

FAQ SHEET: MA EXTREME RISK PROTECTION ORDERS (ERPOs)

Why is the MA extreme risk law also known more generally as a “red flag” law?

Research has shown that most people at high risk of committing violence against themselves or others show warning signs or “red flags” hence the general name of “red flag” laws.¹

- A 13-year study by the FBI found that each active shooter exhibited 4-5 noticeable warning signs before the shooting.²
- Concerning behaviors were observed before each shooting by 87% of spouses or domestic partners, 68% of family members, and 25% of law enforcement.³
- Up to 80% of people considering suicide give some sign of their intentions.⁴

What does MA call their extreme risk or red flag law, and what are some names used by other states?

MA calls their red flag law an **ERPO**, or **Extreme Risk Protection Order**, one of the most common official names for such a law. Other names that states may be using are Gun Violence Restraining Order (GRVO), Firearm Restraining Order, Risk Protection Order (RPO), Risk-Warrant Law, and more.⁵ All of these laws function the same in principle, although they vary in their specifics.

As of 2025, 21 states including MA, as well as D.C. and the US Virgin Islands have passed red flag laws.⁶ States’ laws vary in their specifics.

Why are red flag laws needed?

Putting time and distance between a person in crisis and a firearm can prevent tragedy before it happens and can mean the difference between life and death.^{7, 8, 9, 11, 13, 14}

Red flag laws are an evidence-based, legal, civil court-based solution to prevent firearm tragedies before they happen. They allow an authorized party (“Petitioner”) to petition a court to serve a temporary protection order that removes firearms, ammunition and related licenses or permits for as long as the order is in effect from an individual at high risk of harming themselves or others (“Respondent”). Individuals subject to a red flag law order are not eligible to acquire a new firearm permit while the order is in effect.

Are red flag laws constitutional?

It is a fallacy that red flag laws violate due process protections guaranteed by the US Constitution. The United States Supreme Court has recognized, in multiple situations that the process used for these emergency orders—a pre-hearing deprivation (temporary surrender of firearms, ammunition, licenses or permits by the Respondent) followed by a full hearing within a reasonable time frame—satisfies the due process of law required by the Constitution.¹⁵

How successful have red flag laws been in reducing gun violence?

A growing number of research studies provide strong evidence that red flag laws save lives and can help prevent many types of firearm violence (especially suicides).^{9, 16, 17, 18}

- Firearm suicides and murder suicides
- School shootings
- Mass shootings
- Homicides, including domestic violence homicides
- Firearm injuries and threats

A multistate study found that one suicide was prevented for every 17 red flag orders issued, which translates to 269 lives saved. This study also found that when looking at only those cases in which the individual had demonstrated a threat of self-harm, for every 13 red flag orders issued, a suicide was prevented.¹⁹

Red flag orders have also been used to effectively address threats of mass violence and other forms of interpersonal violence. Research analyzing thousands of red flag order petitions conducted by the Johns Hopkins Center for Gun Violence Solutions found that in California, Colorado, Connecticut, Florida, Maryland, and Washington, 10% of over 6,600 filed petitions were in response to a threat to kill at least three people. Of these, 20% targeted K-12 schools, and 15% involved threats against intimate partners.²⁰

What is the intersection between suicides and accessibility to firearms?

Suicide and firearms are a deadly combination. Firearm suicides claim the lives of 26,000 Americans per year, including nearly 1,300 children and teens and 4,600 veterans. Nearly 60% of gun deaths in the US are suicides, or an average of 71 deaths per day. In the last decade, the US firearm suicide rate has increased by 21%. During the same time frame, the firearm suicide rate for children and teens has increased by 36%. Veterans have a suicide rate 1.5 times higher than the nonveteran population.²¹

The interaction of 3 factors increases suicide risk: current life stressors, historical risk factors, and the presence of a firearm.^{7, 22} While of course the root causes must be analyzed and mitigated, it is clear that reducing access to lethal means will save lives.⁷

Firearms are the most lethal means of suicide: up to 90% of suicide attempts by firearm result in death. Most people who attempt other means of suicide do not die.²¹

Having a gun in the home increases the risk of firearm suicide for all household members by 3 times. This relationship remains strong even when other factors associated with suicide are considered, like financial duress, unemployment, serious mental illness, and substance abuse.²¹

Red flag laws are one evidence-based solution to help prevent firearm suicides.

Data on firearm deaths by suicide in an average year in MA (2019-2023) shows:

- 55% of all firearm deaths were suicides, resulting in 142 MA firearm suicides and 12 suicide injuries per year.²³
- 19% of all firearm deaths of children and teens were suicides.^{23, 24}

Is a red flag law the same as a domestic violence restraining order?

No. A red flag law is a newer, more comprehensive approach to preventing gun violence due to different causes. It can be used to prevent suicides, mass shootings, homicides, and domestic violence.

Domestic violence protection orders (DVPOs), sometimes referred to as domestic violence restraining orders (DVROs), are civil court orders to protect victims and survivors of *domestic abuse*, including dating partners. Federal law prohibits anyone subject to a DVPO from purchasing or possessing firearms.²⁵

How is a MA ERPO implemented?

An authorized Petitioner petitions a court for an ERPO to be served on the Respondent. As soon as any type of ERPO is served (i.e. emergency, temporary, or final ERPO), the respondent's firearms, ammunition, and license or permit must be surrendered immediately to law enforcement. This surrender is temporary, for a defined period of time.

An Emergency ERPO is sought if a dangerous situation exists, *i.e.* the Respondent poses a serious risk of harm to themselves or others, requiring speedy action. In these emergency situations, the Petitioner:

- Petitions for an Emergency ERPO, signed under pains and penalties of perjury.
- Attends a hearing at which the Petitioner testifies under oath to what they have observed that demonstrates that the Respondent poses a risk of causing bodily injury to self or others.
- May present supporting materials that may help the judge decide that the Respondent poses a serious risk to self or others.

Based on the hearing, the ERPO is issued by a judge if there is reason to believe the Respondent poses an immediate risk of harm.

There are 2 practical situations applicable to the filing for ERPO hearings and orders, and they vary only in their **timeline and urgency**.

- When courts are OPEN: A hearing is held at the court. This is known as an “ex-parte” hearing, meaning only the Petitioner (not the Respondent) participates in the hearing. Based on the hearing, the judge may issue a *Temporary* ERPO that is in effect for no more than 10 days and expires on the date of the Final ERPO hearing.
- When courts are CLOSED: The Petitioner may go to a police station to request an *Emergency* ERPO, and a hearing is held there by phone when courts are closed. This is also known as an ex-parte hearing, meaning only the Petitioner (not the Respondent) participates in the hearing. Based on the hearing, an “on-call” judge will issue an *Emergency* ERPO. The Emergency ERPO is only valid until the end of the next court business day. Before it expires, the Petitioner must follow up and go to court to formally file for the ERPO, so that a *Temporary* ERPO can be issued that is valid for up to 10 days.

Regardless of the type of ERPO issued, the judge orders law enforcement to serve a notice to the Respondent, immediately remove firearms, ammunition, and license or permit, and provide information (date, time, location, a copy of the ERPO and the petition) about a full court hearing to occur within 10 days after the petition was filed.

At the full court hearing, both the Petitioner and Respondent (or any lawyers they may wish to but are not obliged to engage) may present evidence of their case. The judge then decides whether to issue a final ERPO for up to one year. If, nearing the one-year mark, the Petitioner wishes to request an extension of the ERPO, they must file a new petition, and a new court hearing must be held.

Who are authorized individuals in Massachusetts that can request an ERPO be served by the court?

The authorized party who petitions a court to serve a MA ERPO is called the “Petitioner.”

The following individuals or organizations may petition for a MA ERPO:

- family and household members (according to specific definitions; see Fact Sheet)

- a law enforcement agency, a law enforcement officer, and the local licensing authority
- certain licensed medical and mental health professionals
- principals or assistant principals of elementary and secondary schools, and college/university administrators where a student is enrolled

What if a person concerned for the safety of the Respondent or others doesn't qualify for or is unable to file the ERPO petition?

Any person who does not qualify to file an ERPO petition or is unable to do so and who is concerned about someone who is showing signs of posing a risk of bodily injury to themselves or others should:

- Contact their local police department and ask for their assistance or
- Contact the police department in the city or town where the Respondent lives for their assistance

What are the due process rights of individuals who are served with a MA ERPO?

When served with an ERPO by a judge, Respondents are protected by procedural due process. A full court hearing for an ERPO must be scheduled within 10 days of the petition being filed. A police officer notifies the Respondent of the date, time and location of the hearing, and provides them with a copy of the ERPO and the petition. Respondents have the right to consult with a lawyer, to participate in the full court hearing where they can present evidence that proves they are not at risk of harming themselves or others, and to appeal the order.²⁶

On the other side, the Petitioner must sign their petition under penalty of pain or perjury, and present credible evidence at the hearing. The Petitioner can be held liable for providing weak or unsubstantiated evidence of the Respondent's behaviors.

The judge will decide on the basis of the full court hearing whether to issue a final ERPO for up to 1 year.

Is serving a Respondent with a MA ERPO accusing them of a crime?

No, an ERPO is not a criminal action. It does not go on anyone's record as a crime. The purpose of an ERPO is to enable the Respondent to access help while keeping them and others safe.

While the ERPO is in effect, the Respondent may not purchase or possess firearms or ammunition or access a new license or permit. Violating an ERPO order is a criminal matter.

Are ERPOs common in MA?

ERPOs are not as commonly used in MA as in some other states. There is more that can be done, and raising awareness about this potentially life-saving tool in the public will make a difference.

What do polling surveys of Americans show what they think about red flag laws as a gun violence prevention tool?

The majority of Americans, both gun owners and non-gun owners, agree that ERPOs are a responsible measure that we can take to save lives and prevent firearm injuries and deaths.^{27, 28, 29, 30} A 2023 Public Opinion Survey reported that 76% of Americans (including 72% of gun owners) support allowing family members to ask courts to temporarily remove guns from a relative who they believe is at risk of harming themselves or others.²⁷

End Notes

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