you when any new article is published.

Search: “extreme risk protection order”

**Lexis+:** Lexis offers a wide variety of news sources, and even provides an option to see “Negative News” (highlighted right) so you can weigh both sides of an issue.

Content > News (or Legal News) > search: “extreme risk protection order” OR “red flag law”

The screenshot shows the Lexis+ search interface. The search results are for "extreme risk protection order" OR "red flag law". On the left, there is a sidebar with filters: Geography by Document, Publication Type, Subject, Industry, Timeline, Negative News (highlighted in yellow), Sources, and Language. The Negative News filter is expanded, showing "Negative Personal News" with 7,500 results and "Negative Business News" with 559 results. On the right, the main content area displays a search result for "'Red Flag Law' Protection Again Reaching Those Who Need It M" from The Boston Globe, dated Jan 05, 2020. The article snippet includes the text: "... it's going to make it harder. Not impossible Duke University School of Medicine study fc extreme risk protection order cases in Coni state to pass a red flag law 20 years ago, the gun owners receiving psychiatric treatment received.... View excerpt".

## V. Conclusion

As with any novel area of the law, it can be difficult to know where to start when researching ERPOs. While this Pathfinder is not an exhaustive list of every relevant resource, its purpose is to provide a starting point for conducting research on ERPOs. It is unfortunate that, currently, it is difficult to do this research effectively without using a paid subscription of some kind—however, I believe that ERPO law is just on the brink of booming. As more discourse is had on ERPOs, more information will become available to any person interested in learning

about them. For now, this Pathfinder should be a great resource for law students and scholars to start their research on a potential Comment, Article, Note, or essay regarding ERPOs.

ERPOs have some amazing benefits; they have been shown to be effective in reducing suicides, and are not permanent bans on firearms, unlike other gun control legislation.<sup>17</sup> They are not without their own “red flags,” though; many have shared their concerns on ERPOs’ potential effects on due process and warrantless searches and seizures. With President Biden’s push for better gun safety, ERPOs are sure to be a hot topic over the next decade. Because of this, the material in this Pathfinder is likely to change regularly; however, the pathways given here to conduct your own research should allow you to stay on top of any new developments regarding ERPOs.

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<sup>17</sup> See, e.g., 18 U.S.C. § 944(g), a federal lifetime ban on firearms for individuals who have been involuntarily committed to a psychiatric hospital.