

STATE OF NEW MEXICO

JUDICIAL DISTRICT COURT

COUNTY OF _____

In the Matter of an Extreme Risk
Firearm Protection Order for

Case No.:

ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER

THIS MATTER comes before the Court on a Petition for Extreme Risk Firearm Protection Order and hearing on _____, 20____. The Court having reviewed the Petition and accompanying affidavit, having received sworn testimony, and all other relevant evidence presented, and being otherwise fully advised in the premises, hereby **FINDS** and **ORDERS** as follows:

The One-Year Extreme Risk Firearm Protection Order hearing was attended by:

Petitioner: _____

Petitioner's Counsel: _____

Respondent: _____

Respondent's Counsel: _____

Reporting Party: _____

Other: _____

NOTICE AND JURISDICTION

On _____, a notice of this hearing was served upon the Respondent
date
together with a copy of the Petition and a Temporary Extreme Risk Firearm Protection Order. The Court has jurisdiction of the parties and subject matter.

EVIDENCE AND FINDINGS

- A. At the hearing, the Court heard evidence regarding the Respondent. This evidence included:
- A recent act or threat of violence by the Respondent against self or others, regardless of whether the act or threat involved a firearm;
 - A pattern of acts or threats of violence by the Respondent within the past twelve months, including acts or threats of violence against self or others;
 - The Respondent's mental health history;
 - The Respondent's abuse of controlled substances or alcohol;
 - The Respondent's previous violations of any court order;
 - Previous extreme risk firearm protection orders issued against the Respondent;
 - The Respondent's criminal history, including arrests and convictions for violent felony offenses, violent misdemeanor offenses, crimes involving domestic violence or stalking;
 - The Respondent's history of the use, attempted use or threatened use of physical violence against another person; of stalking another person; or of cruelty to animals; and
 - Any recent acquisition or attempts at acquisition of a firearm by the respondent.

In addition, the Court considered other relevant evidence as follows:

B. The Court received witness testimony from:

- Reporting Party: _____;
- Law Enforcement: _____;
- Respondent: _____; and
- Other: _____

concerning the Respondent. The information provided by this/these individual(s) includes:

C. The Court considered other evidence as follows:

D. The court accepted an agreed stipulation from the parties agreeing to entry of a One-Year Extreme Risk Firearm Protection Order.

E. The court has considered whether a mental health evaluation or substance abuse evaluation is appropriate. Based upon the facts established at this hearing, the Court finds:

such an evaluation is not recommended at this time.

(OR)

the evidence supports a recommendation that the Respondent obtain:

a mental health evaluation.

a substance abuse evaluation.

Based upon these specific facts and evidence presented, the Court finds, by a preponderance of evidence, that Respondent poses a significant danger of causing imminent personal injury to self or others by having in the Respondent's custody or control or by purchasing, possessing or receiving a firearm.

For the foregoing reasons, the **COURT HEREBY ORDERS:**

RESPONDENT IS PROHIBITED FROM HAVING IN THE RESPONDENT'S POSSESSION, CUSTODY OR CONTROL ANY FIREARMS. RESPONDENT IS ALSO PROHIBITED FROM PURCHASING, RECEIVING OR ATTEMPTING TO PURCHASE OR RECEIVE A FIREARM WHILE THIS ORDER IS IN EFFECT.

EXPIRATION DATE OF ORDER

This Order shall remain in effect until _____.
date

This Order is a final order and Respondent may immediately appeal this Order.

RELINQUISHMENT OF FIREARMS

Upon being served with this One-Year Extreme Risk Firearm Protection Order, *Respondent is ordered to safely relinquish (surrender) all firearms in Respondent's possession, custody or control to a law enforcement agency, a law enforcement officer or a federal firearms licensee (FFL):*

within forty-eight (48) hours of service of this Order; OR

(an earlier timeframe at the discretion of the court).

The court has received a Firearm Relinquishment Receipt indicating compliance by the Respondent, who has already surrendered all firearms.

FAILURE TO RELINQUISH (SURRENDER) ALL FIREARMS, IS A MISDEMEANOR OFFENSE, PUNISHABLE BY UP TO 364 DAYS IN JAIL, AND/OR A \$1,000 FINE, PURSUANT TO SECTION 31-19-1 NMSA 1978.

TERMINATION OR EXTENSION OF ORDER

Notice to Petitioner: this One-Year Extreme Risk Firearm Protection Order will last until the expiration date noted above. The Petitioner may request an extension of this order at any time before the expiration of this Order. An extension of this Order may be granted for one additional year.

Notice to Respondent: You have the right to request a hearing to terminate this Order at any time while this Order is in effect. You may seek the advice of an attorney as to any matter connected with this order.

IT IS SO ORDERED.

by: _____
District Court Judge
_____ Judicial District Court
{Address}
{City}, {State} {Zip Code}

Issued this _____ day of _____, _____ at _____ am pm
day *month* *year* *time*

A copy of this Order was: hand delivered mailed faxed e-mailed
to: Respondent Respondent's counsel on _____
date

A copy of this Order was: hand delivered mailed faxed e-mailed
to: Petitioner Petitioner's counsel on _____
date

A copy of this Order was: hand delivered mailed faxed e-mailed
to: Reporting Party _____ on _____
name *date*

Signed

Title

STATE OF NEW MEXICO

JUDICIAL DISTRICT COURT

COUNTY OF _____

In the Matter of an Extreme Risk
Firearm Protection Order for

Case No.:

ORDER DENYING
ONE-YEAR EXTREME RISK FIREARM PROTECTION ORDER

THIS MATTER comes before the Court on a Petition for Extreme Risk Firearm Protection Order and hearing on _____, 20____. The Court having reviewed the Petition and accompanying affidavit, and all other relevant evidence presented, and being otherwise fully advised in the premises, hereby **DENIES** the Petition and **DENIES** the issuance of a One-Year Extreme Risk Firearm Protection Order.

1. The Court denies the issuance of a One-Year Extreme Risk Firearm Protection Order for the following reasons: _____

2. Based on the foregoing, the Court **does not find** by a preponderance of the evidence that Respondent poses a significant danger of causing imminent personal injury to self or others by having in Respondent's custody or control or by purchasing, possessing or receiving a firearm.

Based on the foregoing **IT IS HEREBY ORDERED** that the Petition for Extreme Risk Firearm Protection Order is **DENIED**.

IT IS FURTHER ORDERED that any firearms Respondent relinquished in accordance with a Temporary Extreme Risk Firearm Protection Order be returned to Respondent.

IT IS SO ORDERED.

District Court Judge

A copy of this Order was: hand delivered mailed faxed e-mailed
to: Respondent Respondent's counsel on _____
date

A copy of this Order was: hand delivered mailed faxed e-mailed
to: Petitioner Petitioner's counsel on _____
date

A copy of this Order was: hand delivered mailed faxed e-mailed
to: Reporting Party _____ on _____
name date

Signed

Title