Extreme risk laws allow for the temporary removal of guns from people in crisis.

The Federal Extreme Risk Protection Order Act of 2021 was introduced to Congress in 2021. Sponsored by gun violence survivor Rep. Lucy McBath, this legislation allows family and household members, as well as law enforcement officials, to petition a federal court to temporarily remove firearms from a person who is at risk of harming themselves or others.

**WHAT IS AN EXTREME RISK LAW?**

Extreme risk laws give loved ones and law enforcement an avenue to prevent a person in crisis from harming themselves or others by temporarily removing guns and prohibiting the purchase of firearms. Nineteen states and Washington, D.C., have enacted versions of extreme risk laws.

Learn more about extreme risk laws.

**WHAT DOES THE FEDERAL EXTREME RISK PROTECTION ORDER ACT DO?**

The Federal Extreme Risk Protection Order Act of 2021 would allow family and household members, as well as law enforcement officers, to obtain an extreme risk protection order from a federal court to temporarily remove access to firearms from someone who is deemed by the court to pose a risk to themselves or others.

While 19 states and the District of Columbia already have extreme risk protection orders in place, this legislation would enact a national standard accessible through a federal court in any state.

**HOW DO EXTREME RISK LAWS WORK?**

Extreme risk laws allow petitioners to present evidence, under oath, to a court that an individual is a risk to themselves or others. The facts that are typically considered by the court would include:
Patterns or recent threats and acts of violence to others or themselves
- A history of violent behavior
- Dangerous past behavior with firearms
- Recent acts of cruelty to animals
- Substance abuse

The at-risk individual is given an opportunity to be heard and present evidence before the judge at a court hearing. If the court finds through clear and convincing evidence that the individual should be temporarily separated from firearms, then the judge issues an extreme risk order. The extreme risk order prevents the individual in crisis from purchasing a gun and allows law enforcement to temporarily remove firearms from their possession.

If an ex parte order (one without the at-risk individual present) is issued, the bill requires at least one hearing within fourteen days or less where the individual is given the opportunity to respond to the evidence presented before a “final,” order is issued, which lasts not more than six months.

The legislation also establishes a process by which the individual can petition the court to have their order terminated if they feel they no longer pose a threat to themselves or others. When the extreme risk order is terminated, law enforcement returns the firearms to the individual and restores their ability to purchase.

**DO EXTREME RISK LAWS WORK?**

A study of Connecticut’s extreme risk law from 1999 to 2013 found that 99% of extreme risk orders resulted in the removal of at least one gun. Law enforcement removed, on average, seven guns per individual.

In 44% of cases, this order led to the respondent receiving psychiatric treatment they may not have otherwise received. Researches estimated that one suicide was averted per 10-11 orders issued.

Further, a recent study found that extreme risk laws may provide exactly the type of urgent and individualized intervention that could prevent mass shootings in the future.
DEBUNKING MYTHS ABOUT EXTREME RISK LAWS

• Extreme risk laws are not a permanent prohibition on gun or ammunition ownership or purchase;
• Extreme risk laws do not create a new avenue for criminality - all proceedings take place in a civil court;
• Extreme risk laws are not a substitute for domestic violence restraining, or protection, orders;
• Extreme risk laws are not based off an individual’s mental health diagnosis, and are instead created to identify indicators of risk and potential violence;
• Extreme risk laws do not remove due process protections - they allow an individual to be notified and present evidence in their defense before a court.