

2026 -- S 3038

LC005946

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE -- EXTREME RISK PROTECTION ORDERS

Introduced By: Senators Patalano, Dimitri, Appollonio, Urso, Burke, de la Cruz, and Raptakis

Date Introduced: March 05, 2026

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-8.3-4 of the General Laws in Chapter 8-8.3 entitled "Extreme Risk
2 Protection Orders" is hereby amended to read as follows:

3 **8-8.3-4. Temporary orders — Proceedings.**

4 (a) Upon the filing of a petition under this chapter, the court may enter a temporary order
5 if the court finds there is probable cause from specific facts shown by the petition that the
6 respondent poses a significant danger of causing imminent personal injury to self or others by
7 having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm before
8 notice can be served and a hearing held. As part of that temporary order, the court shall also order
9 that the respondent be taken into protective custody and taken to an emergency room of any
10 hospital, pursuant to § 40.1-5-7.1.

11 (b) If the court finds probable cause under subsection (a) of this section and from the sworn
12 affidavit, a search warrant shall issue pursuant to chapter 5 of title 12 for the search for any firearms
13 in the possession, custody, or control of the respondent. The warrant shall be executed pursuant to
14 chapter 5 of title 12.

15 (c) When the court is unavailable after the close of business, a petition and affidavit may
16 be filed before any available superior court judge.

17 (d) Any order and warrant issued under this section, and any documentation in support of
18 an order and warrant, shall be filed immediately with the clerk of the superior court. The filing shall

1 have the effect of commencing proceedings under this chapter and invoking the other provisions
2 of this chapter.

3 (e) A temporary extreme risk protection order must include:

4 (1) A statement of the grounds supporting the issuance of the order;

5 (2) The date and time the order was issued;

6 (3) A statement that the order shall continue until such time as a court considers the petition
7 pursuant to § 8-8.3-5 at a hearing;

8 (4) The address of the court that issued the order and in which any responsive pleading
9 should be filed;

10 (5) The date and time of the scheduled hearing;

11 (6) The following statement: “To the subject of this protection order: This order will
12 continue until the hearing scheduled on the date and time noted above. If any of your firearms have
13 not been seized by the petitioner, you are under an obligation to immediately contact the petitioner
14 to arrange for the surrender of any other firearms that you own and/or are in your custody, control,
15 or possession, that have not been seized. You must surrender to the petitioner all firearms that you
16 own and/or are in your custody, control, or possession, and also immediately surrender to the
17 licensing authority or the attorney general any concealed carry permit issued to you pursuant to §
18 11-47-11 or § 11-47-18. While this order is in effect, it is illegal for you to have any firearm in your
19 possession, custody, or control or for you to purchase, receive, or attempt to purchase or receive
20 any firearm. You may seek the advice of an attorney as to any matter connected with this order. If
21 you believe you cannot afford an attorney, you are hereby referred to the public defender for an
22 intake interview, and if eligible, the court shall appoint an attorney for you.”

23 (7) Any temporary extreme risk protection order issued pursuant to this section shall
24 continue until the time of the hearing pursuant to § 8-8.3-5. If the court continues a hearing pursuant
25 to § 8-8.3-5, the temporary order shall remain in effect until the next hearing date.

26 (f) The court shall schedule a hearing within fourteen (14) days of the issuance of a
27 temporary extreme risk protection order to determine if a one-year extreme risk protection order
28 should be issued under this chapter.

29 (g) A temporary extreme risk protection order shall be immediately personally served by
30 the petitioner along with supporting documents that formed the basis of the order, the notice of
31 hearing, and the petition for the one-year extreme protection order. Alternative service shall be in
32 accordance with § 8-8.3-6. Service issued under this section takes precedence over the service of
33 other documents, unless the other documents are of a similar emergency nature. If timely personal
34 service cannot be made, the court shall set a new hearing date and shall require additional attempts

1 at obtaining personal service or permit alternative service as provided in this chapter.

2 (h) If the court declines to issue a temporary extreme risk protection order, the court shall
3 state in writing the reasons for the denial.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require a court considering evidence for the issuance of a temporary
2 emergency protective order to cause the respondent to be taken into protective custody by law
3 enforcement and sent to an emergency room of any hospital, pursuant to § 40.1-5-7.1.

4 This act would take effect upon passage.

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