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Date: 4/16/24 Report 'A'

L.D. 2283  
(Filing No. H-976)

**JUDICIARY**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
131ST LEGISLATURE  
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1470, L.D. 2283, "An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public"

Amend the bill by striking out everything after the enacting clause and inserting the following:

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

E-3. Is currently the subject of a crisis intervention order issued pursuant to Title 25, section 2244 or 2245, except that the prohibition applies to possession and control, not ownership. Violation of this paragraph is a Class D crime;

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

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

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

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

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

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

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

(26) A violation of a crisis intervention order issued pursuant to Title 25, section 2244, subsection 3; and

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

**COMMITTEE AMENDMENT**

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CHAPTER 261

CRISIS INTERVENTION ORDER ACT

§2241. Short title

This chapter may be known and cited as "the Crisis Intervention Order Act."

§2242. Definitions

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

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

2. Crisis intervention order. "Crisis intervention order" means a written order issued pursuant to this chapter that prohibits and enjoins an individual from purchasing, possessing or receiving a dangerous weapon or having or attempting to have custody or control of a dangerous weapon.

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

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

5. Federally licensed firearm dealer. "Federally licensed firearm dealer" means a federally licensed firearm importer, federally licensed firearm manufacturer or federally licensed firearm dealer required to conduct a national instant criminal background check under 18 United States Code, Section 922(t).

6. Law enforcement agency. "Law enforcement agency" means a state, county, tribal, municipal or University of Maine System law enforcement agency. "Law enforcement agency" does not include a federal law enforcement agency.

7. Law enforcement officer. "Law enforcement officer" means an individual who by virtue of public employment is vested by law with the power to make arrests for crimes or serve criminal process, whether that power extends to all crimes or is limited to specific crimes, and who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to section 2803-A. "Law enforcement officer" does not include a federal law enforcement officer.

8. Petition. "Petition" means a petition for a crisis intervention order filed pursuant to this chapter.

9. Petitioner. "Petitioner" means a family or household member, a law enforcement agency or a law enforcement officer who files a petition for a crisis intervention order pursuant to this chapter.

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1        **10. Respondent.** "Respondent" means an individual named in a petition for a crisis  
2 intervention order filed pursuant to this chapter whose purchase, possession, receipt,  
3 custody or control of a dangerous weapon the petitioner seeks to restrain.

4        **§2243. Jurisdiction and venue**

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

6        **2. Venue.** A proceeding under this chapter must be commenced in the judicial division  
7 where the respondent resides. If a District Court Judge is not available in the division in  
8 which a motion requesting an emergency crisis intervention order is to be filed, the petition  
9 and motion may be presented to any other District Court Judge or to any Superior Court  
10 Justice who has the same authority as a District Court Judge to grant or deny the emergency  
11 crisis intervention order.

12        **§2244. Crisis intervention orders**

13        **1. Petition.** A family or household member, a law enforcement agency or a law  
14 enforcement officer may file a petition requesting that the court issue a crisis intervention  
15 order in accordance with this subsection.

16        **A.** A petition filed pursuant to this subsection must allege that the respondent poses a  
17 significant danger of causing severe harm to the respondent or another person by  
18 purchasing, possessing or receiving a dangerous weapon or by having or attempting to  
19 have custody or control of a dangerous weapon.

20        **B.** A significant danger of causing severe harm to another person may be shown by  
21 establishing that:

22                **(1)** The respondent has inflicted or attempted to inflict bodily harm on another  
23 person;

24                **(2)** By the respondent's threats or actions, the respondent has placed another person  
25 in reasonable fear of physical harm; or

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

28        **C.** A significant danger of causing severe harm to the respondent may be shown by  
29 establishing that the respondent has threatened or attempted suicide or has threatened  
30 or attempted serious bodily harm.

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

32                **(1)** States the specific facts establishing that the requirements in paragraph B or C  
33 have been met;

34                **(2)** Identifies any dangerous weapon the petitioner believes to be in the  
35 respondent's possession, custody or control;

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

40                **(4)** Includes the following statement in bold type: "MAKING A MATERIAL  
41 FALSE STATEMENT IN THIS AFFIDAVIT MAY SUBJECT YOU TO

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1                   PROSECUTION FOR A CLASS C CRIME UNDER THE MAINE REVISED  
2                   STATUTES, TITLE 25, SECTION 2249."

3                   E. A court shall provide forms to a petitioner filing a petition, an affidavit and any  
4                   other necessary documents. A court may not provide assistance in filling out a form  
5                   provided pursuant to this paragraph, in drafting legal documents or by providing legal  
6                   advice to a petitioner. The forms provided by the court under this paragraph must be  
7                   uniform throughout the State and must include a summons and an affidavit for a crisis  
8                   intervention order. The summons must include a section on which the petitioner may  
9                   list the places where the respondent may be located or may be available to be served.

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

11                  2. Hearing. Except as provided in section 2245 with respect to an emergency crisis  
12                  intervention order, the court may grant relief only after notice to the respondent and an  
13                  opportunity for a hearing. The petitioner has the burden of proving by clear and convincing  
14                  evidence that the respondent poses a significant danger of causing severe harm to the  
15                  respondent or another person by purchasing, possessing or receiving a dangerous weapon  
16                  or by having or attempting to have custody or control of a dangerous weapon.

17                  A. The court shall hold a hearing within 14 days after a petition is filed pursuant to this  
18                  section. Notice of the hearing must be served pursuant to section 2247 concurrently  
19                  with the petition and any ex parte order issued pursuant to section 2245. This section  
20                  does not limit the court's discretion to continue the hearing upon the court's own motion  
21                  or upon motion of either party.

22                  B. Upon the filing of a petition, the respondent has the right to be represented by  
23                  counsel at a hearing, and the court may appoint counsel for an indigent party. The court  
24                  shall include the name of the appointed counsel in the notice of the hearing under  
25                  paragraph A. The respondent may replace the appointed counsel with an attorney of  
26                  the respondent's own selection at any time at the respondent's own expense. The State  
27                  is responsible for the cost of appointed counsel.

28                  3. Orders. The court shall grant a petition and issue a crisis intervention order if the  
29                  court finds by clear and convincing evidence that the respondent poses a significant danger  
30                  of causing severe harm to the respondent or to another person by purchasing, possessing or  
31                  receiving a dangerous weapon or by having or attempting to have custody or control of a  
32                  dangerous weapon.

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

- 37                   (1) A statement of the grounds for the issuance of the order;  
38                   (2) The name and address of the court where any filings must be made, the names  
39                   of the parties, the date of the petition, the date and time of the order and the date  
40                   and time the order expires;  
41                   (3) A description of how to appeal the order pursuant to section 2251;  
42                   (4) A description of the requirements for relinquishment and return of a dangerous  
43                   weapon under section 2250;

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

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

4 "To the subject of this crisis intervention order: This order is in effect until the date  
5 and time stated above. If you have not done so already, you are required to  
6 surrender all dangerous weapons and firearms in your custody, control or  
7 possession as directed in this order. While this order is in effect, you are not  
8 allowed to purchase, possess or receive a dangerous weapon or firearm; attempt to  
9 purchase, possess or receive a dangerous weapon or firearm; or have or attempt to  
10 have custody or control of a dangerous weapon or firearm. You have the right to  
11 request one hearing to terminate this order during the period that this order is in  
12 effect, starting from the date of this order. You may seek the advice of an attorney  
13 regarding any matter connected with this order."

14 B. When findings are required under this subsection, the court shall make either written  
15 findings of fact or oral findings of fact on the record.

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

21 If a court denies a petition filed pursuant to this subsection, the court shall state the reason  
22 for the denial.

23 **§2245. Emergency crisis intervention orders**

24 1. **Petition.** In filing a petition under this chapter, a petitioner may request that the  
25 court issue an emergency crisis intervention order. An emergency crisis intervention order  
26 may be issued ex parte, without prior notice to the respondent.

27 A. A petitioner seeking an emergency ex parte order shall indicate in the petition and  
28 affidavit or affidavits that emergency relief is requested because the respondent poses  
29 an imminent and significant danger of causing severe harm to the respondent or to  
30 another person by purchasing, possessing or receiving a dangerous weapon or by  
31 having or attempting to have custody or control of a dangerous weapon. An affidavit  
32 must include the specific facts supporting the imminent danger posed by the  
33 respondent.

34 B. An imminent and significant danger of causing severe harm to another person may  
35 be shown by establishing that:

36 (1) The respondent has inflicted or attempted to inflict bodily harm on another  
37 person;

38 (2) By the respondent's threats or actions, the respondent has placed another person  
39 in reasonable fear of physical harm; or

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

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1 C. An imminent and significant danger of causing severe harm to the respondent may  
2 be shown by establishing that the respondent has threatened or attempted suicide or has  
3 threatened or attempted serious bodily harm.

4 D. The court may issue an emergency crisis intervention order if the petition and  
5 affidavit or affidavits present clear and convincing evidence that the respondent poses  
6 an imminent and significant danger of causing severe harm 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.

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

15 F. The court may issue an emergency crisis intervention order by reliable electronic  
16 means pursuant to this subsection if requested by the petitioner.

17 2. Order. An order issued pursuant to this section may prohibit for a period of up to  
18 14 days the respondent from purchasing, possessing or receiving a dangerous weapon or  
19 having or attempting to have custody or control of a dangerous weapon. This section does  
20 not limit the court's discretion to continue the final hearing and extend the order upon the  
21 court's own motion or upon the motion of either party.

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

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

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

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

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

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

35 "To the subject of this emergency crisis intervention order: This order is in effect  
36 until the date and time stated above. If you have not done so already, you are  
37 required to surrender all dangerous weapons and firearms in your custody, control  
38 or possession as directed in this order. While this order is in effect, you are not  
39 allowed to purchase, possess or receive a dangerous weapon or firearm; attempt to  
40 purchase, possess or receive a dangerous weapon or firearm; or have or attempt to  
41 have custody or control of a dangerous weapon or firearm. A hearing will be held  
42 on the date and time noted above to determine if a crisis intervention order should  
43 be issued. Failure to appear at that hearing may result in a court making an order

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1 against you that is valid for up to one year. You may request an extension of the  
2 hearing date. You may seek the advice of an attorney regarding any matter  
3 connected with this order. An attorney may be appointed at the discretion of the  
4 judge to represent you if you cannot afford one."

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

11 If a court denies a petition filed pursuant to this subsection, the court shall state the reason  
12 for the denial.

13 **3. Duration.** The duration of an emergency crisis intervention order issued pursuant  
14 to this section is as follows.

15 A. Unless the petition is voluntarily dismissed pursuant to paragraph B, the court shall  
16 hold a hearing within 14 days after the issuance of an emergency crisis intervention  
17 order to determine if a crisis intervention order should be issued. If not voluntarily  
18 dismissed, the emergency crisis intervention order expires when the court grants or  
19 denies a motion for a crisis intervention order in accordance with section 2244,  
20 subsection 3.

21 B. The petitioner may voluntarily dismiss a petition filed pursuant to this section at  
22 any time prior to the hearing required under paragraph A if the petitioner determines  
23 the respondent no longer poses an imminent and significant danger of causing severe  
24 harm to the respondent or to another person by purchasing, possessing or receiving a  
25 dangerous weapon or by having or attempting to have custody or control of a dangerous  
26 weapon. If the petitioner voluntarily dismisses the petition pursuant to this paragraph,  
27 the court shall vacate the emergency crisis intervention order and direct a law  
28 enforcement agency in possession of a dangerous weapon belonging to the respondent  
29 to return it to the respondent consistent with section 2250.

30 **§2246. Termination and renewal motions**

31 **1. Motions to terminate.** A motion to terminate a crisis intervention order issued  
32 pursuant to section 2244 is subject to the provisions of this subsection.

33 A. The respondent may file a motion to terminate a crisis intervention order issued  
34 pursuant to section 2244 or an order renewed under subsection 2. A motion to  
35 terminate may not be filed more than once during the effective period of the order.

36 B. The motion to terminate and notice of a hearing on the motion must be served on  
37 the petitioner pursuant to section 2247.

38 C. The court shall grant a motion to terminate a crisis intervention order if it finds by  
39 clear and convincing evidence that the respondent no longer poses a significant danger  
40 of causing severe harm to the respondent or to another person by purchasing,  
41 possessing or receiving a dangerous weapon or by having or attempting to have custody  
42 or control of a dangerous weapon.



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1 D. An order on a motion to terminate must state the reason for the denial or granting  
2 of the motion.

3 E. The court shall provide forms to a party filing a motion to terminate a crisis  
4 intervention order. The form provided by the court must be uniform throughout the  
5 State.

6 **2. Motions to renew.** A motion to renew a crisis intervention order issued pursuant  
7 to section 2244 is subject to the provisions of this subsection.

8 A. A petitioner may file a motion requesting that the court renew a crisis intervention  
9 order issued pursuant to section 2244 or renewed pursuant to this subsection for an  
10 additional period of up to one year. The motion must be accompanied by an affidavit  
11 and must be filed not more than 30 days and not less than 14 days before the expiration  
12 date of the order. The motion and affidavit must comply with the requirements of  
13 section 2244, subsection 1.

14 B. The court shall hold a hearing within 14 days after a motion to renew under  
15 paragraph A is filed. Notice of the hearing must be served pursuant to section 2247.  
16 The court may extend a crisis intervention order at the time of expiration, upon motion  
17 of the petitioner, for additional time as the court determines necessary to hold a hearing  
18 on a motion to renew.

19 C. The court may grant relief only after notice to the respondent and an opportunity  
20 for a hearing. The court may grant the motion and renew a crisis intervention order for  
21 an additional period of up to one year if it finds by clear and convincing evidence that  
22 the respondent continues to pose a significant danger of causing severe harm to the  
23 respondent or to another person by purchasing, possessing or receiving a dangerous  
24 weapon or by having or attempting to have custody or control of a dangerous weapon.  
25 An order on a motion to renew must comply with the requirements of section 2244,  
26 subsection 3.

27 D. The court shall provide forms to a party filing a motion to renew a crisis intervention  
28 order. The form provided by the court must be uniform throughout the State.

29 **§2247. Service**

30 **1. Form of service; transmittal.** A petition, emergency crisis intervention order,  
31 crisis intervention order or notice of a hearing issued pursuant to this chapter must be served  
32 by a law enforcement officer in accordance with the Maine Rules of Civil Procedure. A  
33 court that issues an order under this chapter shall promptly transmit the order electronically  
34 or by other means to a law enforcement agency for service and shall deliver a copy to the  
35 appropriate law enforcement agency.

36 **2. Service on respondent.** A respondent who attends a hearing held under section  
37 2244, 2245 or 2246 at which an emergency crisis intervention order or crisis intervention  
38 order is issued and who receives notice from the court at the hearing that the order has been  
39 issued is deemed to have been served. Regardless of whether the court has previously  
40 notified the respondent of the order, the court shall transmit the order for service on the  
41 respondent by a law enforcement agency.

42 **3. Performance of service.** A petition, emergency crisis intervention order, crisis  
43 intervention order or notice of a hearing issued pursuant to this chapter must be served in  
44 a manner calculated to ensure the safety of the parties. Law enforcement agencies must

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1 have a written policy that prioritizes methods of service that do not involve advance  
2 notification of a request for an emergency crisis intervention order to the respondent. The  
3 law enforcement agency shall make a good faith effort to serve process expeditiously. The  
4 law enforcement officer making service shall file a return of service with the court stating  
5 the date, time and place at which the order was delivered personally to the respondent.

6 **4. Service of termination and renewal.** A motion to terminate or renew a crisis  
7 intervention order must be served by a law enforcement officer in accordance with the  
8 Maine Rules of Civil Procedure. A notice of hearing may be provided in accordance with  
9 the Maine Rules of Civil Procedure.

10 **§2248. Procedure**

11 **1. Fees.** A fee may not be charged for forms or for filing a petition, motion or other  
12 request for relief under this chapter.

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

17 **3. Assistance by law enforcement.** Law enforcement agencies shall assist in carrying  
18 out the intent of this subsection.

19 **§2249. Enforcement and entering of orders**

20 **1. Law enforcement officers and agencies.** Law enforcement officers are authorized  
21 to enforce orders issued pursuant to this chapter. Law enforcement agencies shall adopt a  
22 written policy on the enforcement of this chapter and the handling of crisis intervention  
23 orders.

24 **2. Failure to comply with order.** A person who knowingly violates a crisis  
25 intervention order issued pursuant to section 2244 or 2245 or renewed pursuant to section  
26 2246 is subject to sanctions for contempt pursuant to the Maine Rules of Civil Procedure,  
27 Rule 66 and prosecution pursuant to state law, including, but not limited to, Title 15, section  
28 393.

29 **3. Notice to State Bureau of Identification; national background check.** The court  
30 clerk shall forward a copy of a crisis intervention order or emergency crisis intervention  
31 order issued pursuant to this chapter the same day the order is issued to the Department of  
32 Public Safety, Bureau of State Police, State Bureau of Identification. Upon receipt of the  
33 copy of the order, the Department of Public Safety, Bureau of State Police, State Bureau of  
34 Identification shall enter the order into the Federal Bureau of Investigation, National Instant  
35 Criminal Background Check System, any other federal or state computer-based systems  
36 used by law enforcement agencies or others to identify prohibited purchasers of dangerous  
37 weapons and any computer-based criminal intelligence information system available in the  
38 State used by law enforcement agencies. The order must remain in each system for the  
39 duration of time it is in effect, and the law enforcement agency shall promptly remove  
40 expired or terminated orders.

41 **4. Penalty for submitting false information.** A person who submits materially false  
42 information in support of or in opposition to a petition for a crisis intervention order under  
43 this chapter, knowing that material information in the petition or the affidavit is false or

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1 that the petition or affidavit is submitted with the intent to harass, is guilty of a Class C  
2 crime.

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

9 **§2250. Relinquishment of dangerous weapon**

10 1. Relinquishment by respondent. A respondent who is required to relinquish a  
11 dangerous weapon in the respondent's possession, custody or control under a crisis  
12 intervention order issued pursuant to this chapter, upon service of the order, shall  
13 immediately relinquish the dangerous weapon to the law enforcement officer serving the  
14 order. A respondent notified by the court at a hearing is required to immediately comply  
15 with the provisions of the order.

16 2. Search warrant authorizing seizure. A court may issue a search warrant  
17 authorizing a law enforcement agency to seize any dangerous weapons at any location if a  
18 law enforcement agency demonstrates that there is probable cause to believe that any  
19 dangerous weapons have not been relinquished by the respondent.

20 3. Treatment of seized dangerous weapon. A law enforcement agency that takes  
21 possession of a dangerous weapon may store the dangerous weapon at the agency's facility,  
22 or a tribal, regional or state public safety facility.

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

25 5. Release of dangerous weapon within 3 days. A law enforcement agency may  
26 release to the respondent a dangerous weapon relinquished pursuant to a crisis intervention  
27 order issued pursuant to this chapter upon expiration of the crisis intervention order in effect  
28 at the time of the request by the respondent and completion of a background check using  
29 the Federal Bureau of Investigation, National Instant Criminal Background Check System  
30 in a manner consistent with federal law. The dangerous weapon must be returned within 3  
31 business days of the request.

32 6. When return prohibited. Notwithstanding any provision of this chapter to the  
33 contrary:

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

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

38 **§2251. Appeals**

39 A crisis intervention order issued pursuant to this chapter is a final order for the  
40 purposes of appeal.

41 **§2252. Data and reporting**

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1. Annual report; submission to Legislature. The State Court Administrator, acting at the direction of the Chief Justice of the Supreme Judicial Court, shall prepare an annual report on and relating to the application of this chapter by the courts. By October 1, 2025 and annually thereafter, the State Court Administrator shall prepare and submit the report to the joint standing committee of the Legislature having jurisdiction over civil rights matters.

2. Report requirements. The report required by this section must contain all of the following:

- A. The number of petitions filed for a crisis intervention order;
- B. The number of petitions filed that included a request for an emergency crisis intervention order;
- C. The number of crisis intervention orders issued and the number denied;
- D. The number of emergency crisis intervention orders issued without notice and the number denied;
- E. The number of crisis intervention orders that are voluntarily dismissed by the petitioner;
- F. The number of emergency crisis intervention orders entered without notice that are voluntarily dismissed by the petitioner;
- G. The number of motions filed to renew a crisis intervention order;
- H. The number of crisis intervention orders that are renewed;
- I. The number of motions filed to terminate a crisis intervention order;
- J. The number of motions filed to terminate a crisis intervention order that resulted in termination of an order prior to the original expiration date; and
- K. To the extent ascertainable from available state court data, the number of respondents subject to a crisis intervention order who, within 30 days after entry of the order, have been charged with a criminal offense, including the nature of the criminal offense, whether the offense was a violation of the crisis intervention order and the disposition or status of the offense.

**Sec. 7. Department of Public Safety to obtain federal funding; report.** By December 15, 2024, the Department of Public Safety shall report to the joint standing committee of the Legislature having jurisdiction over civil rights matters the status of the state-level process currently underway to obtain federal funding for storing dangerous weapons in the custody of state, county and municipal law enforcement agencies. The joint standing committee may report out legislation in response to this report to the 132nd Legislature in 2025.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for contracted temporary staffing to handle increased paperwork during the programming of multiple systems.

ROS

COMMITTEE AMENDMENT "A" to H.P. 1470, L.D. 2283

1	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
2	All Other	\$0	\$56,000
3			
4	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$56,000</u>

5 **Courts - Supreme, Superior and District 0063**  
6 Initiative: Provides one-time funding for costs associated with programming multiple  
7 systems.

8	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
9	All Other	\$0	\$20,000
10			
11	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$20,000</u>

12 **Courts - Supreme, Superior and District 0063**  
13 Initiative: Establishes 2 Judge positions, 2 Marshal positions and 2 Assistant Clerk  
14 positions in fiscal year 2024-25 and provides funding for related All Other costs.

15	<b>GENERAL FUND</b>	<b>2023-24</b>	<b>2024-25</b>
16	POSITIONS - LEGISLATIVE COUNT	0.000	6.000
17	Personal Services	\$0	\$1,069,731
18	All Other	\$0	\$56,351
19			
20	<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$1,126,082</u>

21			
22	<b>JUDICIAL DEPARTMENT</b>		
23	<b>DEPARTMENT TOTALS</b>	<b>2023-24</b>	<b>2024-25</b>
24			
25	<b>GENERAL FUND</b>	\$0	\$1,202,082
26			
27	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$0</u>	<u>\$1,202,082</u>

28  
29 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
30 number to read consecutively.

31 **SUMMARY**

32 This amendment replaces the bill and enacts the Crisis Intervention Order Act. Under  
33 the Act, a petition for a crisis intervention order, which prohibits the purchase, possession  
34 or control of a dangerous weapon, may be sought if a person is suspected of posing a  
35 significant danger of causing severe harm to the person or to another person. A significant  
36 danger of causing severe harm to the person or another person is demonstrated by  
37 establishing that the person has: inflicted or attempted to inflict bodily harm on another  
38 person; placed another person in reasonable fear of physical harm; by action or inaction,  
39 presented a danger to persons in the person's care; or threatened or attempted suicide or has  
40 threatened or attempted serious bodily harm. The petition may be filed by a family or  
41 household member of the person or by a law enforcement agency or a law enforcement  
42 officer and must be supported by an affidavit stating the facts to support the allegations,

**COMMITTEE AMENDMENT**

ROS

1 identifying any firearms believed to be in the person's possession and stating whether the  
2 person is already the subject of an existing protection from harassment or protection from  
3 abuse order. Upon receipt of the petition and affidavit, the District Court is required to  
4 schedule a hearing, which must be held within 14 days of the filing of the petition, and  
5 provide notice of the hearing to the person who is the subject of the requested crisis  
6 intervention order. Following the hearing, if the court finds by clear and convincing  
7 evidence that the person poses a significant risk of causing severe harm to the person or to  
8 another person, the court must issue an order prohibiting, for up to one year, the person  
9 from purchasing, possessing or receiving a dangerous weapon, attempting to purchase,  
10 possess or receive a dangerous weapon or having custody or control of a dangerous  
11 weapon.

12 The amendment allows a court to issue an emergency crisis intervention order without  
13 prior notice to the person who is the subject of the requested order. A hearing must be  
14 scheduled no later than 14 days after the order is issued.

15 A crisis intervention order may be terminated upon the request of the person who is the  
16 subject of the order if that person shows by clear and convincing evidence that the person  
17 no longer poses a significant danger of causing severe harm to the person or another person.  
18 A crisis intervention order may be renewed for an additional period of up to one year.

19 A person who is the subject of a crisis intervention order immediately must surrender  
20 all dangerous weapons in that person's possession, custody or control to a law enforcement  
21 agency or a federally licensed firearm dealer, manufacturer or importer.

22 The amendment directs the Department of Public Safety to submit a report on the status  
23 of obtaining federal funding related to storing dangerous weapons in the custody of law  
24 enforcement agencies and authorizes the committee to report out legislation to the 132nd  
25 Legislature.

26 The amendment also adds an appropriations and allocations section.

27 **FISCAL NOTE REQUIRED**  
28 (See attached)

# COMMITTEE AMENDMENT



# 131st MAINE LEGISLATURE

LD 2283

LR 3177(02)

An Act to Enact the Crisis Intervention Order Act to Protect the Safety of the Public

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-976)

Committee: Judiciary

Fiscal Note Required: Yes

## Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
<b>Net Cost (Savings)</b>				
General Fund	\$0	\$1,202,082	\$1,132,297	\$1,172,194
<b>Appropriations/Allocations</b>				
General Fund	\$0	\$1,202,082	\$1,132,297	\$1,172,194

### Fiscal Detail and Notes

This bill includes ongoing General Fund appropriations to the Judicial Department of \$1,126,082 in fiscal year 2024-25 to establish 2 Judge positions, 2 Marshal positions and 2 Assistant Clerk positions effective July 1, 2024, to handle the increased workload related to the Crisis Intervention Order process. It also includes one-time General Fund appropriations of \$76,000 in fiscal year 2024-25 for contracted temporary staffing and for programming multiple systems.

Any additional costs to the Department of Public Safety associated with the implementation of this legislation are expected to be minor and can be absorbed within existing budgeted resources.

There may be additional costs to the State to provide counsel to represent indigent individuals in crisis intervention order hearings.