

Hawaii's Gun Violence Protective Order: A Vital Tool for Safety

A gun violence protective order is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

A gun violence protective order, also called a GVPO, is a court order that temporarily restricts a person's access to guns. It is designed to help law enforcement, concerned family members, medical professionals, educators, or colleagues intervene quickly in dangerous situations.

FAQs

How do I request a gun violence protective order?

To seek a gun violence protective order, a family or household member can fill out and file the application directly with the court. Family or household members can also contact a member of law enforcement, such as a police officer or District Attorney to discuss any concerns. Family members can also work with medical professionals, educators, or colleagues when a person in crisis presents warning signs. Law enforcement, educators, medical professionals, or colleagues can then investigate these concerns and request the gun violence protective order from the court.

Who can request a gun violence protective order in Hawaii?

Under Hawaii law, a law enforcement officer, medical professional*, educator, colleague, or a person's family or household member may file a petition for a gun violence protective order.

A family or household member is defined as:

- A parent;
- A child;
- Someone related to the person by blood or adoption,
- A current or former spouse;
- An intimate and/or dating partner;
- Someone who has a child in common with the person;
- A legal guardian; or
- A person who has lived in the same household or is living in the same household.

*A medical professional is defined as:

- A licensed physician;
- An advanced practice registered nurse;
- A psychiatrist; or
- A psychologist.

What happens after the request for a gun violence protective order has been filed?

The court will hear a request (called a “petition”) for a temporary gun violence protective order on the day the petition is filed.

If the court grants the order, it will notify the person. The court will then schedule a hearing no later than fourteen days after the order is granted, at which the court determines whether to end the order or continue the order for one year.

At the hearing, if the court finds that a person is likely to engage in conduct that would result in serious harm to himself, herself, or others, the judge can issue a court order that requires the person’s firearms to be held by law enforcement for as long as the order is in effect.

Also, the person will not be able to purchase new firearms while the order is in effect.

I’m afraid to wait until a court hearing is scheduled. What if the person is in immediate danger of harming themselves or someone else?

Concern for the safety of the person, or the public, may demand that action be taken before the scheduled hearing date, to prevent immediate danger.

To protect a person or public safety during this time, a judge may issue an emergency gun violence protective order that restricts a person’s access to firearms before the person has been notified of the petition, and before a full hearing is held.

How long does an emergency gun violence protective order last?

In Hawaii, an emergency order is called an ex parte gun violence protective order which lasts up to 14 days.

How long does a final gun violence protective order last?

A final gun violence protective order lasts for one year. At the end of that year, law enforcement, the person’s family or household member, an educator, a colleague, or a medical professional may ask

the court to renew the order. The order can only be extended after a court hearing.

Will a gun violence protective order go on someone's criminal record?

No. A gun violence protective order is a civil court order. Its sole purpose is to remove firearms from a person who is at high risk of causing harm to themselves or to others. The court's decision to issue the order does not cause the person to have a criminal record.

What if I am not able to request a gun violence protective order myself? Is there anything I can do?

Even if you don't fall into any of the categories mentioned above, you can still take action in moments of crisis. If you are worried about someone who is showing warning signs of being at risk of self-harm or harming someone else, you can contact a law enforcement officer and ask that they seek a gun violence protective order.

If you or someone you know is in crisis, **text or call 988** for 24/7 connection to free, confidential support. If you have immediate safety concerns, **call 911**.