

1 **4-1003. Temporary extreme risk firearm protection order.**

2
3 [Extreme Risk Firearm Protection Order Act,
4 NMSA 1978, Sections 40-17-1 to -13]

5
6 STATE OF NEW MEXICO
7 COUNTY OF _____
8 _____ JUDICIAL DISTRICT
9

10
11 IN THE MATTER OF AN EXTREME RISK
12 FIREARM PROTECTION ORDER FOR

13 _____
14 _____ (Respondent's full date of birth)

15
16 No. _____
17
18
19

20 **TEMPORARY EXTREME RISK FIREARM PROTECTION ORDER**

21
22 **THIS MATTER** comes before the court on a Petition for an Extreme Risk Firearm
23 Protection Order. The court having reviewed the Petition and the Affidavit of the Reporting Party
24 or the Statement from the Law Enforcement Officer, including the allegations regarding:
25

- 26 Any recent act or threat of violence by Respondent against self or others, regardless of
27 whether the act or threat involved a firearm;
- 28 A pattern of acts or threats of violence by Respondent within the past twelve (12)
29 months, including acts or threats of violence against self or others;
- 30 Respondent's mental health history;
- 31 Respondent's use of controlled substances or alcohol;
- 32 Respondent's previous violations of any court order;
- 33 Previous extreme risk firearm protection orders issued against Respondent;
- 34 Respondent's criminal history, including arrests and convictions for violent felony
35 offenses, violent misdemeanor offenses, crimes involving domestic violence, or stalking;
- 36 Respondent's history of the use, attempted use or threatened use of physical violence
37 against another person; of stalking another person; or of cruelty to animals; and
- 38 Any recent acquisition or attempts at acquisition of a firearm by Respondent.
39

40 In addition, the court has considered other relevant information as follows:
41

42 _____
43 _____
44 _____

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2 Based on the allegations contained in the Petition and the Affidavit of the Reporting Party
3 or the Statement from the Law Enforcement Officer, the Court finds there is probable cause to
4 believe Respondent poses a significant danger of causing imminent personal injury to self or others
5 by having in Respondent's custody or control or by purchasing, possessing, or receiving a firearm
6 before notice can be served and a hearing held.

7
8 **WHEREFORE, THE COURT ORDERS:**

9
10 **FIREARM PROHIBITION**

11
12 Respondent, _____ (name)
13 _____ (date of birth), is prohibited from having in Respondent's possession,
14 custody or control any firearm. Respondent is also prohibited from purchasing, receiving or
15 attempting to purchase or receive any firearm while this Order is in effect.

16
17 **RELINQUISHMENT OF FIREARMS**

18
19 Respondent is hereby ordered to relinquish (surrender) all firearms in Respondent's
20 possession, custody, or control to a law enforcement agency, a law enforcement officer, or a federal
21 firearms licensee (FFL):

22 immediately on service of this Order;

23 OR

24 _____

25 (as directed by the Court)

26
27 ***Failure to relinquish (surrender) all firearms, is a misdemeanor offense, punishable by***
28 ***up to three hundred sixty-four (364) days in jail and/or a \$1,000 fine, under NMSA 1978,***
29 ***Section 31-19-1.***

30
31 **NOTICE AND HEARING**

32
33 This Order shall remain in effect for ten (10) days or until the hearing date noted below,
34 whichever date is earlier. A hearing to determine whether a One-Year Extreme Risk Firearm
35 Protection Order shall be issued will be held on the date and time noted below. **Failure to appear**
36 **at this hearing may result in the court issuing an order against you, which would be valid for**
37 **one (1) year. You may seek the advice of an attorney for any matter associated with this**
38 **Temporary Extreme Risk Firearm Protection Order.**

39
40 The hearing for a One-Year Extreme Risk Firearm Protection Order will be held before
41 Judge _____ on _____,
42 20____ at _____ am pm at the _____ Judicial
43 District Court, located at _____. This
44 hearing may only be continued at the request of Respondent, but if continued must be re-set within
45 thirty (30) days of Respondent's request for a continuance.

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IT IS SO ORDERED.

District Court Judge

[Adopted by Supreme Court Order No. S-1-RCR-2024-00097, effective for all cases filed on or after December 31, 2025.]