

WISCONSIN NEEDS AN EXTREME RISK LAW

WHAT ARE EXTREME RISK LAWS?

Extreme risk laws allow families and law enforcement officers to ask a judge for an extreme risk protection order (ERPO). An ERPO can temporarily prohibit someone from purchasing or possessing a gun, if they are at imminent risk of harming themselves or others.

CONSTITUTIONAL RIGHTS ARE PROTECTED

Extreme risk laws use a non-criminal process with a court hearing and clearly defined due process protections.

Using criteria set by law, a judge determines whether the person is at imminent risk of harming themselves or others.

If the judge determines there is risk, they will outline a plan for how long the removal will last and how the person will retrieve their firearms once the period ends.

EXTREME RISK LAWS SAVE LIVES

- Connecticut's enforcement of an extreme risk law was associated with a nearly 14% decrease in gun suicides.¹
- Roughly 64% of all gun deaths in Wisconsin are suicides.²
- Extreme risk protection orders have also been used to remove guns in cases of credible threats of mass shootings and other interpersonal violence.³

POPULAR WITH VOTERS

- A Marquette Law School poll from March of 2025 found 85% of Wisconsinites want extreme risk laws, including 79% of Republicans and 98% of Democrats.⁴
- A Marquette Law poll from May of 2023 found 83% of gun owning households in the U.S. support extreme risk laws.⁵

AN EXTREME RISK LAW IN WISCONSIN

An extreme risk law in Wisconsin should create the means for law enforcement, healthcare providers, family members, or other household members to petition a court to temporarily remove guns from someone who is at high risk of injuring themselves or others with a firearm.

When the danger is imminent, the petitioner may request that the court issue a temporary restraining order (TRO). If the judge determines there is an immediate and present danger, a TRO will be issued and will be in effect until the injunction, or final, hearing, which must be held within 14 days of the TRO.

At the injunction hearing, a judge would fully review the facts of the case and determine if the person is substantially likely to injure themselves or others with a firearm. An extreme risk injunction would last up to one year and could be renewed, if necessary.

A person may not possess a firearm while subject to an extreme risk TRO or final injunction; however, this is a non-criminal process, meaning a respondent who complies would not be charged with any crime.

AN EXTREME RISK TRO DOES NOT VIOLATE DUE PROCESS

The most frequent argument made in opposition to an extreme risk law is that it would violate due process. Importantly, extreme risk laws in other states have faced challenges, and courts have found that they do not violate due process. In addition, the U.S. Supreme Court has ruled, in many contexts, that due process is satisfied if 1) a final hearing is held within a short period of time, 2) a judge or other state office is required to determine that the order is necessary, and 3) the government (or public safety) interest is strong.⁶

WHY IS AN EXTREME RISK LAW IMPORTANT FOR WISCONSIN?

Many individuals who took their lives or the lives of others with a gun displayed deeply concerning behaviors prior to the tragedy. Frequently, family members have said that they recognized the warning signs, they knew something bad was going to happen, but they didn't have the ability to keep their loved one from possessing a gun.

Currently, 21 states and the District of Columbia have passed extreme risk laws. They are increasingly acknowledged as an effective means of saving lives.

1. Kivisto, Aaron J., and Peter Lee Phalen. "Effects of Risk-Based Firearm Seizure Laws in Connecticut and Indiana on Suicide Rates, 1981–2015." *Psychiatric Services*, vol. 69, no. 8, Aug. 2018, pp. 855–62. DOI.org (Crossref),

2. "Everytown Research - EveryStat." EveryStat.Org, Everytown For Gun Safety, October 2024, everytown.org/#Wisconsin.

3. Johns Hopkins University Center for Gun Violence Solutions, Baltimore, Maryland, 2023, Research on Extreme Risk Protection Orders: An Evidence-Based Policy That Saves Lives.

4. Franklin, Charles. Marquette University Law School Poll. 5 March, 2025. Web.

5. Franklin, Charles. Marquette University Law School Poll. 24 May, 2023. Web.

6. "Extreme Risk Protection Orders Respect Due Process." Everytown, 15 June 2022, www.everytown.org/report/extreme-risk-protection-orders-respect-due-process/.

