

Extreme Risk Protection Orders & Domestic Violence Protection Orders

A SIDE-BY-SIDE COMPARISON OF ERPOs AND DVPOs

Many tools exist to prevent and intervene in instances of intimate partner violence (IPV). **Extreme Risk Protection Orders (ERPOs) are civil orders that temporarily remove firearms from individuals at risk of harming themselves and/or others. Domestic Violence Protection Orders (DVPOs) offer multiple protections for individuals experiencing IPV.** Both are valuable tools that can save lives, but there are also significant differences in these orders that can have life-changing impacts. It is critical for family members, advocates, domestic violence survivors, law enforcement, and other implementers involved to understand the differences in these tools and determine the best course of action based on the tools available to reduce the risk of violence and save lives.

WHAT IS AN EXTREME RISK PROTECTION ORDER?

An Extreme Risk Protection Order (ERPO) is a civil court order that temporarily restricts firearm access for an individual who is behaving dangerously or presents a high risk of harm to self and/or others.

WHAT IS A DOMESTIC VIOLENCE PROTECTION ORDER?

Domestic Violence Protection Orders (DVPOs) are civil orders designed to protect survivors of domestic violence from further abuse through holistic relief, which may include ordering the respondent/defendant not to have contact with the petitioner, to stay away from the petitioner, to move out from a shared home, to participate in counseling, or to relinquish firearms for the duration of the order, among other provisions.

WHERE DO ERPOs EXIST?

As of October 2024, 21 states and the District of Columbia have ERPOs.

WHERE DO DVPOs EXIST?

All states, territories, and the District of Columbia have DVPOs.

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<h2>IS ERPO THE UNIVERSAL NAME?</h2>	<h2>IS DVPO THE UNIVERSAL NAME?</h2>
<p>ERPOs are also referred to as red flag laws, among other names, depending on the state law. For example, Delaware’s ERPO law is called a Lethal Violence Protection Order and California’s ERPO law¹ is called a Gun Violence Restraining Order. For more information on existing ERPO laws around the country, visit erpo.org².</p>	<p>Many jurisdictions use the term DVPOs, but terminology also varies slightly around the country. For instance, Wisconsin has a Domestic Abuse Injunction, and the District of Columbia calls it a Civil Protection Order. They are also sometimes referred to as no contact orders.</p>
<h2>WHAT ARE THE REASONS SOMEONE MAY APPLY FOR AN ERPO?</h2> <p>ERPOs are used to address many threats of harm, including threats of self-harm and threats of interpersonal violence, including mass shootings. Statutes vary by state, but typically include factors such as:</p> <ul style="list-style-type: none"> • Threats or acts of violence toward self and/or others • Patterns of violent acts or threats • Violations of domestic violence protective orders • Previous convictions for crimes prohibiting purchase and possession of firearms • History of violence 	<h2>WHAT ARE THE REASONS SOMEONE MAY APPLY FOR A DVPO?</h2> <p>Individuals in a qualifying relationship with the respondent may petition for a DVPO when there has been abuse committed. Statutes vary by state, but grounds typically include physical or sexual assault, criminal threats, or stalking.</p>
<h2>WHO IS ELIGIBLE TO PETITION OR APPLY FOR AN ERPO?</h2> <p>In every state with an ERPO law, law enforcement may petition the court.</p> <p>A total of 16 jurisdictions allow family and household members to petition the court for an ERPO, and seven jurisdictions allow health care providers to petition the court for an ERPO.</p>	<h2>WHO IS ELIGIBLE TO PETITION OR APPLY FOR A DVPO?</h2> <p>In most states, family and household members and individuals in a romantic relationship can petition for a DVPO. The focus is on the relationship between the parties. Law enforcement cannot petition for civil DVPOs. However, in some criminal prosecutions of domestic violence cases, there may also be a criminal restraining order included as a part of the case.</p>
<h2>WHAT RELIEF IS AVAILABLE IN AN ERPO?</h2> <p>ERPOs address access to firearms, including removing firearms currently in a respondent’s possession and their ability to obtain firearms while the ERPO is in effect.</p>	<h2>WHAT RELIEF IS AVAILABLE IN A DVPO?</h2> <p>DVPOs vary by jurisdiction, but the relief available is typically broader, and may include firearm removal as well as an order for the respondent: not to have contact with the petitioner, to stay away from the petitioner, to move out from a shared home, to have a child custody/visitation order, or to participate in counseling, among other provisions. Federal law may also prohibit firearm purchase and possession for the duration of the order, if the petitioner and respondent have a qualifying relationship under federal law.³</p>

<h3>WHO IS PROTECTED BY AN ERPO?</h3> <p>Many different individuals may be protected by the removal of the respondent’s firearms, depending on the facts of the case, including the respondent, their family members, and other members of the community.</p>	<h3>WHO IS PROTECTED BY A DVPO?</h3> <p>The goal of the DVPO is to protect survivors of domestic violence. Given how individuals who commit domestic violence may also be responsible for other acts of violence⁴, these orders may also protect other members of the community.</p>
<h3>ARE ERPOs HONORED ACROSS JURISDICTIONS?</h3> <p>The Federal Bureau of Investigation (FBI), who is responsible for managing federal background checks, has stated that among states with ERPO laws in effect, they will honor ERPOs issued in other states.⁵ Twenty-eight states currently do not have ERPO laws but will honor an ERPO under full faith and credit, meaning they are enforceable in all U.S. states and jurisdictions. There are currently three states that do not recognize ERPOs (Oklahoma, West Virginia, and Wyoming).</p>	<h3>ARE DVPOs HONORED ACROSS JURISDICTIONS?</h3> <p>Under federal law, qualifying protection orders issued under 18 U.S.C. § 2265 are given “full faith and credit,” meaning they are enforceable in all U.S. states and jurisdictions.⁶</p>
<h3>WHAT DOES THE RESEARCH SAY ABOUT ERPOs?</h3> <p>Research suggests that ERPOs serve as a promising tool for reducing gun violence.⁷ Studies have shown that for every 10–20 ERPOs issued, a suicide is prevented.⁸ ERPOs are also used in response to threats of mass shootings⁹ including threats targeted at schools and businesses.</p>	<h3>WHAT DOES THE RESEARCH SAY ABOUT DVPOs?</h3> <p>A robust literature review¹⁰ shows that these orders are overall effective in reducing future interpersonal violence. Research¹¹ shows that DVPOs help victims feel safer. Research¹² also indicates that removal of firearms in DVPOs reduces intimate partner homicides.</p>

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1 California Gun Violence Restraining Orders. National ERPO Resource Center. 2024. <https://erpo.org/state/california/>

2 National Extreme Risk Protection Order Resource Center. Johns Hopkins Center for Gun Violence Solutions. 2024. <https://erpo.org/>

3 1116. Prosecutions Under 18 U.S.C. § 922(g)(8). U.S. Department of Justice (Archives). [https://www.justice.gov/archives/jm/criminal-resource-manual-1116-prosecutions-under-18-usc-922g8#:~:text=Under%2018%20U.S.C.,%C2%A7%20922\(g\)\(8\),to%20domestic%20violence%20protection%20orders.](https://www.justice.gov/archives/jm/criminal-resource-manual-1116-prosecutions-under-18-usc-922g8#:~:text=Under%2018%20U.S.C.,%C2%A7%20922(g)(8),to%20domestic%20violence%20protection%20orders.)

4 Geller L, et al. The role of domestic violence in fatal mass shootings in the United States, 2014–2019. *Injury Epidemiology*. 2021. <https://injejournal.biomedcentral.com/articles/10.1186/s40621-021-00330-0>

5 National Instant Criminal Background Check System 2022 Operational Report. FBI. 2022. <https://www.fbi.gov/file-repository/nics-2022-operations-report.pdf>

6 18 U.S.C. § 2265. Full Faith and Credit Given to Protection Orders. *Women’s Law.org*. 2024. <https://www.womenslaw.org/laws/federal/statutes/18-usc-ss-2265-full-faith-and-credit-given-protection-orders>

7 Research on Extreme Risk Protection Orders. Johns Hopkins Center for Gun Violence Solutions. 2023. <https://publichealth.jhu.edu/center-for-gun-violence-solutions/solutions/extreme-risk-protection-orders-or-red-flag-laws>

8 Swanson JW, et al. Implementation and Effectiveness of Connecticut’s Risk-Based Gun Removal Law: Does it Prevent Suicides? *Law & Contemporary Problems*. 2017. <https://scholarship.law.duke.edu/lcp/vol80/iss2/8/>

9 Zeoli AM, et al. Extreme risk protection orders in response to threats of multiple victim/mass shooting in six U.S. states: A descriptive study. *Preventative Medicine*. 2022. <https://www.sciencedirect.com/science/article/abs/pii/S009174352200353X?via%3DIihub>

10 Benitez CT, et al. Do Protection Orders Protect? *The Journal of the American Academy of Psychiatry and the Law*. 2010. <https://jaapl.org/content/38/3/376#:~:text=In%20a%20study%20involving%20%2C691,to%20police%2C%20Holt%20et%20al.&text=found%20that%20having%20a%20permanent,violence%20in%20the%20next%20year.>

11 McFarlane J, et al. Protection Orders and Intimate Partner Violence: An 18-Month Study of 150 Black, Hispanic, and White Women. *American Journal of Public Health*. 2004. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448307/>

12 McFarlane J, et al. Protection Orders and Intimate Partner Violence: An 18-Month Study of 150 Black, Hispanic, and White Women. *American Journal of Public Health*. 2004. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448307/>