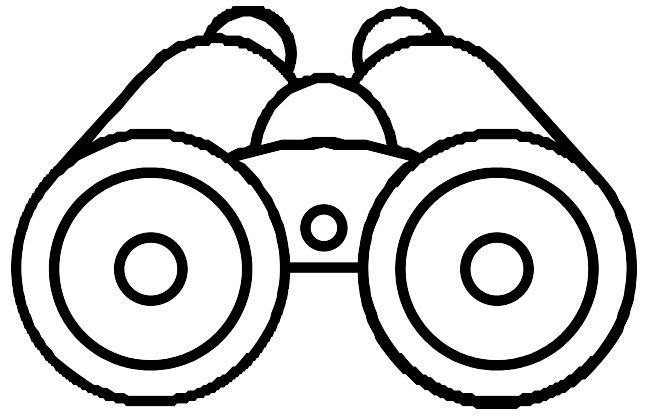


# PROCESS FOR FILING AN ERPO

1. The Reporter recognizes the need for an ERPO to protect the safety of the person and/or the public. The Reporter may be a family member or a health care professional who has a close personal relationship to the respondent.



2. The Reporter fills out the form and files it with the Petitioner, who is either law enforcement or the District Attorney.

3. A law enforcement officer or District Attorney conducts an investigation and tells the Court why an ERPO may be needed.

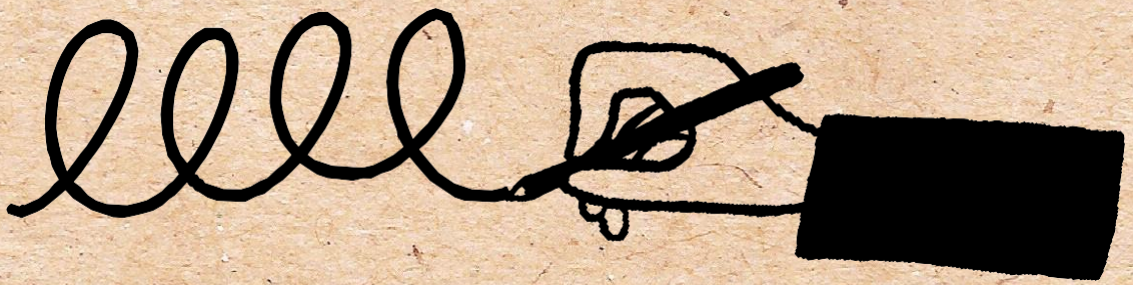


4. If the Court agrees the Judge can issue an order for the party to relinquish all firearms temporarily (ten days).

5. There is a hearing for a permanent order to remove the firearms for a time period of one year.



# Understanding Extreme Risk Laws in New Mexico



The Emergency Risk Firearm Protection Order Act ("ERPO") passed in New Mexico in 2020 and provides state and local law enforcement with a tool to petition the Court to remove firearms from someone who is at imminent risk of harming themselves or others. While an ERPO is in place the person cannot purchase or possess firearms. This process is a civil rather than criminal action. Ultimately the law seeks to serve as a preventative measure to reduce death and injury due to firearms in New Mexico.

## Why is this important

### Public Health:

- 109 Americans are killed every day by guns
- 61% of suicides are committed using a firearm.
- 1/3 of those in other states under an ERPO order received mental health treatment
- 1 live is saved for every 10-20 ERPO's filed



### When should a health official consider filing an ERPO?

- Threats or acts of violence are made
- A mental health or substance use history that includes violence
- Charged and/or uncharged acts of violence
- A previous ERPO has been issued
- Domestic violence situations where a party is at risk
- Severe depression with suicidal ideation



The law provides specific roles for reporting parties and petitioners:

## REPORTERS

Reporters can be someone with a close personal relationship with the respondent, including family members or health care professionals, who view incidents, people or situations involving firearms that they believe to be dangerous.



## PETITIONERS

Petitioners are either state or local law enforcement, or the Office of the District Attorney, or the Attorney General. Petitioners conduct an investigation to determine if probable cause exists and may proceed in petitioning the Court to safely remove firearms from someone who may be dangerous to themselves or others.



## COURTS

Civil or District Court Judges issues the "red flag order" when they find evidence that a person poses a significant danger to themselves or others with access or possession to firearms.

