

Subject Extreme Risk Protection Orders

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Overview

This bill proposes a series of policy changes and clarifying amendments to the statutes authorizing issuance of extreme risk protection orders (ERPO).

Summary

Section	Description
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| 1 | <p>Definitions.</p> <p>Amends the definition of “family or household members” to match the definition of that term in the Domestic Abuse Act. The effect of this amendment is to expand the class of family and household members who can petition for an ERPO.</p> |
| 2 | <p>Generally.</p> <ul style="list-style-type: none">▪ Clarifies who is authorized to petition for an ERPO. Broadens the scope of the parties who can file an ERPO petition from just a chief law enforcement officer to law enforcement agencies as a whole and just a county and city attorney to the offices of these officers. Additionally, this section empowers a person to seek an ERPO to prevent themselves from possessing and purchasing firearms.▪ Clarifies that pursuing an ERPO does not prevent a law enforcement agency from responding to exigent circumstances.▪ Directs judges to hear petitions for emergency ERPOs filed by law enforcement immediately, regardless of the time of day the petition is filed. |
| 3 | <p>Mental health professionals.</p> <p>Clarifies that mental health professionals who have a duty to warn must contact the chief law enforcement officer with primary jurisdiction over where the provider’s client lives.</p> |

Section	Description
4	<p>Extreme risk protection orders issued after hearing.</p> <p>Subd. 1. Hearing.</p> <ul style="list-style-type: none">▪ Clarifies which law enforcement agency is responsible for serving ERPO petitions and orders.▪ Requires ERPOs to be served personally on the respondent unless the respondent received notice of the order from the court at a hearing.▪ Authorizes orders for ERPO continuances and dismissals to be served on the respondent either electronically or by first class mail. <p>Subd. 2. Relief by court.</p> <ul style="list-style-type: none">▪ Clarifies the evidence that courts are expected to consider when evaluating the merits of an ERPO petition.▪ Provides for ERPOs to exceed one year if the respondent consents.▪ Eliminates the authority of a judge to seal ERPO petitions in cases where the respondent consents to the ERPO being issued.▪ Directs the court to consider appointing a guardian ad litem (GAL) for the respondent when a party requests a GAL appointment.
5	<p>Subsequent extensions and termination.</p> <ul style="list-style-type: none">▪ Authorizes a court to extend an ERPO for up to five years when the respondent has violated a previous ERPO or has been subject to two or more ERPOs.▪ Prohibits a respondent from requesting that an ERPO be vacated until at least six months have passed since the court denied a previous request to vacate.
6	<p>Emergency issuance of extreme risk protection order.</p> <p>Clarifies the information regarding hearings that must be provided to a respondent when an emergency ERPO is served on the respondent.</p>
7	<p>Transfer of firearms.</p> <ul style="list-style-type: none">▪ Requires firearms dealers and law enforcement agencies to establish policies for disposal of firearms, but removes the requirement that law enforcement notify a respondent prior to disposing of abandoned firearms.▪ Eliminates the obligation of law enforcement to reimburse a respondent for permanently transferred firearms.

Section	Description
	<ul style="list-style-type: none">▪ Repeals the prohibition on law enforcement charging a respondent processing fees for storage of firearms.▪ Establishes that respondents are responsible for filing proofs of transfer and declarations of nonpossession with the court.▪ Grants immunity from prosecution for unlawful possession of a firearm if a respondent voluntarily surrenders their firearms.
8	Law enforcement. Clarifies that a law enforcement agency shall not return temporarily transferred firearms to a respondent if the respondent did not lawfully possess the firearms prior to surrendering them.
9	Violation of order. Technical amendment.
10	Liability protection for petition. Conforming change.
11	Liability protection for mental health professionals. Conforming change.



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