

MAINE STATE LEGISLATURE

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132nd MAINE LEGISLATURE

FIRST SPECIAL SESSION-2025

Legislative Document

No. 1378

I.B. 2

House of Representatives, April 1, 2025

An Act to Protect Maine Communities by Enacting the Extreme Risk Protection Order Act

Transmitted to the Clerk of the 132nd Maine Legislature by the Secretary of State on
March 27, 2025 and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 15 MRSA §393, sub-§1, ¶E-3** is enacted to read:

3 E-3. Is currently the subject of an extreme risk protection order issued pursuant to Title
4 25, section 2244 or an emergency extreme risk protection order issued pursuant to Title
5 25, section 2245, except that the prohibition applies to possession and control, not
6 ownership. Violation of this paragraph is a Class D crime;

7 **Sec. 2. 15 MRSA §1023, sub-§4, ¶B-2** is enacted to read:

8 B-2. Set preconviction bail for a defendant alleged to have committed a violation of
9 section 393, subsection 1, paragraph E-3;

10 **Sec. 3. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2023, c. 465, §1, is further
11 amended by amending subparagraph (24) to read:

12 (24) A Class D or Class E crime committed while released on preconviction or
13 post-conviction bail; ~~or~~

14 **Sec. 4. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2023, c. 465, §1, is further
15 amended by amending subparagraph (25) to read:

16 (25) A violation of a condition of release from a community confinement
17 monitoring program pursuant to Title 30-A, section 1659-A; ~~and or~~

18 **Sec. 5. 17-A MRSA §15, sub-§1, ¶A**, as amended by PL 2023, c. 465, §1, is further
19 amended by enacting a new subparagraph (26) to read:

20 (26) A violation of an extreme risk protection order issued pursuant to Title 25,
21 section 2244, subsection 3 or an emergency extreme risk protection order pursuant
22 to Title 25, section 2245, subsection 2; and

23 **Sec. 6. 25 MRSA c. 261** is enacted to read:

24 **CHAPTER 261**

25 **EXTREME RISK PROTECTION ORDER ACT**

26 **§2241. Short title**

27 This chapter may be known and cited as "the Extreme Risk Protection Order Act."

28 **§2242. Definitions**

29 As used in this chapter, unless the context otherwise indicates, the following terms
30 have the following meanings.

31 **1. Court.** "Court" means a District Court in this State.

32 **2. Dangerous weapon.** "Dangerous weapon" has the same meaning as in Title 17-A,
33 section 2, subsection 9, paragraph C, including a firearm as defined in Title 17-A, section
34 2, subsection 12-A.

35 **3. Extreme risk protection order.** "Extreme risk protection order" means a written
36 order issued pursuant to this chapter that prohibits and enjoins an individual from

1 purchasing, possessing or receiving a dangerous weapon or having or attempting to have
2 custody or control of a dangerous weapon.

3 **4. Family or household member.** "Family or household member" means a spouse or
4 domestic partner of the respondent, a former spouse or former domestic partner of the
5 respondent, an individual presently or formerly living with the respondent as a spouse of
6 the respondent, a parent of a child of the respondent, an adult sibling of the respondent, an
7 adult child of the respondent, a parent of the respondent or an adult presently living with
8 the respondent.

9 **5. Law enforcement agency.** "Law enforcement agency" means a state, county,
10 tribal, municipal or University of Maine System law enforcement agency. "Law
11 enforcement agency" does not include a federal law enforcement agency.

12 **6. Law enforcement officer.** "Law enforcement officer" has the same meaning as in
13 section 2801-A, subsection 5. "Law enforcement officer" does not include a federal law
14 enforcement officer.

15 **7. Petition.** "Petition" means a petition for an extreme risk protection order filed
16 pursuant to this chapter.

17 **8. Petitioner.** "Petitioner" means a family or household member, a law enforcement
18 agency or a law enforcement officer who files a petition for an extreme risk protection
19 order pursuant to this chapter.

20 **9. Respondent.** "Respondent" means an individual named in a petition for an extreme
21 risk protection order filed pursuant to this chapter whose purchase, possession, receipt,
22 custody or control of a dangerous weapon the petitioner seeks to restrain.

23 **§2243. Jurisdiction and venue**

24 **1. Jurisdiction.** The court has jurisdiction over proceedings under this chapter.

25 **2. Venue.** A proceeding under this chapter must be commenced in the judicial division
26 where the respondent resides or where events that give rise to the petition occurred. If a
27 District Court Judge is not available in the division in which a petition is to be filed
28 requesting an extreme risk protection order under section 2244 or an emergency extreme
29 risk protection order under section 2245, the petition and any accompanying motion may
30 be presented to any other District Court Judge or to any Superior Court Justice who has the
31 same authority as a District Court Judge to grant or deny the order.

32 **§2244. Extreme risk protection orders**

33 **1. Petition.** A family or household member, a law enforcement agency or a law
34 enforcement officer may file a petition requesting that the court issue an extreme risk
35 protection order in accordance with this subsection.

36 A. A petition filed pursuant to this subsection must allege that the respondent poses a
37 significant danger of causing physical injury to the respondent or another person by
38 purchasing, possessing or receiving a dangerous weapon or by having or attempting to
39 have custody or control of a dangerous weapon.

40 B. A significant danger of causing physical injury to another person may be shown by
41 establishing that:

1 (1) The respondent has inflicted or attempted to inflict physical injury on another
2 person;

3 (2) By the respondent's threats or actions, the respondent has placed another person
4 in reasonable fear of physical injury; or

5 (3) By the respondent's actions or inactions, the respondent has presented a danger
6 to another person in the respondent's care.

7 The court may consider any additional information the court finds to be reliable,
8 including a statement by the respondent, or relevant information from family or
9 household members concerning the respondent, and any other facts that the court finds
10 to be relevant.

11 C. A significant danger of causing physical injury to the respondent may be shown by
12 establishing that the respondent has threatened or attempted suicide or has threatened
13 or attempted serious bodily injury.

14 D. The petition must be supported by an affidavit or affidavits that:

15 (1) State the specific facts establishing that the requirements in paragraph B or C
16 have been met;

17 (2) State whether the petitioner knows of any dangerous weapons in the
18 respondent's possession, custody or control and the identity and location of any
19 such weapons, if known;

20 (3) State whether the petitioner knows of an existing order issued with respect to
21 the respondent under Title 5, section 4655 or Title 19-A, chapter 103 or a similar
22 order issued by a court of competent jurisdiction in the United States or another
23 state, territory, commonwealth or federally recognized Indian tribe; and

24 (4) Acknowledge that the petitioner is aware that it is a crime to make a false
25 statement under oath in a court document.

26 E. The court shall provide forms to a petitioner filing a petition or any other necessary
27 documents. The court may not provide assistance in filling out any such forms or in
28 drafting legal documents or provide legal advice to a petitioner. The forms provided
29 by the court under this paragraph must be uniform throughout the State and must
30 include a summons and an affidavit for an extreme risk protection order. The summons
31 must include a section on which the petitioner may list the places where the respondent
32 may be located or may be available to be served.

33 F. A filing fee may not be required for a petition filed pursuant to this subsection.

34 **2. Hearing.** Except as provided in section 2245 with respect to an emergency extreme
35 risk protection order, the court may grant relief only after notice to the respondent and an
36 opportunity for a hearing. The petitioner has the burden of proving by a preponderance of
37 the evidence that the respondent poses a significant danger of causing physical injury to
38 the respondent or another person by purchasing, possessing or receiving a dangerous
39 weapon or by having or attempting to have custody or control of a dangerous weapon.

40 A. The court shall hold a hearing within 14 days after a petition is filed pursuant to this
41 section. Notice of the hearing must be served pursuant to section 2247 concurrently
42 with the petition and any ex parte order issued pursuant to section 2245. This section

1 does not limit the court's discretion to continue the hearing upon the court's own motion
2 or upon motion of either party.

3 B. The respondent has the right to be represented by counsel at a hearing. The court
4 may, in its discretion, appoint counsel for an indigent party. The State is responsible
5 for the cost of appointed counsel.

6 **3. Orders.** The court shall grant a petition and issue an extreme risk protection order
7 if the court finds by a preponderance of the evidence that the respondent poses a significant
8 danger of causing physical injury to the respondent or to another person by purchasing,
9 possessing or receiving a dangerous weapon or by having or attempting to have custody or
10 control of a dangerous weapon.

11 A. The court shall issue an order under this subsection prohibiting the respondent from
12 purchasing, possessing or receiving a dangerous weapon or having or attempting to
13 have custody or control of a dangerous weapon for a period of up to one year. The
14 order must be signed in writing and include the following:

15 (1) A statement of the grounds for the issuance of the order;

16 (2) The name and address of the court where any filings must be made, the names
17 of the parties, the date of the petition, the date and time of the order and the date
18 and time the order expires;

19 (3) A description of how to appeal the order pursuant to section 2251;

20 (4) A description of the requirements for relinquishment and return of a dangerous
21 weapon under section 2250;

22 (5) A description of how to request termination of the order under section 2246,
23 including a form for a motion to terminate the order; and

24 (6) A statement in substantially the following form:

25 "To the subject of this extreme risk protection order: This order is in effect until
26 the date and time stated above. If you have not done so already, you are required
27 to surrender all dangerous weapons in your possession, control or custody as
28 directed in this order. While this order is in effect, you are not allowed to purchase,
29 possess or receive a dangerous weapon; attempt to purchase, possess or receive a
30 dangerous weapon; or have or attempt to have custody or control of a dangerous
31 weapon. You have the right to request one hearing to terminate this order during
32 the period that this order is in effect, starting from the date of this order. You may
33 seek the advice of an attorney regarding any matter connected with this order."

34 B. The court shall make either written findings of fact or oral findings of fact on the
35 record. If a court denies a petition filed pursuant to this subsection, the court shall state
36 the reason for the denial.

37 C. An order issued pursuant to this section must include the following statement:
38 "VIOLATION OF THIS ORDER IS A CRIME AS PROVIDED BY THE MAINE
39 REVISED STATUTES, TITLE 15, SECTION 393, AND MAY ALSO RESULT IN
40 SANCTIONS FOR CONTEMPT PURSUANT TO THE MAINE RULES OF CIVIL
41 PROCEDURE, RULE 66."

42 **§2245. Emergency extreme risk protection orders**

1 **1. Petition.** In filing a petition under this chapter, a petitioner may request that the
2 court issue an emergency extreme risk protection order. An emergency extreme risk
3 protection order may be issued ex parte, without prior notice to the respondent.

4 A. A petitioner seeking an emergency ex parte order shall indicate in the petition and
5 affidavit or affidavits that emergency relief is requested because the respondent poses
6 an immediate and significant danger of causing physical injury to the respondent or to
7 another person by purchasing, possessing or receiving a dangerous weapon or by
8 having or attempting to have custody or control of a dangerous weapon. An affidavit
9 must include specific facts supporting the statement that the respondent poses an
10 immediate and significant danger.

11 B. A significant danger of causing physical injury to another person may be shown by
12 establishing that:

13 (1) The respondent has inflicted or attempted to inflict physical injury on another
14 person;

15 (2) By the respondent's threats or actions, the respondent has placed another person
16 in reasonable fear of physical injury; or

17 (3) By the respondent's actions or inactions, the respondent has presented a danger
18 to another person in the respondent's care.

19 The court may consider any additional information the court finds to be reliable,
20 including a statement by the respondent, or relevant information from family or
21 household members concerning the respondent, and any other facts that the court finds
22 to be relevant.

23 C. A significant danger of causing physical injury to the respondent may be shown by
24 establishing that the respondent has threatened or attempted suicide or has threatened
25 or attempted serious bodily injury.

26 D. The court may issue an emergency extreme risk protection order if the petition and
27 affidavit or affidavits present good cause that the respondent poses an immediate and
28 significant danger of causing physical injury to the respondent or to another person by
29 purchasing, possessing or receiving a dangerous weapon or by having or attempting to
30 have custody or control of a dangerous weapon.

31 E. The court shall decide whether to grant or deny the petition and issue the order on
32 the basis of the contents of the petition and the affidavit or affidavits provided. If the
33 petition is granted, the court shall immediately sign the original order, enter on its face
34 the exact date and time it is issued and transmit a copy to the petitioner by reliable
35 electronic means, such as e-mail. Upon issuance of an order, a copy must be served on
36 the respondent pursuant to section 2247.

37 F. The court may issue an emergency extreme risk protection order by reliable
38 electronic means pursuant to this subsection if requested by the petitioner.

39 **2. Order.** An order issued pursuant to this section may prohibit for a period of up to
40 14 days the respondent from purchasing, possessing or receiving a dangerous weapon or
41 having or attempting to have custody or control of a dangerous weapon. This section does
42 not limit the court's discretion to continue the final hearing and extend the order upon the
43 court's own motion or upon the motion of either party.

1 A. The order must be in writing and include the following:

2 (1) A statement of the grounds for the issuance of the order;

3 (2) The name and address of the court where any filings must be made, the names
4 of the parties, the date of the petition, the date and time of the order and the date
5 and time the order expires;

6 (3) The date and time of the hearing under subsection 3, paragraph A when the
7 respondent may appear to contest the order before the court. The opportunity to
8 contest the order must be scheduled as soon as reasonably possible, but may not be
9 more than 14 days after the date of the issuance of the order unless extended upon
10 the court's own motion or upon the motion of either party;

11 (4) A description of the requirements for relinquishment and return of dangerous
12 weapons under section 2250; and

13 (5) A statement in substantially the following form:

14 "To the subject of this emergency extreme risk protection order: This order is in
15 effect until the date and time stated above. If you have not done so already, you are
16 required to surrender all dangerous weapons in your possession, control or custody
17 as directed in this order. While this order is in effect, you are not allowed to
18 purchase, possess or receive a dangerous weapon; attempt to purchase, possess or
19 receive a dangerous weapon; or have or attempt to have custody or control of a
20 dangerous weapon. A hearing will be held on the date and time noted above to
21 determine if an extreme risk protection order should be issued. Failure to appear at
22 that hearing may result in the court making an order against you that is valid for up
23 to one year. You may request an extension of the hearing date. You may seek the
24 advice of an attorney regarding any matter connected with this order. An attorney
25 may be appointed at the discretion of the court to represent you if you cannot afford
26 one."

27 B. An order issued pursuant to this section must include the following statement:
28 "VIOLATION OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF
29 IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY THE MAINE
30 REVISED STATUTES, TITLE 15, SECTION 393, AND MAY ALSO RESULT IN
31 SANCTIONS FOR CONTEMPT PURSUANT TO THE MAINE RULES OF CIVIL
32 PROCEDURE, RULE 66."

33 If a court denies a petition filed pursuant to this subsection, the court shall state the reason
34 for the denial, which may include either written findings of fact or oral findings of fact on
35 the record.

36 **3. Duration.** The duration of an emergency extreme risk protection order issued
37 pursuant to this section is as follows.

38 A. Unless the petition is voluntarily dismissed pursuant to paragraph B, the court shall
39 hold a hearing within 14 days after the issuance of an emergency extreme risk
40 protection order to determine if an extreme risk protection order should be issued. If
41 not voluntarily dismissed, the emergency extreme risk protection order expires when
42 the court grants or denies a petition for an extreme risk protection order in accordance
43 with section 2244, subsection 3.

1 B. The petitioner may voluntarily dismiss a petition filed pursuant to this section at
2 any time prior to the hearing required under paragraph A if the petitioner determines
3 the respondent no longer poses an immediate and significant danger of causing physical
4 injury to the respondent or to another person by purchasing, possessing or receiving a
5 dangerous weapon or by having or attempting to have custody or control of a dangerous
6 weapon. If the petitioner voluntarily dismisses the petition pursuant to this paragraph,
7 the court shall vacate the emergency extreme risk protection order and direct a law
8 enforcement agency in possession of a dangerous weapon belonging to the respondent
9 to return it to the respondent consistent with section 2250.

10 **§2246. Termination and renewal motions**

11 **1. Motion to terminate.** A motion to terminate an extreme risk protection order issued
12 pursuant to section 2244 is subject to the provisions of this subsection.

13 A. The respondent may file a motion to terminate an extreme risk protection order
14 issued pursuant to section 2244 or an order renewed under subsection 2. A motion to
15 terminate may not be filed more than once during the effective period of the order.

16 B. The motion to terminate an extreme risk protection order and notice of a hearing on
17 the motion must be served on the petitioner pursuant to section 2247.

18 C. The court shall grant a motion to terminate an extreme risk protection order if it
19 finds by clear and convincing evidence that the respondent no longer poses a significant
20 danger of causing physical injury to the respondent or to another person by purchasing,
21 possessing or receiving a dangerous weapon or by having or attempting to have custody
22 or control of a dangerous weapon.

23 D. An order on a motion to terminate an extreme risk protection order must state the
24 reason for the denial or granting of the motion.

25 E. The court shall provide forms to a party filing a motion to terminate an extreme risk
26 protection order. The form provided by the court must be uniform throughout the State.

27 **2. Motion to renew.** A motion to renew an extreme risk protection order issued
28 pursuant to section 2244 is subject to the provisions of this subsection.

29 A. A petitioner may file a motion to renew an extreme risk protection order issued
30 pursuant to section 2244 or renewed pursuant to this subsection for an additional period
31 of up to one year. The motion must be accompanied by an affidavit and must be filed
32 not more than 30 days and not less than 14 days before the expiration date of the order.
33 The motion and affidavit must comply with the requirements of section 2244,
34 subsection 1.

35 B. The court shall hold a hearing within 14 days after a motion to renew an extreme
36 risk protection order under paragraph A is filed. Notice of the hearing must be served
37 pursuant to section 2247. The court may extend an extreme risk protection order at the
38 time of expiration, upon motion of the petitioner, for additional time as the court
39 determines necessary to hold a hearing on a motion to renew.

40 C. The court may grant relief only after notice to the respondent and an opportunity
41 for a hearing. The court may grant the motion and renew an extreme risk protection
42 order for an additional period of up to one year if it finds by a preponderance of the
43 evidence that the respondent continues to pose a significant danger of causing physical

1 injury to the respondent or to another person by purchasing, possessing or receiving a
2 dangerous weapon or by having or attempting to have custody or control of a dangerous
3 weapon. An order on a motion to renew must comply with the requirements of section
4 2244, subsection 3.

5 D. The court shall provide forms to a party filing a motion to renew an extreme risk
6 protection order. The form provided by the court must be uniform throughout the State.

7 **§2247. Service**

8 **1. Form of service; transmittal.** A petition, emergency extreme risk protection order,
9 extreme risk protection order or notice of a hearing issued pursuant to this chapter must be
10 served by a law enforcement officer in accordance with the Maine Rules of Civil Procedure.
11 A court that issues an order under this chapter shall promptly transmit the order
12 electronically or by other means to a law enforcement agency for service and shall deliver
13 a copy to the appropriate law enforcement agency.

14 **2. Service on respondent.** A respondent who attends a hearing held under section
15 2244, 2245 or 2246 at which an emergency extreme risk protection order or extreme risk
16 protection order is issued and who receives notice from the court at the hearing that the
17 order has been issued is deemed to have been served. Regardless of whether the court has
18 previously notified the respondent of the order, the court shall transmit the order for service
19 on the respondent by a law enforcement agency.

20 **3. Performance of service.** A petition, emergency extreme risk protection order,
21 extreme risk protection order or notice of a hearing issued pursuant to this chapter must be
22 served in a manner calculated to ensure the safety of the parties. Law enforcement agencies
23 must have a written policy that prioritizes methods of service that do not involve advance
24 notification of a request for an emergency extreme risk protection order to the respondent.
25 The law enforcement agency shall make a good faith effort to serve process expeditiously.
26 Notice of an emergency extreme risk protection order must be served as soon as practicable,
27 but no later than 24 hours after issuance of the order. The law enforcement officer making
28 service shall file a return of service with the court stating the date, time and place at which
29 the order was delivered personally to the respondent.

30 **4. Service of termination and renewal.** A motion to terminate or renew an extreme
31 risk protection order must be served by a law enforcement officer in accordance with the
32 Maine Rules of Civil Procedure. A notice of hearing may be provided in accordance with
33 the Maine Rules of Civil Procedure.

34 **§2248. Procedure**

35 **1. Fee.** A fee may not be charged for forms or for filing a petition, motion or other
36 request for relief under this chapter.

37 **2. Rules; other actions not barred.** Proceedings commenced under this chapter must
38 be in accordance with the Maine Rules of Civil Procedure. A proceeding under this chapter
39 is in addition to any other available civil or criminal remedies. This chapter may not be
40 construed to be applicable to actions under Title 19-A, chapter 103.

41 **3. Assistance by law enforcement.** Law enforcement agencies shall assist in carrying
42 out the intent of this chapter.

43 **§2249. Enforcement and entering of orders**

1 **1. Law enforcement officers and agencies.** Law enforcement officers are authorized
2 to enforce orders issued pursuant to this chapter. A law enforcement agency shall adopt a
3 written policy on the enforcement of this chapter and the handling of extreme risk
4 protection orders.

5 **2. Failure to comply with order.** A person who knowingly violates an extreme risk
6 protection order issued pursuant to section 2244 or renewed pursuant to section 2246 or an
7 emergency extreme risk protection order issued pursuant to section 2245 is subject to
8 sanctions for contempt pursuant to the Maine Rules of Civil Procedure, Rule 66 and
9 prosecution pursuant to state law, including, but not limited to, Title 15, section 393.

10 **3. Notice to State Bureau of Identification; national background check.** The court
11 clerk shall forward a copy of an extreme risk protection order or emergency extreme risk
12 protection order issued pursuant to this chapter the same day the order is issued to the
13 Department of Public Safety, Bureau of State Police, State Bureau of Identification. Upon
14 receipt of the copy of the order, the Department of Public Safety, Bureau of State Police,
15 State Bureau of Identification shall enter the order into the Federal Bureau of Investigation,
16 National Instant Criminal Background Check System, any other federal or state computer-
17 based systems used by law enforcement agencies or others to identify prohibited purchasers
18 of dangerous weapons and any computer-based criminal intelligence information system
19 available in the State used by law enforcement agencies. The order must remain in each
20 system for the duration of time it is in effect, and the law enforcement agency shall
21 promptly remove expired or terminated orders.

22 **4. Penalty for submitting false information.** A person who submits materially false
23 information in support of or in opposition to a petition for an extreme risk protection order
24 under this chapter, knowing that material information in the petition or the affidavit is false
25 or that the petition or affidavit is submitted with the intent to harass, is guilty of a Class C
26 crime.

27 **5. Warrantless arrest.** Notwithstanding any provision of law to the contrary, an arrest
28 for criminal violation of an order issued pursuant to this chapter may be without warrant
29 upon probable cause whether or not the violation is committed in the presence of a law
30 enforcement officer. The law enforcement officer may verify, if necessary, the existence
31 of the order, including by telephone or radio communication with a law enforcement
32 agency with knowledge of the order.

33 **§2250. Relinquishment of dangerous weapon**

34 **1. Relinquishment by respondent.** A respondent who is required to relinquish a
35 dangerous weapon in the respondent's possession, custody or control under an extreme risk
36 protection order issued pursuant to this chapter, upon service of the order, shall
37 immediately relinquish the dangerous weapon to the law enforcement officer serving the
38 order. A respondent notified by the court at a hearing is required to immediately cooperate
39 with a law enforcement officer to come into compliance with the provisions of the order.

40 **2. Warrant authorizing search and seizure.** If a law enforcement agency
41 demonstrates that there is probable cause to believe that the respondent will not relinquish
42 a dangerous weapon, a court may issue a search warrant authorizing a law enforcement
43 agency to seize any dangerous weapon at any location at the time of the issuance of the
44 extreme risk protection order. A court may also issue a search warrant if a law enforcement

1 agency demonstrates that there is probable cause to believe that any dangerous weapon has
2 not been relinquished by the respondent.

3 **3. Treatment of seized dangerous weapon.** A law enforcement agency that takes
4 possession of a dangerous weapon shall store the dangerous weapon at the law enforcement
5 agency's facility or a tribal, regional or state public safety facility.

6 **4. Lawful sale of dangerous weapons not affected.** This section may not be
7 construed to prohibit the lawful sale of a dangerous weapon by the lawful owner.

8 **5. Release of dangerous weapon within 3 days.** A law enforcement agency may
9 release to the respondent a dangerous weapon relinquished pursuant to an extreme risk
10 protection order issued pursuant to this chapter upon expiration of the extreme risk
11 protection order in effect at the time of the request by the respondent and completion of a
12 background check using the Federal Bureau of Investigation, National Instant Criminal
13 Background Check System in a manner consistent with federal law. The dangerous weapon
14 must be returned within 3 business days of the request.

15 **6. When return prohibited.** Notwithstanding any provision of this chapter to the
16 contrary:

17 A. A dangerous weapon may not be returned to the respondent if the respondent's
18 possession of the dangerous weapon is prohibited by state or federal law; and

19 B. A dangerous weapon may not be returned pursuant to this section if the dangerous
20 weapon is evidence in a pending criminal matter.

21 **§2251. Appeals**

22 An extreme risk protection order issued pursuant to this chapter is a final order for the
23 purposes of appeal.

24 **§2252. Data and reporting**

25 **1. Annual report; submission to Legislature.** The State Court Administrator, acting
26 at the direction of the Chief Justice of the Supreme Judicial Court, shall prepare an annual
27 report on and relating to the application of this chapter by the courts. By January 1, 2027
28 and annually thereafter, the State Court Administrator shall prepare and submit the report
29 to the joint standing committee of the Legislature having jurisdiction over civil rights
30 matters.

31 **2. Report requirements.** The report required by this section must contain the
32 following:

33 A. The number of petitions filed for an extreme risk protection order;

34 B. The number of petitions filed that included a request for an emergency extreme risk
35 protection order;

36 C. The number of extreme risk protection orders issued and the number denied;

37 D. The number of emergency extreme risk protection orders issued without notice and
38 the number denied;

39 E. The number of extreme risk protection orders that have been voluntarily dismissed
40 by the petitioner;

1 F. The number of emergency extreme risk protection orders entered without notice that
2 have been voluntarily dismissed by the petitioner;

3 G. The number of motions filed to renew an extreme risk protection order;

4 H. The number of extreme risk protection orders that have been renewed;

5 I. The number of motions filed to terminate an extreme risk protection order;

6 J. The number of motions filed to terminate an extreme risk protection order that
7 resulted in termination of an order prior to the original expiration date;

8 K. To the extent ascertainable from available state court data, the number of
9 respondents subject to an extreme risk protection order who, within 30 days after entry
10 of the order, have been charged with a criminal offense, including the nature of the
11 criminal offense, whether the offense was a violation of the extreme risk protection
12 order and the disposition or status of the offense; and

13 L. Demographic data regarding the individuals who have been petitioners and
14 respondents in actions for extreme risk protection orders.

15 **Sec. 7. Department of Public Safety to obtain federal funding; report.** By
16 January 1, 2027, the Department of Public Safety shall report to the joint standing
17 committee of the Legislature having jurisdiction over civil rights matters the status of the
18 state-level process currently under way to obtain federal funding for storing dangerous
19 weapons in the custody of state, county and municipal law enforcement agencies.

20 SUMMARY

21 This initiated bill enacts the Extreme Risk Protection Order Act. Under the bill, a
22 petition for an extreme risk protection order, which prohibits the purchase, possession or
23 control of a dangerous weapon, may be sought if a person is suspected of posing a
24 significant danger of causing physical injury to the person or to another person. A
25 significant danger of causing physical injury to the person or another person is
26 demonstrated by establishing that the person has inflicted or attempted to inflict physical
27 injury on another person; placed another person in reasonable fear of physical injury; by
28 action or inaction, presented a danger to persons in the person's care; or threatened or
29 attempted suicide or has threatened or attempted serious bodily injury. The petition may be
30 filed by a family or household member of the person or by a law enforcement agency or a
31 law enforcement officer and must be supported by an affidavit stating the facts to support
32 the allegations, identifying any dangerous weapons believed to be in the person's
33 possession and stating whether the person is already the subject of an existing protection
34 from harassment or protection from abuse order. Upon receipt of the petition and affidavit,
35 the District Court is required to schedule a hearing, which must be held within 14 days of
36 the filing of the petition, and provide notice of the hearing to the person who is the subject
37 of the requested extreme risk protection order. Following the hearing, if the court finds by
38 a preponderance of the evidence that the person poses a significant risk of causing physical
39 injury to the person or to another person, the court must issue an order prohibiting, for up
40 to one year, the person from purchasing, possessing or receiving a dangerous weapon,
41 attempting to purchase, possess or receive a dangerous weapon or having custody or control
42 of a dangerous weapon.

1 The bill allows a court to issue an emergency extreme risk protection order without
2 prior notice to the person who is the subject of the requested order. A hearing must be
3 scheduled no later than 14 days after the order is issued.

4 An extreme risk protection order may be terminated upon the request of the person who
5 is the subject of the order if that person shows by clear and convincing evidence that the
6 person no longer poses a significant danger of causing physical injury to the person or
7 another person. An extreme risk protection order may be renewed for an additional period
8 of up to one year.

9 A person who is the subject of an extreme risk protection order must immediately
10 surrender all dangerous weapons in that person's possession, custody or control to a law
11 enforcement agency.

12 The bill directs the State Court Administrator to report annually regarding data related
13 to this legislation. It also directs the Department of Public Safety to submit a report to the
14 joint standing committee of the Legislature having jurisdiction over civil rights matters on
15 the status of obtaining federal funding related to storing dangerous weapons in the custody
16 of law enforcement agencies.