

Nevada's Order for Protection Against High-Risk Behavior: A Vital Tool for Safety

An order for protection against high-risk behavior is a measure designed to help an individual in crisis, and the people around them, to stay safe from gun violence.

An order for protection against high-risk behavior is a court order that temporarily restricts a person's access to guns. It is designed to help law enforcement and concerned family members intervene quickly in dangerous situations.

FAQs

How do I request an order for protection against high-risk behavior?

To seek an order for protection against high-risk behavior, a family or household member can file an application directly with the court or contact a member of law enforcement to discuss any concerns with them. Law enforcement can then investigate any concerns and then request the order from the court.

Who can request an order for protection against high-risk behavior in Nevada?

Under Nevada law, a law enforcement officer or a person's family or household member may file a petition for an order for protection against high-risk behavior.

A family or household member is defined as:

- A spouse;
- A domestic partner;
- A parent;
- A child;
- Any person who regularly resides in the household;
- Any person who has a child in common with the adverse party;
- Any person who is acting, or who has acted as a guardian to the individual; or

- Anyone related to the person by blood or marriage.

What happens after the request for an order for protection against high-risk behavior has been filed?

Once the court receives a request (called a “petition”) for an order for protection against high-risk behavior, the court will notify the person and schedule a court hearing to determine whether the order should be issued.

If, at the hearing, a court finds that a person poses a significant risk of suicide or of causing physical injury to another person and that the order is necessary to prevent that harm, the judge can make a court order that requires the person's firearms to be held by law enforcement for as long as the order is in effect, or transfer the person's guns to a licensed gun dealer.

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 of 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 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 order for protection against high-risk behavior last?

Emergency orders last only until the court hearing on a final (one-year) extreme risk protection order.

Because these orders only stay in place for a short period of time—between 7 and 14 days—they balance the urgent need for public safety with the due process rights of all involved.

How long does a final order for protection against high-risk behavior last?

A final order for protection against high-risk behavior lasts for up to one year.

At the end of a year, the person who petitioned the court—either law enforcement or a family or household member—may ask the court to renew the order. The order can only be extended if another hearing is held and the court determines the risk of harm remains and the renewal order is necessary.

Will an order for protection against high-risk behavior go on someone's criminal record?

No. An order for protection against high-risk behavior is a civil court order. Its sole purpose is to remove firearms from a person who poses a danger 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 an order for protection against high-risk behavior 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 an order for protection against high-risk behavior.

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**.