Ethical Considerations Related to Extreme Risk Protection

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During 2023, firearms were the primary mechanism of injury for over 46,000 deaths in the United States (Gramlich, 2025). The majority of these were suicide deaths (58%) or homicide deaths (38%), with significantly smaller proportions involving accidental death or law enforcement (Gramlich, 2025). Indeed, suicide deaths have accounted for the majority of firearm deaths in the United States for the past several decades (DeSilver, 2013; Gramlich, 2025). In contrast to public perception that firearm deaths are random acts of violence, the majority of firearm homicide victims know the perpetrator (Berg et al., 2024; Siegel et al., 2014; Siegel & Rothman, 2016). Nationwide, 78% of firearm homicides are committed by someone who is known to the victim, including friends, relatives, and spouses (Siegel et al., 2014). These firearm homicide rates disproportionately affect women, who are more likely to be killed by an intimate partner (Kivisto et al., 2019; Tobin-Tyler, 2023). Likewise, a significant proportion of deaths during pregnancy and the postpartum period are firearm-related suicides and homicides (Azad et al., 2026).

Other individuals often have knowledge of risk factors prior to firearm deaths. Family and friends frequently can recognize risk factors in the days and weeks prior to a suicide death, but may be uncertain what steps can be taken to reduce these risks (Owens et al., 2011). Research has shown that reducing access to firearms during an at-risk period is an effective suicide prevention strategy (Mann et al., 2021). Over half of suicide decedents seek healthcare within 30 days prior their death, with the greatest risk of suicide among those who receive inpatient psychiatric treatment (Ahmedani et al., 2019). However, healthcare professionals may be hesitant to take steps to restrict firearm access due to a lack of knowledge of the ethical and legal considerations involved (Lindley et al., 2024; Stagner et al., 2025).

In cases of intimate partner homicide, a review of the literature showed that the perpetrator made prior threats to kill the victim in up to 74% of cases, and previously threatened the victim with a weapon in 67% of cases (Rumpf et al., 2024). Research on mass murder incidents—the majority of which involve firearms—indicates that others were aware of the grievance motivating the attacker in 46% of incidents, and that the murderer disclosed intent to friends or family prior to the attack in 31% of incidents (Gill et al., 2017). Significant proportions of those who commit homicide also are already known to police. Ninety-one percent of women killed in domestic violence had previously contacted police about their partner (Koppa & Messing, 2021). Forty-three percent of mass murderers had a previous criminal conviction (Gill et al., 2017). Taken together, the fact that family members, health professionals, and law enforcement likely had knowledge of risk in the days and weeks prior to these firearm-related incidents suggests that action could be taken to decrease this risk by removing access to these firearms (Stagner et al., 2025).

History of Extreme Risk Protection Orders

In 1999, the state of Connecticut passed the first bill authorizing an extreme risk protection order (ERPO), defined as a process by which firearm access can be restricted by civil court order when an individual is identified as being at imminent risk of harm to themselves or others (Pandya et al., 2025). In response to mass shootings in which early risk signs were evident, Indiana (in 2005) and California (in 2014) were the next states to pass ERPO laws (Zeoli et al., 2025). Also known as "red flag laws," ERPO legislation has been implemented in 22 states and the District of Columbia as of February 2026 (Bengali, 2026). The legal foundation for ERPO laws was based on existing laws (e.g., Violence Against Women Act, Lautenberg Amendment to the Gun Control Act of 1968) authorizing orders of protection or restraining orders to decrease risk among persons experiencing intimate partner violence (Tobin-Tyler, 2023).

The most pronounced effect of ERPO laws has been a decrease in suicide deaths. In one study of four states (California, Connecticut, Maryland, and Washington), it was estimated that 269 suicide deaths were averted, estimating that one suicide death was prevented for every 17 to 23 ERPO issued (Swanson et al., 2024). In another study comparing four states (Massachusetts, New Jersey, New Mexico, and Rhode Island) that had implemented ERPO laws to eight states that had not, it was estimated that 675 fewer firearm suicide deaths occurred as a result of ERPO laws, with no evidence of substation of other suicide methods (Brown et al., 2026). Research on the effectiveness of ERPO laws in reducing homicide death and violence against others has been less definitive. An analysis of six states (California, Colorado, Connecticut, Florida, Maryland, and Washington) showed that the majority of ERPO petitions involve threats of violence toward others, and that 84% involved recent access to a firearm (Barnard et al., 2025). Although overall firearm homicides in Florida increased after the passage of its ERPO law, analysis shows that this rate change was 11% lower than projected (Gimbrone & Rudolph, 2024). A case se-

ries analysis in California specifically identified 21 cases in which ERPO petitions were utilized to prevent mass shootings (Wintemute et al., 2019).

Military Orders

A number of existing provisions allow military commanders to restrict official firearm access based on a "medically certified disqualifying physical or mental health condition" (Department of Defense, 2016). This restriction typically is accomplished through a limited duty profile in consultation between mental health providers and commanders. Similarly, conviction of a crime involving domestic violence can permanently restrict a service member from carrying a firearm under the Lautenberg Amendment (Department of Defense, 2021). Access to privately owned firearms likewise can be restricted for service members living on military installations (Hoyt & Duffy, 2015). In a limited number of circumstances, a service member can be restricted to a military installation in order to limit access to privately owned firearms stored at a residence not on a military installation (see Hoyt et al., 2022). In 2024, Senators Susan Collins and Angus King of Maine co-sponsored proposed legislation—the Armed Forces Crisis Intervention Notification Act—that would require commanders to fully utilize state ERPO laws to restrict firearm access when risk of harm to self or others is identified. Although this bill has not yet become law, it called attention to ERPO laws as an additional tool for military commanders to utilize in appropriate circumstances. As military mental health providers collaborate with patients and command teams to address firearm-related risk, ethical concerns should be a key consideration (see Hoyt et al., 2021).

Examining Ethics Concerns

Respecting Autonomy

Despite emerging evidence of the benefits of ERPO laws in reducing firearm deaths (Brown et al., 2026; Gimbrone & Rudolph, 2024), adoption and implementation of these laws have been somewhat limited, particularly in certain geographic areas (Zeoli, McCourt, & Paruk, 2022). From an ethical perspective of respecting autonomy, the primary concern limiting adoption and implementation of ERPO laws is the preservation of individual rights (Bulger et al., 2019). In the United States Constitution, the second amendment states that "A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed" (U.S. Const. amend. II). Ensuring this constitutional right must remain a primary consideration in the implementation of ERPO laws. The majority of firearm owners indicate that personal protection—a further aspect of maintaining autonomy—is the primary reason for owning a firearm (Degli Esposti et al., 2025). Even in states with well-established ERPO laws, certain counties have declared status as "Second Amendment sanctuaries" in which these laws would not be enforced (Barnard et al., 2021).

Respect for Persons and Justice

The secondary concern raised by opponents of ERPO laws is due process, which relates to the overarching ethical principles of respect for persons and justice (Ashok et al., 2025; Stagner et al., 2025). Due to the supposition that an ERPO petition primarily would be filed when there is imminent risk of harm to self or others, most jurisdictions allow for initial consideration by civil court within 24 hours (see Valek et al., 2025). The timing of this ex parte hearing often necessitates only the petitioner to be present, with the respondent unable to directly answer the initial petition (Barnard et al., 2021). Although the respondent typically has 30 days to contest an ERPO with the court, the individual must surrender their firearms within 24 hours of the initial ruling (Valek et al., 2025). This discrepancy may violate constitutional rights regarding unreasonable seizure and due process (Blocher & Charles, 2020). A further concern is the return of an individual's firearms after they have been surrendered (Stagner et al., 2025).

In most states, ERPO laws typically require an initial short-term restriction (up to 30 days) but then may be granted after initial hearing on a long-term (up to 12 months) basis (Zeoli, Frattaroli et al., 2022). A petition for return of firearms often involves a separate process in which the burden of proof may fall disproportionately on the individual to prove that they no longer present a risk (Barnard et al., 2024). For example, respondents may need to obtain an independent psychological evaluation in order to demonstrate stability (Stagner et al., 2025).

Beneficence

The U.S. Supreme Court has ruled that Second Amendment rights are not absolute, and recent court cases have affirmed that access to firearms can be restricted for individuals who exhibit risk of harm to self or others (Swanson et al., 2024). This caveat restricting individual rights for the greater good of society is the central point in arguments for ERPO laws (Bulger et al., 2019): At what point does an ethical interest in public beneficence (i.e., safety) override individual autotomy? The typical standard for state laws to override constitutional rights is the strict scrutiny standard, which requires proof of a crucial interest and that implementation uses the least restrictive means (Johnson, 2021).

Considering the goal to prevent suicide deaths among those who may have mental illness, initial evidence suggests that ERPO laws are effective (Swanson et al., 2024). Interviews with surviving family members show that 46% would have utilized an ERPO to prevent a loved one's suicide death if they had known it was an option (Kelly et al., 2025). A "cooling-off period" after firearm access has been removed can be a crucial point for seeking psychological care and accessing other support resources (Stagner et al., 2025). For example, 13% of ERPO petitions involve cognitive impairment among individuals over age 70, with a significant proportion of individuals with dementia not storing firearms safely (Betz et al., 2024). The temporary removal of firearms from the home in these cases allows for family and other social services to intervene to improve living conditions, ultimately providing beneficence to the individual (Ashok et al., 2025). Likewise, since the primary driver behind ERPO laws has been the prevention of mass shootings in schools and other public places, the public has a compelling interest in

restricting the firearm rights of individuals who may be at risk (Zeoli et al., 2025). Public sentiment regarding ERPO implementation in certain states shows strong support for their utilization in cases involving emotional crisis or threats of harm, suggesting an overriding interest in public beneficence in these cases (Kravitz-Wirtz et al., 2025).

A Balanced Approach

In balancing the competing ethical interests of beneficence, autonomy, and justice when considering the implementation of ERPO laws, several lessons learned from previous states suggest a way forward (Bulger et al., 2019; Rakshe et al., 2026; Zeoli et al., 2025). First, clear and transparent standards of evidence for an initial ERPO must be established that demonstrate imminent risk and direct access to a firearm (Johnson, 2021). Second, a consistent timeline for all ERPO cases must be established, including initial review, taking custody of the firearm, and the duration of short- and long-term ERPOs (Valek et al., 2025). Third, clear standards for the termination of an ERPO must best established, to include the standard by which early termination will be considered (Rakshe et al., 2026). Fourth, provisions must be established regarding the definition of "possession" versus "access" to a firearm in order to ensure that firearms are not seized inappropriately from other household members (such as a spouse or parent) who are not the subject of the ERPO (Johnson, 2021). In such cases, access can be restricted—such as in a gun safe that is inaccessible to the subject of the ERPO—without imposing the seizure of a firearm that lawfully belongs to another member of the household (Johnson, 2021). By taking these steps, ERPO laws can balance the overall beneficence intended by the law with the required restriction of personal autonomy in a just way that maintains the dignity of all parties.

Conclusion

ERPO laws are a critical tool in addressing the pervasive issue of firearm-related suicide and homicide deaths in the United States (Zeoli et al., 2025). Although these laws have shown initial effectiveness in reducing suicide deaths and potentially preventing mass shooting incidents (Swanson et al., 2024; Wintemute et al., 2019), states and mental health providers must find the balance between ethical principles of beneficence, autonomy, and justice in ERPO law implementation. Through deliberate planning and stakeholder engagement, ERPO laws can reduce firearm deaths in a manner that prioritizes both individual dignity and collective well-being (Johnson, 2021).

Author Note

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