

New Mexico's Extreme Risk Protection Order: A Vital Tool for Safety

An extreme risk protection order is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

An extreme risk protection order, also called an ERPO, is designed to help law enforcement intervene quickly in dangerous situations

FAQs

How do I request an extreme risk protection order?

To seek an extreme risk protection order, a reporting party can contact a member of law enforcement to discuss any concerns. Law enforcement can then investigate these concerns and request the extreme risk protection order from the court.

Who can request an extreme risk protection order in New Mexico?

Under New Mexico law, only a law enforcement officer may file a petition for an extreme risk protection order. However, a “reporting party” may request that law enforcement file a petition.

A reporting party includes the following:

- A spouse and/or former spouse;
- An intimate partner;
- A parent, former step-parent, or present or former parent-in-law;
- A child;
- A grandparent or grandparent-in-law; or
- An employer or public or private school administrator.

What happens after the request for an extreme risk protection order has been filed?

The court will hear a request (called a “petition”) for an extreme risk protection order on the day the petition is filed or on the next day the court is open.

If the court grants a temporary extreme risk protection order, it will notify the person. The court will then schedule a hearing, held between 10 and 30 days after the petition is filed, at which the court determines whether to end the order or continue the order for one year.

At the hearing, if the court finds that a person presents a risk in the near future of suicide or of causing physical injury to another person, the judge can issue a court order that requires the person's firearms to be held by law enforcement or a federally licensed firearms dealer for up to 1 year.

Also, the person will not be able to purchase new firearms while the order is in effect.

I'm afraid to wait until a court hearing is scheduled. What if the person is in immediate danger of harming themselves or someone else?

Concern for the safety of the person, or of the public, may demand that action be taken before the scheduled hearing date, to prevent immediate danger.

To protect a person or public safety during this time, a judge may issue an emergency order that restricts a person's access to firearms before the person has been notified of the petition, and before a full hearing is held.

How long does a final emergency extreme risk protection order last?

A final extreme risk protection order lasts for up to one year. At the end of the order, law enforcement either on their own or on behalf of a reporting party may ask the court to renew the order. The order can only be extended after a court hearing.

How long does a final extreme risk protection order last?

A final extreme risk protection order lasts for one year. At the end of one year, the person who petitioned for the order, another family or household member, or a law enforcement officer may ask the court to renew it. The order can only be extended after a court hearing.

Will an extreme risk protection order go on someone's criminal record?

No. An extreme risk protection order is a civil court order. Its sole purpose is to remove firearms from a person who is at high risk of causing harm to themselves or to others. The court's decision to issue the order does not cause the person to have a criminal record.

What if I am not able to request an extreme risk protection order myself? Is there anything I can do?

Even if you don't fall into any of the categories mentioned above, you can still take action in moments of crisis. If you are worried about someone who is showing warning signs that they are at risk of self-harm or harming someone else if they have access to a firearm, you can contact a law enforcement officer, or a family or household member and ask that they seek an extreme risk protection order.

If you or someone you know is in crisis, **text or call 988** for 24/7 connection to free, confidential support. If you have immediate safety concerns, **call 911**.