

Extreme Risk Protection Orders (ERPOs) in Michigan






Michigan's Extreme Risk Protection Order

On February 13, 2024, Michigan enacted a "red flag law", formally known as an Extreme Risk Protection Order (ERPO) law.

ERPOs are a tool to prevent firearm violence, including mass shootings, suicides, and firearm assaults. Michigan's ERPO law authorizes civil courts to temporarily restrict people at risk of harming themselves or others from possessing or purchasing firearms.

Filing an ERPO in Michigan

In Michigan, the following individuals may file an ERPO petition:

-  Law enforcement
-  Family and household members, including intimate partners
-  Healthcare professionals, including mental health professionals




There are three types of ERPOs that can be filed:

- Immediate Emergency Ex Parte, which can only be petitioned for by law enforcement
- Ex Parte, which can be used if the petitioner believes there is a risk of harm in the very near future
- Final, which the court may order after a hearing, if a hearing is requested

If an Immediate Emergency Ex Parte or regular Ex Parte ERPO is ordered, it goes into effect before a hearing. Hearings must be attended by the petitioner but are optional for the respondent (the person being served the order). Lawyers are not required to attend but may be present. The respondent has the right to request a hearing if one has not been scheduled.

What happens if an ERPO is ordered

If the court issues an ERPO, the person served the order:

-  Must turn in their firearms to law enforcement or a licensed firearm dealer
-  Is prohibited from obtaining new firearms
-  May request to terminate or modify the order once per 6 month period

ERPOs last up to 1 year, and can be renewed, terminated, or modified while in effect. When the order ends, the person served the ERPO will be able to reclaim any turned-in firearms, and can obtain new firearms.



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Enrolled Senate Bill No. 83. (2023, Apr 13). State of Michigan 102nd Legislature. Retrieved February 7, 2024, from <https://www.legislature.mi.gov/documents/2023-2024/publicact/pdf/2023-PA-0038.pdf>