

Extreme Risk Protection Order Act (2023 PA 38)

2025 Annual Report



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Introduction

The Extreme Risk Protection Order (ERPO) Act, 2023 PA 38 (“the Act”), was signed into law on May 22, 2023, and became effective on February 13, 2024. The Act authorizes the family division of the circuit court to enter an order restraining an individual from possessing a firearm or concealed pistol license upon a finding, by a preponderance of the evidence, that the respondent:

“[C]an reasonably be expected within the near future to intentionally or unintentionally seriously physically injure himself, herself, or another individual by possessing a firearm, and has engaged in an act or acts or made significant threats that are substantially supportive of the expectation. MCL 691.1807(1)”

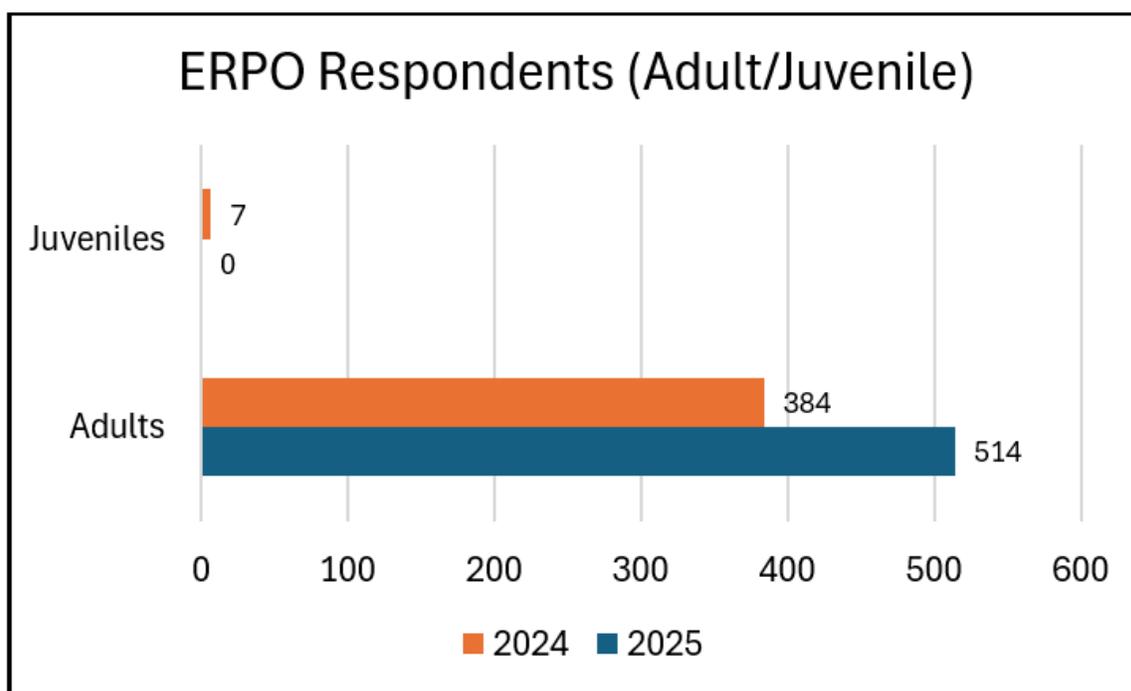
The Act requires the State Court Administrative Office (SCAO), acting at the direction of the Michigan Supreme Court, to prepare an annual report on and relating to the application of the Act by the courts. MCL 691.1821. Until the uniform statewide case management system—commonly referred to as the SCAO Judicial Information Services (JIS) case management system—is fully funded and operational statewide, reports such as this one are more difficult to compile and likely to have limitations or incomplete data.

ERPO Data and Statistics

The primary data source for this report is the Judicial Data Warehouse (JDW), which receives case-level data directly from court case management systems.¹ This enables the SCAO to generate statistics as outlined by MCL 691.1821. However, there are known gaps in the available data from non-JIS case management systems. Post-order motions, new criminal charges, and demographic data were not available from all non-JIS systems. The ERPO complaints filed from January 1, 2025, to December 31, 2025, are summarized in this report.

ERPO Complaints: In 2025, 514 ERPO complaints were filed in Michigan. All the complaints were filed against adult respondents and none were filed against minor respondents. In 2024, 391 ERPO complaints were filed, of which 384 were filed against adult respondents and seven were filed against juvenile respondents.²

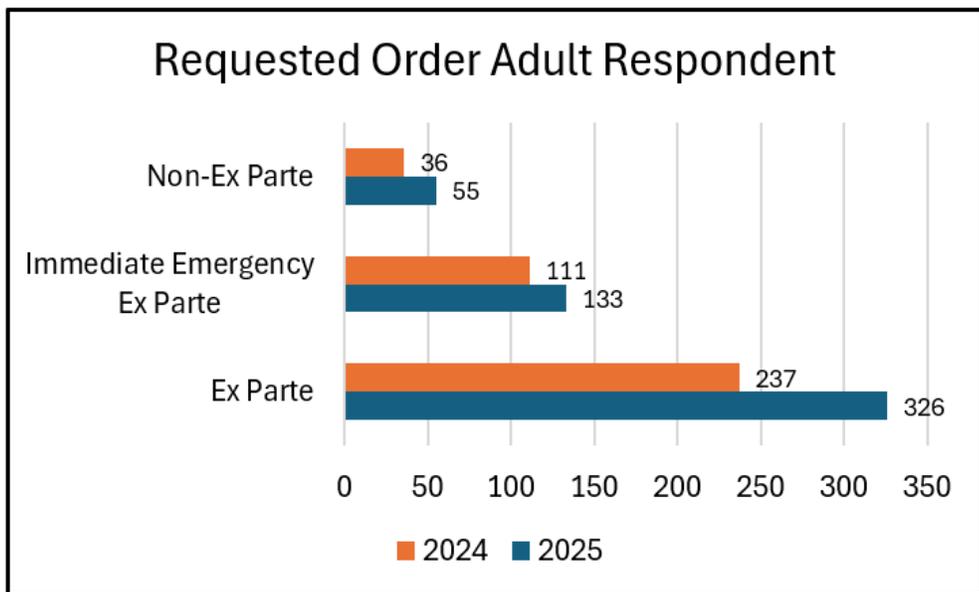
Requested Order Type: In ERPO actions, the “petitioner” is the person filing the complaint with the court and the “respondent” is the person that the petitioner is asking to be subject to an ERPO. When filing a ERPO complaint, the petitioner must state whether they are requesting an *ex parte* order (explained below).



¹ St. Clair and Berrien counties use a non-JIS case management system and provided SCAO with ERPO data in Excel instead of adding ERPO cases to a JDW data feed. These data points were added to the figures in this report.

² The 2024 data does not cover the full calendar year because the Act became effective on February 13, 2024. This means the 2024 ERPO report includes data covering approximately 323 days whereas 2025 ERPO report includes data from a full 365 days. This is an important distinction when reviewing any trend data between 2024 and 2025.

Order Type	Summary
Ex Parte Order	<p>An <i>ex parte</i> order means the petitioner is asking the court to issue an order immediately, before the respondent receives notice about the petition and before a hearing. The evidentiary standard is higher to issue an <i>ex parte</i> order—the petitioner must also show by clear and convincing evidence that:</p> <ul style="list-style-type: none"> • Immediate and irreparable injury, loss, or damage will result from the delay required to give notice; or, • The notice itself will precipitate adverse action before an extreme risk protection order can be issued. <p>Respondents are still entitled to a hearing if a judge grants an <i>ex parte</i> order.</p>
Immediate Emergency Ex Parte Order	<p>A law enforcement officer may verbally request by telephone that a judge or magistrate on duty within the jurisdiction immediately issue an emergency <i>ex parte</i> order. These orders may only be issued if the law enforcement officer is:</p> <ul style="list-style-type: none"> • Responding to a complaint involving the respondent; and • The respondent can reasonably be expected within the near future to intentionally or unintentionally seriously physically injure the respondent or another individual by possessing a firearm. <p>Respondents are still entitled to a hearing if a judge grants an immediate emergency <i>ex parte</i> order.</p>
Non-Ex Parte Order	<p>If a petitioner does not request an <i>ex parte</i> order in their complaint, an order will not be entered until after the court holds a hearing on the matter.</p>



Adult Respondents: Of the 514 ERPO complaints filed against adult respondents in 2025, 326 requested an *ex parte* order, 133 requested an immediate emergency *ex parte* order, and 55 did not request an *ex parte* order. In total, 459 requests were made for an order to be issued without notice (*ex parte* and immediate emergency *ex parte*).

Orders Issued or Denied

Of the 514 complaints filed, 407 orders were initially issued and 93 were initially denied.

	Immediate Emergency <i>Ex Parte</i> Requested (EV, EZ)	<i>Ex Parte</i> Requested (EP, EE)	<i>Ex Parte</i> Not Requested (ER, EJ)	Total
Issued	118	254	35	407
Dismissed/Denied	11	67	15	93
Dismissed/Withdrawn by Petitioner	3	5	2	10
Undisposed	1	0	3	4
Total	133	326	55	514

A total of 372 orders were initially issued without notice. This is a combination of the 118 immediate *ex parte* requests and 254 *ex parte* requests. Of the 118 immediate *ex parte* requests that were initially ordered, at least six respondents requested an initial hearing.³ After those initial hearings, the court continued two orders and rescinded four orders. Of the 254 *ex parte* requests that were initially ordered, at least six respondents requested an initial hearing.⁴ After those initial hearings, the court continued one order and rescinded five orders.

A total of 78 orders were initially denied without notice. This is a combination of the 11 immediate *ex parte* requests and 67 *ex parte* requests. Of the 67 *ex parte* requests that were initially denied, 15 petitioners requested an initial hearing. After those initial hearings, the court granted six orders and continued to deny nine orders.

Orders Rescinded

Initial Hearing: Respondents have the right to an initial hearing on an extreme risk protection complaint, including instances where the court issued an *ex parte* and immediate emergency *ex parte* order. The petitioner must attend these hearings and carries the burden of proof. If an *ex parte* or immediate emergency *ex parte* order was issued, and the petitioner does not meet their burden at the hearing, the court will rescind the order.

³ Courts are not required to report to SCAO the number of hearings requested immediately following an *ex parte* disposition, however, they are required to report the outcome of those hearings. SCAO used the outcomes to estimate the number of hearings requested.

⁴ *Id.*

Motions: In addition to the initial hearing, the respondent may also file a motion to modify or terminate an ERPO. The respondent has the right to file one motion during the first six months that the order is in effect and one motion during the second six months the order is in effect. The moving party carries the burden of establishing that the respondent no longer poses a risk to seriously physically injure another individual or respondent by possessing a firearm.

In 2025, there were at least 19 orders rescinded.⁵ Nine of those were rescinded after an initial hearing and 10 were rescinded after a motion was filed to terminate the order.⁶ All 19 rescissions were on orders that were entered without notice.

Orders Renewed or Extended

An extreme risk protection order expires one year after the date of issuance. Upon motion by the petitioner or the court's own motion, the court may issue an extended extreme risk protection order that is effective for one year after the expiration of the preceding order. At least three orders were renewed or extended in 2025.⁷ All of these were on orders originally entered in 2024.

Criminal Charges

ERPO Respondents

The criminal charges section of the ERPO annual report identifies charges filed against a respondent within 30 days of an ERPO's issuance. The filing date of a criminal charge might not be same date that the charged offense allegedly occurred. Most criminal charges filed against ERPO respondents occurred within a few days of the order's entry. As such, the data in the report cannot conclusively determine whether the charged offense allegedly occurred before or after the date the ERPO was entered. For example, some criminal charges may have resulted from the same incident for which the ERPO was issued.

At least 37 individuals (7.2 percent) restrained by an ERPO were charged with 75 criminal offenses within 30 days of the ERPO's entry.⁸ There were 20 charges related to firearms or ammunition. The most frequently charged offenses were assault with a dangerous weapon (MCL 750.812) and police officer assault/resist/obstruct (MCL 750.81D1). The following table contains a complete list of the filed charges.

⁵ *Id.*

⁶ Of the 10 rescinded orders that occurred after the respondent filed a motion, two were from orders entered in 2024 and eight were from orders entered in 2025.

⁷ *Supra*, at 3.

⁸ The following non-JIS case management systems do not have an established data feed to the JDW. Therefore, the number of criminal charges filed for ERPO respondents and the number of ERPO criminal violations can exclude cases from the following courts: D61-Grand Rapids; D05-Berrien County; and C01-Berrien County.

PACC Code	Offense Description	Counts
257.6251-A	Operating While Intoxicated	1
257.6256B	Operating - While Intoxicated/Impaired/With the Presence of a Controlled Substance – 2nd Offense Notice	1
28.425F3	Fail to Comply with State Civil Infraction	1
28.425K2A	Weapons - Concealed Pistol/Taser - Carrying While Under the Influence	1
333.74032A5	Controlled Substances - Possession (Cocaine, Heroin or another Narcotic Less than 25 Grams)	1
333.74042B	Controlled Substance - Use	1
500.3101A	Motor Vehicles - Invalid Certificate of Insurance	1
750.145A-A	Children -Accosting for Immoral Purposes	1
750.167	Disorderly Person	2
750.170	Disturbing the Peace	1
750.224F-A	Weapons - Firearms - Possession by Prohibited Person	3
750.227	Weapons - Carrying Concealed	3
750.230	Weapons - Firearms - Altering ID Marks	1
750.234B	Weapons - Firearms - Discharge in or at a Building	2
750.234E	Weapons - Firearms - Brandishing in Public	1
750.237	Weapons - Firearms - Possession Under the Influence	4
750.411A1B	False Report of a Felony	1
750.411I	Stalking - Aggravated	3
750.520B1A	Criminal Sexual Conduct - First Degree (Person Under Thirteen – Defendant Under 17)	1
750.535B	Weapons - Firearms - Receiving & Concealing	1
750.5405A	Interfering with Electronic Communications	2
750.540E	Telecommunication Services - Malicious Use	3
750.543M	False Report or Threat of Terrorism	3
750.552	Trespass	1
750.731	Second Degree Arson	1
750.812	Domestic Violence	5
750.81D1	Police Officer - Assaulting/Resisting/Obstructing	6
750.81D1(A)	Police Officer – Assaulting/Resisting/Obstructing (Attempted)	1
750.82	Assault with a Dangerous Weapon (Felonious Assault)	8
750.84	Assault with Intent to do Great Bodily Harm Less Than Murder or by Strangulation	1
752.862-B	Weapons - Firearms - Careless Discharge/Property Damage Over \$50.00	2
752.863A	Weapons - Firearms - Reckless Use	4
Other	Other offenses with maximum sentence of 92 days.	5
Unknown	Unknown	4

Status of Charges: The table below summarizes the status of these 75 criminal charges at the time this report was generated.

Charge Status	Number of Charges
Undisposed	33
Guilty/No Contest/Plea to Amended Charge	26
Dismissed	15
Competency Evaluation/Deferral	1

Failure to Comply with an ERPO

MCL 691.1819(1) established criminal penalties for refusing or failing to comply with an ERPO. In 2025, three individuals were charged with refusing or failing to comply with an ERPO. All three cases were bound over from district to circuit court. One was disposed by *nolo contendere* and two were pending in circuit court. There were no criminal charges for this offense filed in 2024.

Petitioners Filing False Information

MCL 691.1819(4) established criminal penalties for petitioners who knowingly and intentionally make a false statement to the court in an ERPO complaint. A first offense is a misdemeanor punishable by not more than 93 days in jail; a second offense is a felony punishable by not more than four years in prison; and a third offense is a felony punishable by not more than five years in prison. No petitioner has yet been charged with this criminal offense based on available data.⁹

Knowingly Placing Firearm in Possession of Restrained Individual

MCL 691.1819(5) establishes criminal penalties for individuals who knowingly place a firearm in the possession of an individual who is restrained under an extreme risk protection order. The offense is a felony punishable by imprisonment for not more than one year. No individual has yet been charged with this criminal offense based on available data.¹⁰

Demographic Data

The SCAO complaint forms for filing an Extreme Risk Protection Order Action (CC 452 and CC 452M) contain fields for the petitioner to identify their age, race, and sex. However, these fields are not mandatory, and courts cannot legally reject a filing if the petitioner does not populate this information on the complaint form. The following demographic data reflects the data as currently populated in the JDW or otherwise reported by the courts.¹¹

⁹ *Id.*

¹⁰ *Id.*

¹¹ Several non-JIS case management systems did not add demographic data about ERPO petitioners and respondents to their JDW data feed. Therefore, the already limited demographic data points wholly exclude the following counties: Antrim, Grand Traverse, Leelanau, Ingham, Kent, and Macomb.

Race

Petitioners: Of the 514 petitioners in 2025, the race of 402 petitioners is unknown. Although the table identifies the race of some petitioners; no conclusions should be drawn from this data because approximately 78 percent of petitioner race information is missing.

Petitioners	Race
402	Unknown
102	White
8	Black
2	Asian

Respondents: Of the 514 respondents in 2025, the race of 228 respondents is unknown. The table identifies the race of respondents; however, conclusions should not be drawn from this data, as the race of approximately 44 percent of all respondents is unknown.

Respondents	Race
228	Unknown
184	White
97	Black
3	Asian
1	Hispanic
1	Multi-Racial

Gender

Petitioners: Of the 514 petitioners in 2025, the gender of 346 petitioners is unknown. The table identifies the gender of petitioners; however, conclusions should not be drawn from this data, as the gender of approximately 67 percent of all petitioners is unknown.

Petitioners	Gender
346	Unknown
97	Male
71	Female

Respondents: Of the 514 respondents in 2025, the gender of 195 respondents is unknown. The chart identifies the gender of the 233 respondents whose gender is known; however, conclusions should not be drawn from this data, as the gender of approximately 38 percent of all respondents is unknown.

Respondents	Gender
195	Unknown
264	Male
55	Female

Age

Petitioners: Of the 514 petitioners in 2025, the age of 377 petitioners is unknown. The table identifies the age group of petitioners; however, conclusions should not be drawn from this data, as the age of approximately 75 percent of all petitioners is unknown.

Petitioners	Age
377	Unknown
12	20s
51	30s
37	40s
30	50s
7	60 or older

Respondents: Of the 514 respondents in 2025, the age of 193 respondents is unknown. The table identifies the age group of respondents; however, conclusions should not be drawn from this data, as the age of approximately 38 percent of all respondents is unknown.

Respondents	Age
193	Unknown
3	19 or Younger
53	20s
104	30s
64	40s
50	50s
20	60s
18	70s
9	80 or older

