

Oregon's Extreme Risk Protection Order (ERPO) Law

A Guide for Healthcare Providers

What is an Extreme Risk Protection Order (ERPO)?

An extreme risk protection order is a court order that temporarily restricts a person's access to firearms when that person is at imminent risk of causing harm to themselves or others.

Petition is filed for an ERPO

On same day petition is filed, or next judicial business day, court considers petition

If ERPO is granted, all deadly weapons and any concealed handgun license must be surrendered within 24 hours of being served with the order

Who can file a petition with the court for an ERPO in Oregon?

Family or household members including a spouse, intimate partner, mother, father, sibling or any person living within the same household, and **law enforcement officers**.

In Oregon, healthcare providers cannot petition a court for an ERPO.

However:

- If you felt your patient was at risk of harming themselves or others with a firearm, you could obtain your patient's consent to discuss Oregon's ERPO law with their family or a household member.
- If you felt your patient was at imminent risk of being harmed by a family or household member with a firearm, you could discuss Oregon's ERPO law with your patient.
- You could discuss Oregon's ERPO law with a law enforcement officer so that they might obtain an ERPO to protect your patient and/or others.

Evidence is mounting that ERPO laws reduce firearm violence:

- Connecticut’s firearm suicide rate decreased 13.7% in the 8 years after its ERPO law was enforced.¹
- Indiana’s firearm suicide rate dropped 7.5% in the 10 years after its ERPO law went into effect.¹
- California’s ERPO law was used 21 times in 2 years specifically to avert mass shootings.² Similar evidence was recently published showing use of ERPO laws for credible threats of mass shootings in Washington and 5 other states.³

More about the ERPO process:

- The person who petitions the court has the burden of proving by “clear and convincing evidence” that the respondent is at high risk of injuring themselves or others in the immediate or near future.
- In determining whether to issue an ERPO, some of the things a court considers include: **a history of suicide threats/attempts or acts of violence** against another person; history of use, attempted use, or threatened use of **physical force against another person**; previous convictions for **stalking, domestic violence, animal cruelty, driving under the influence, unlawful use of controlled substances**, and **unlawful and reckless use, display or brandishing of a deadly weapon**.
- **A person, within 30 days of receiving an ERPO, can request a hearing to contest the order.** Within 21 days of the request, a hearing must be held.
- **An ERPO typically extends for 1 year** unless a request to terminate earlier or a renewal is granted. After the duration of the ERPO, any weapons or permits surrendered are returned. While the ERPO is in effect, the person may not have in their custody or control, purchase, possess, receive, or attempt to purchase or receive, a deadly weapon.

An ERPO petition and instructions are available through the Oregon Department of Justice at: <https://www.courts.oregon.gov/forms/Documents/ERPOPacket.pdf>



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For more information, please

contact:

gunviolenceprevention@ohsu.edu

¹Kivisto, A.J. and Phalen, P.L. Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981-2015. *Psychiatric Services* 2018 69:8, 855-862.

²Wintemute, G.J. et al. Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series. *Annals of Internal Medicine* 2019 171: 655-658.

³Zeoli, A.M. et al. Extreme Risk Protection Orders in Response to Threats of Multiple Victim/Mass Shooting in Six U.S. States: A Descriptive Study. *Preventive Medicine*, In Press.