



S.221 Similar Statutes in Other States

State	Types of Orders (Duration of Orders)	Who May Petition	Required Showing and Standard	Surrender to whom, when
<b>Washington</b>  Initiative 1491 (2016)	- Temporary/ex parte (Up to 14 days)  - Final (1 year)	Family or household members  Law enforcement officers and agencies	-Temporary orders: <b>reasonable cause</b> to believe person poses a significant danger of causing personal injury to self or others -Final orders: <b>preponderance of the evidence</b> shows same	-Firearms must be surrendered to law enforcement officer (at time of service if possible)
<b>Oregon</b>  SB 868 (2017)	- Temporary/ex parte (up to 21 days)  - Final (1 year)	- Family or household members  - Law enforcement officers	-Same for temporary and final orders: <b>preponderance of the evidence</b> shows that person presents imminent risk, or risk in foreseeable future, of suicide or causing injury to other persons.	-Firearms must be surrendered to law enforcement officer (at time of service if possible)
<b>California</b>  AB 1014 (2014)	- Emergency/ex parte (21 days)  - Temporary/ex parte (21 days)  - Final (1 year)	- Emergency orders: law enforcement officers only  - Temporary and final orders: law enforcement officers and family members	-Emergency orders: <b>reasonable cause</b> to believe person poses an “immediate and present danger of causing personal injury” to self or another -Temporary: <b>good cause</b> to believe person is danger -Final: <b>clear and convincing evidence</b> that person is a danger	-Firearms are to be surrendered to law enforcement officer at time of service (or else must be surrendered to law enforcement or a licensed dealer within 24 hours)



S.221 Similar Statutes in Other States

<p><b>Conn.</b></p> <p>Conn. Gen. Stat. Title 29 § 29-38C</p> <p>2011</p>	<p>- Emergency/ex parte (14 days)</p> <p>- Final (1 year)</p>	<p>- Emergency orders: any state's attorney or assistant state's attorney or by any two police officers</p> <p>-Final orders: State's burden to prove</p>	<p>-Emergency orders: have <b>probable cause</b> to believe that (1) a person poses a risk of imminent personal injury to himself or herself or to other individuals, (2) such person possesses one or more firearms, and (3) such firearm or firearms are within or upon any place, thing or person,</p> <p>-Final: <b>clear and convincing evidence</b> that the person poses a risk of imminent personal injury to himself or herself or to other individuals</p>	<p>-A judge shall issue a warrant naming or describing the person, place or thing to be searched. The warrant shall be directed to any police officer of a regularly organized police department or any state police officer. It shall state the grounds or probable cause for its issuance and it shall command the officer to search within a reasonable time the person, place or thing named for any and all firearms. The warrant shall be executed and returned with reasonable promptness consistent with due process of law and shall be accompanied by a written inventory of all firearms seized.</p>
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<p><b><u>Vermont</u></b></p> <p>SB 221 (2018)</p>	<ul style="list-style-type: none"> <li>- Temporary/ex parte (up to 14 days)</li> <li>- Final (up to 60 days)</li> </ul>	<ul style="list-style-type: none"> <li>- Temporary Ex Parte: A State’s Attorney or Attorney General may file a motion requesting that the court issue an extreme risk protection order ex parte. A law enforcement officer may notify the court that an ex parte extreme risk protection order is being requested pursuant to this section, but the court shall not issue the order until after the motion is filed.</li> <li>- Final: States attorneys, Attorney general</li> </ul>	<ul style="list-style-type: none"> <li>-Temporary orders: <b>preponderance of the evidence</b> that person poses an imminent and extreme risk of causing harm to himself or herself or another person</li> <li>-Final orders: <b>clear and convincing evidence</b> that person poses extreme risk of causing harm to himself or herself or another person</li> </ul>	<ul style="list-style-type: none"> <li>-Firearms are to be relinquished following service of order to either law enforcement or a licensed dealer</li> <li>-Court may allow transfer to a 3<sup>rd</sup> party approved by court.</li> </ul>
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