

DC'S RED FLAG LAW: REMOVING GUNS FROM POTENTIALLY DANGEROUS PERSONS



Are you concerned that a friend or family member who owns a gun could be a danger to themselves or others? Learn how the District's "Red Flag Law" can be used to remove a firearm from a potentially dangerous person.

How the Red Flag Law Works

In December 2018, the District adopted a "red flag" law to help keep the District and its residents safe by quickly removing guns from people who are a danger to themselves or others. This "Red Flag" law allows certain District residents to ask a judge to issue an Extreme Risk Protection Order (ERPO), which requires the temporary removal of firearms and ammunition from someone who may be dangerous.



Who can seek an ERPO:

- Family Members
- Guardians
- Domestic Partners
- Romantic Partners or Dates
- Parent of a Child in Common
- Roommates
- Police Officers
- Mental Health Professionals



How to seek an ERPO:

Fill out a FREE form called a "petition" at www.dccourts.gov/ERPO and file it with the DC Superior Court. The petition must include facts supporting the claim that the person in possession of firearms or ammunition is a danger to themselves or others.

The requester can seek a **temporary order** and see a judge within one business day even before the person at risk knows about the case. The emergency order may last up to 14 days until a final order is issued.

The requester can seek a **final order** and see a judge within 14 business days where both the requestor and person at risk are given the chance to present their evidence to the court. The final order can be in effect up to one year and can be renewed.



What happens if an ERPO is granted:

Police will contact the person who is the subject of the ERPO to retrieve any firearms and ammunition.

A search warrant can be issued, if necessary.

Anyone who peaceably surrenders any firearms or ammunition in response to an ERPO cannot be arrested or prosecuted for unlawfully possessing or carrying the firearms or ammunition.

HOW TO PETITION FOR AN ERPO:

- 1) Fill out a petition form found here: www.dccourts.gov/ERPO
- 2) File the petition form in person with the DC Superior Court at:

DC Superior Court
500 Indiana Ave. NW, Room 4510
Washington, DC 20001

Anacostia Professional Building
2041 Martin Luther King Jr. Ave. SE, Room 400
Washington, DC 20020



Brian L. Schwalb
Attorney General
for the District of Columbia
oag.dc.gov