

**SUBSTITUTE FOR  
SENATE BILL NO. 83**

A bill to provide for the issuance of restraining orders prohibiting certain individuals from possessing or purchasing firearms and ordering the surrender and seizure of a restrained individual's firearms; to provide for the powers and duties of certain state and local governmental officers and entities; to prescribe penalties; and to provide remedies.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "extreme risk protection  
2 order act".

3           Sec. 3. As used in this act:

4           (a) "C.J.I.S. policy council act" means the C.J.I.S. policy  
5 council act, 1974 PA 163, MCL 28.211 to 28.215.

6           (b) "Dating relationship" means a relationship that consists



1 of frequent, intimate associations primarily characterized by the  
2 expectation of affectional involvement. Dating relationship does  
3 not include a casual relationship or an ordinary fraternization  
4 between 2 individuals in a business or social context.

5 (c) "Extreme risk protection order" means an order issued by a  
6 court under section 7.

7 (d) "Family member" means an individual who is related to the  
8 respondent as any of the following:

9 (i) A parent.

10 (ii) A son or daughter.

11 (iii) A sibling.

12 (iv) A grandparent.

13 (v) A grandchild.

14 (vi) An uncle or aunt.

15 (vii) A first cousin.

16 (e) "Law enforcement agency" means any of the following:

17 (i) A sheriff's department.

18 (ii) The department of state police.

19 (iii) A police department of a township, village, or  
20 incorporated city.

21 (iv) The public safety department of an institution of higher  
22 education created under or described in article VIII of the state  
23 constitution of 1963.

24 (v) The public safety department of a community or junior  
25 college.

26 (vi) The public safety department or office of a private  
27 college.

28 (f) "Guardian" means that term as defined in section 1104 of



1 the estates and protected individuals code, 1998 PA 386, MCL  
2 700.1104.

3 (g) "Law enforcement officer" means an individual to whom any  
4 of the following apply:

5 (i) The individual is a law enforcement officer as that term is  
6 defined in section 2 of the Michigan commission on law enforcement  
7 standards act, 1965 PA 203, MCL 28.602.

8 (ii) The individual is a prosecuting attorney or assistant  
9 prosecuting attorney.

10 (h) "Mental health professional" means that term as defined in  
11 section 100b of the mental health code, 1974 PA 258, MCL 330.1100b.

12 (i) "Petitioner" means the individual who requests an extreme  
13 risk protection order in an action under section 5.

14 (j) "Possession or control" includes, but is not limited to,  
15 actual possession or constructive possession by which the  
16 individual has the right to control the firearm or ammunition, even  
17 though the firearm or ammunition is in a different location than  
18 the individual. Possession or control does not require the  
19 individual to own the firearm or ammunition.

20 (k) "Respondent" means the individual against whom an extreme  
21 risk protection order is requested in an action under section 5.

22 (l) "Restrained individual" means the individual against whom  
23 an extreme risk protection order has been issued and is in effect.

24 Sec. 5. (1) An individual described in subsection (2) may file  
25 an action with the circuit court requesting the court to enter an  
26 extreme risk protection order.

27 (2) Any of the following may file an action under this  
28 section:

29 (a) The spouse of the respondent.



1 (b) A former spouse of the respondent.

2 (c) An individual who has a child in common with the  
3 respondent.

4 (d) An individual who has or has had a dating relationship  
5 with the respondent.

6 (e) An individual who resides or has resided in the same  
7 household with the respondent.

8 (f) A family member.

9 (g) A guardian of the respondent.

10 (h) A law enforcement officer.

11 (i) A mental health professional.

12 (3) An individual who files an action under this section shall  
13 do so by filing a summons and complaint on forms approved by the  
14 state court administrative office as directed by the supreme court.  
15 The complaint must state facts that show that issuance of an  
16 extreme risk protection order is necessary because the respondent  
17 poses a significant risk of personal injury to the respondent or  
18 others by possessing a firearm.

19 (4) If the respondent is 1 of the following individuals, and  
20 if the petitioner knows the respondent is 1 of the following  
21 individuals, the petitioner shall state that in the complaint:

22 (a) An individual who is required to carry a pistol as a  
23 condition of the individual's employment.

24 (b) A police officer licensed or certified under the Michigan  
25 commission on law enforcement standards act, 1965 PA 203, MCL  
26 28.601 to 28.615.

27 (c) A sheriff.

28 (d) A deputy sheriff.

29 (e) A member of the department of state police.



1 (f) A local corrections officer.

2 (g) An employee of the department of corrections.

3 (h) A federal law enforcement officer who carries a pistol  
4 during the normal course of the officer's employment.

5 (i) An officer employed by the Federal Bureau of Prisons.

6 (5) If the petitioner knows or believes that the respondent  
7 owns or possesses 1 or more firearms, the petitioner shall state  
8 that and identify the firearms in the complaint.

9 (6) In an action under this section, the address of the  
10 petitioner must not be disclosed in any pleading or paper or  
11 otherwise.

12 (7) Any of the following is a proper county in which to file  
13 an action under this section:

14 (a) A county in which the respondent resides, has a place of  
15 business, or conducts business.

16 (b) Unless the petitioner is a law enforcement officer, a  
17 county in which the petitioner resides, has a place of business, or  
18 conducts business.

19 Sec. 6. (1) The court in which an action is filed under  
20 section 5 shall expedite and give priority to a hearing on the  
21 issuance of an extreme risk protection order and to any other  
22 hearings required under this act.

23 (2) The court may enter an order to change the venue of an  
24 action filed under section 5 for any reason allowed under Michigan  
25 court rules, including, but not limited to, the convenience of the  
26 parties and witnesses. The court may consider the location of  
27 firearms owned or possessed by the respondent in deciding whether  
28 to enter an order under this subsection.

29 (3) The court may allow proceedings in an action filed under



1 section 5 to be conducted using video conferencing technology or  
2 communication equipment as allowed under Michigan court rules and  
3 administrative orders.

4 Sec. 7. (1) In an action under section 5, the court shall  
5 issue an extreme risk protection order if the court determines by  
6 the preponderance of the evidence that the respondent poses a  
7 significant risk of personal injury to the respondent or others by  
8 possessing a firearm. In making its determination under this  
9 subsection, the court shall consider all of the following:

10 (a) Any history of use, attempted use, or threatened use of  
11 physical force by the respondent against another individual, or  
12 against the respondent, regardless of whether the violence or  
13 threat of violence involved a firearm.

14 (b) Any evidence that mental illness of the respondent makes  
15 the respondent dangerous to the respondent or others.

16 (c) Any of the following previous or existing court orders  
17 issued against the respondent:

18 (i) An extreme risk protection order under this act.

19 (ii) A personal protection order under section 2950 or 2950a of  
20 the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
21 600.2950a.

22 (iii) A pretrial release order.

23 (iv) A probation order.

24 (v) A parole order.

25 (vi) Another injunctive order.

26 (d) Any violation by the respondent of a previous or existing  
27 extreme risk protection order issued under this act.

28 (e) Any violation by the respondent of a previous or existing  
29 personal protection order issued under section 2950 or 2950a of the



1 revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and  
2 600.2950a.

3 (f) Any previous or existing criminal charges or juvenile  
4 delinquency petitions against the respondent for the commission or  
5 attempted commission of an offense to which all of the following  
6 apply:

7 (i) The offense has an assaultive element.

8 (ii) The offense has an element involving a threat to person or  
9 property.

10 (iii) The offense is a crime committed against the person or  
11 property of a spouse or intimate partner, as that term is defined  
12 in section 2950k of the revised judicature act of 1961, 1961 PA  
13 236, MCL 600.2950k.

14 (g) Any evidence of recent excessive alcohol use by the  
15 respondent.

16 (h) Any evidence of recent unlawful use of controlled  
17 substances by the respondent.

18 (i) Any previous unlawful or reckless use, display, or  
19 brandishing of a deadly weapon by the respondent.

20 (j) Any evidence of an acquisition or attempted acquisition  
21 within the previous 180 days by the respondent of a deadly weapon  
22 or ammunition.

23 (k) Any additional information the court finds to be reliable,  
24 including a statement by the respondent, or relevant information  
25 from family and household members concerning the respondent.

26 (l) Any other facts that the court believes are relevant.

27 (2) The court in an action under section 5 may issue an  
28 extreme risk protection order without written or oral notice to the  
29 respondent if the court determines that evidence of specific facts



1 has been submitted under oath or affirmation that clearly  
2 establishes that imminent and irreparable injury will result from  
3 the delay required to effectuate notice or that the notice will  
4 itself precipitate adverse action before an extreme risk protection  
5 order can be issued. If the petitioner requests the court to issue  
6 an extreme risk protection order under this subsection, the court  
7 shall make its determination on the request not later than 24 hours  
8 after the request is filed.

9 (3) If a court issues an extreme risk protection order under  
10 subsection (2), the court shall conduct a hearing on the order as  
11 follows:

12 (a) Unless subdivision (b) applies, not later than 14 days  
13 after the order is served on the restrained individual or after the  
14 restrained individual receives actual notice of the order.

15 (b) If the restrained individual is an individual described in  
16 section 5(4), not later than 5 days after the order is served on  
17 the restrained individual or after the restrained individual  
18 receives actual notice of the order.

19 (4) The court may issue an extreme risk protection order  
20 regardless of whether the respondent owns or possesses a firearm.

21 (5) The court may issue an extreme risk protection order  
22 against a minor.

23 Sec. 9. (1) If the court determines under section 7 that an  
24 extreme risk protection order should be issued, the court shall  
25 include all of the following provisions in the order:

26 (a) That the restrained individual shall not purchase or  
27 possess a firearm or ammunition. That if the individual has been  
28 issued a license under section 2 of 1927 PA 372, MCL 28.422, that  
29 the individual has not used and that is not yet void, the





1 individual shall not use it and shall surrender it to the law  
2 enforcement agency designated under subdivision (g).

3 (b) That the restrained individual shall not apply for a  
4 concealed pistol license and, if the restrained individual has been  
5 issued a license to carry a concealed pistol, the license will be  
6 suspended or revoked under section 8 of 1927 PA 372, MCL 28.428,  
7 once the order is entered into the law enforcement information  
8 network and that the individual shall surrender the license as  
9 required by section 8 of 1927 PA 372, MCL 28.428.

10 (c) That the restrained individual shall, within 24 hours or,  
11 at the court's discretion, immediately after being served with the  
12 order, surrender all firearms and ammunition in the individual's  
13 possession or control to the law enforcement agency designated  
14 under subdivision (g).

15 (d) If the petitioner has identified any firearms under  
16 section 5(5), a specific description of the firearms to be  
17 surrendered or seized.

18 (e) If the order is issued under section 7(2), a statement  
19 that a hearing will be held within 14 days or 5 days, as applicable  
20 under section 7(3), after the restrained individual is served with  
21 or receives actual notice of the order and that the restrained  
22 individual may appear at the hearing and request the court to  
23 modify or rescind the order.

24 (f) A statement that the restrained individual may file a  
25 motion to modify or rescind the order as allowed under this act and  
26 that motion forms and filing instructions are available from the  
27 clerk of the court.

28 (g) A designation of the law enforcement agency that is  
29 responsible for forwarding the order to the Federal Bureau of



1 Investigation under section 15(1). The law enforcement agency  
2 designated under this subdivision must be an agency within whose  
3 jurisdiction the restrained individual resides.

4 (h) If the court has ordered the restrained individual to  
5 surrender the individual's firearms and ammunition immediately, a  
6 statement that the law enforcement agency designated under  
7 subdivision (g) shall proceed in the law enforcement agency's  
8 discretion as appropriate to the situation to seize the restrained  
9 individual's firearms and ammunition not later than 24 hours after  
10 the restrained individual is served with or receives actual notice  
11 of the extreme risk protection order, after first giving the  
12 restrained individual an opportunity to surrender the firearms and  
13 ammunition.

14 (i) Directions to a local entering authority or the law  
15 enforcement agency designated under subdivision (g) to enter the  
16 order into the law enforcement information network.

17 (j) A statement that violation of the order will subject the  
18 restrained individual to immediate arrest, the contempt powers of  
19 the court, an automatic extension of the order, and criminal  
20 penalties, including imprisonment for up to 93 days for an initial  
21 violation and up to 5 years for a subsequent violation.

22 (k) A statement that the restrained individual has a right to  
23 seek the advice of an attorney.

24 (l) An expiration date that is 1 year after the date of  
25 issuance.

26 (2) An extreme risk protection order is effective and  
27 enforceable immediately after it is served on the restrained  
28 individual or after the restrained individual receives actual  
29 notice of the order. The order may be enforced anywhere in this



1 state by a law enforcement agency that receives a true copy of the  
2 order, is shown a copy of it, or has verified its existence on the  
3 law enforcement information network as provided by the C.J.I.S.  
4 policy council act or on an information network maintained by the  
5 Federal Bureau of Investigation.

6 Sec. 10. (1) Unless the court has ordered the restrained  
7 individual to surrender the individual's firearms immediately, not  
8 later than 24 hours after an extreme risk protection order is  
9 issued, the restrained individual shall do either of the following:

10 (a) File with the court that issued the order 1 or more proofs  
11 of surrender or seizure showing that all firearms and ammunition  
12 previously in the individual's possession or control were  
13 surrendered to the local law enforcement agency designated under  
14 section 9(1)(g) or seized by the local law enforcement agency, and  
15 that any concealed pistol license was surrendered to the county  
16 clerk as required by the order and section 8 of 1927 PA 372, MCL  
17 28.428, and verify to the court that at the time of the  
18 verification the individual does not have any firearms, ammunition,  
19 or a concealed pistol license in the individual's possession or  
20 control.

21 (b) Verify to the court that both of the following are true:

22 (i) At the time the order was issued, the individual did not  
23 have a firearm, ammunition, or a concealed pistol license in the  
24 individual's possession or control.

25 (ii) At the time of the verification, the individual does not  
26 have a firearm, ammunition, or a concealed pistol license in the  
27 individual's possession or control.

28 (2) If a restrained individual has not satisfied the  
29 requirements of subsection (1)(a) or (b) within 24 hours after the



1 extreme risk protection order was issued, or if the court has  
2 ordered the restrained individual to surrender the individual's  
3 firearms immediately, the clerk of the court that issued the order  
4 shall inform the local law enforcement agency designated under  
5 section 9(1)(g) of that fact.

6 (3) A local law enforcement agency that receives a  
7 notification under subsection (2) shall make a good-faith effort to  
8 determine whether there is evidence that the restrained individual  
9 has failed to surrender a firearm or ammunition or a concealed  
10 pistol license in the restrained individual's possession or control  
11 as required.

12 (4) The court shall schedule a compliance hearing to be held  
13 not later than 3 days after an extreme risk protection order is  
14 served on the restrained individual or after the restrained  
15 individual receives actual notice of the order. If the restrained  
16 individual has satisfied the requirements of subsection (1)(a) or  
17 (b) before the hearing, the court may cancel the hearing.

18 (5) At any time while an extreme risk protection order is in  
19 effect, the petitioner or a law enforcement officer may file an  
20 affidavit with the court that issued the order alleging that the  
21 restrained individual has a firearm, ammunition, or a concealed  
22 pistol license in the individual's possession or control. If an  
23 affidavit is filed under this subsection, the court shall determine  
24 whether probable cause exists to believe that the restrained  
25 individual has a firearm, ammunition, or a concealed pistol license  
26 in the individual's possession or control. If the court finds that  
27 probable cause exists, the court shall find the restrained  
28 individual in contempt of court and issue an arrest warrant. The  
29 court shall also enter an accompanying order describing the firearm



1 or firearms, the ammunition, or the concealed pistol license  
2 believed to be in the restrained individual's possession or control  
3 and authorizing a designated law enforcement agency to search the  
4 location or locations where the firearm or firearms, ammunition, or  
5 concealed pistol license is believed to be and to seize any  
6 firearm, ammunition, or concealed pistol license discovered by the  
7 search.

8 Sec. 11. (1) The clerk of a court that issues an extreme risk  
9 protection order shall do all of the following immediately after  
10 issuance and without requiring a proof of service on the restrained  
11 individual:

12 (a) Provide a true copy of the order to the law enforcement  
13 agency designated under section 9(1)(g).

14 (b) Provide the petitioner with at least 2 true copies of the  
15 order.

16 (c) If the restrained individual is identified in the  
17 complaint as an individual described in section 5(4), notify the  
18 individual's employer, if known, of the existence of the order.

19 (d) Notify the department of state police and the clerk of the  
20 restrained individual's county of residence of the existence of the  
21 order for purposes of performing their duties under 1927 PA 372,  
22 MCL 28.421 to 28.435.

23 (e) Inform the petitioner that the petitioner may take a true  
24 copy of the order to the law enforcement agency designated under  
25 section 9(1)(g) to be provided to the Federal Bureau of  
26 Investigation and, unless a local entering authority is designated  
27 under section 9(1)(i), into the law enforcement information  
28 network.

29 (2) The clerk of the court that issues an extreme risk



1 protection order shall immediately notify the law enforcement  
2 agency designated under section 9(1)(g) if any of the following  
3 occur:

4 (a) The clerk of the court receives proof that the restrained  
5 individual has been served by a law enforcement officer other than  
6 an officer employed by the law enforcement agency.

7 (b) The order is rescinded, modified, or extended.

8 (c) The order expires without being extended.

9 (3) A local entering authority designated under section  
10 9(1)(i) shall enter the order into the law enforcement information  
11 network as provided by the C.J.I.S. policy council act.

12 Sec. 13. (1) Subject to subsection (2), an extreme risk  
13 protection order must be served on the restrained individual  
14 personally by a law enforcement officer. If the restrained  
15 individual has not been served, a law enforcement officer who knows  
16 that the order exists may, at any time, serve the restrained  
17 individual with a true copy of the order or advise the restrained  
18 individual of the existence of the order, the specific conduct  
19 enjoined, the penalties for violating the order, and where the  
20 restrained individual may obtain a copy of the order.

21 (2) If the restrained individual is a law enforcement officer,  
22 the extreme risk protection order may be served by another law  
23 enforcement officer employed by the agency that employs the  
24 restrained individual. Service under this subsection may be made  
25 outside of the jurisdiction served by the employing agency.

26 (3) The law enforcement officer who serves an extreme risk  
27 protection order or gives oral notice of the order shall do both of  
28 the following:

29 (a) File proof of service or proof of oral notice with the



1 clerk of the court that issued the order.

2 (b) Notify the petitioner immediately that the order has been  
3 served or the restrained individual has been given oral notice of  
4 the order.

5 Sec. 15. (1) A law enforcement agency designated in an extreme  
6 risk protection order under section 9(1)(g) that receives a true  
7 copy of the order shall immediately and without requiring proof of  
8 service do both of the following:

9 (a) Unless a local entering authority is designated under  
10 section 9(1)(i), enter the order into the law enforcement  
11 information network as provided by the C.J.I.S. policy council act.

12 (b) Report the entry of the order to the Criminal Justice  
13 Information Services Division of the Federal Bureau of  
14 Investigation for purposes of the national crime information  
15 center.

16 (2) A law enforcement agency that receives information under  
17 section 11(2) shall enter the information into the law enforcement  
18 information network as provided by the C.J.I.S. policy council act  
19 and report the information to the Federal Bureau of Investigation  
20 as described in subsection (1)(b).

21 (3) A law enforcement agency designated in an extreme risk  
22 protection order under section 9(1)(g) that receives a true copy of  
23 the order shall comply with the requirements of the order under  
24 section 9(1)(h).

25 (4) If an extreme risk protection order has not been served on  
26 the restrained individual, a law enforcement agency or officer  
27 responding to a call alleging a violation of the order shall serve  
28 the restrained individual with a true copy of the order or advise  
29 the restrained individual of the existence of the order, the



1 specific conduct enjoined, the penalties for violating the order,  
2 and where the restrained individual may obtain a copy of the order.  
3 Subject to subsection (5), the law enforcement officer shall  
4 enforce the order and immediately enter or cause to be entered into  
5 the law enforcement information network, and report or cause to be  
6 reported to the Federal Bureau of Investigation that the restrained  
7 individual has actual notice of the order. The law enforcement  
8 officer also shall comply with section 13(3).

9 (5) In the circumstances described in subsection (4), the law  
10 enforcement officer shall give the restrained individual an  
11 opportunity to comply with the extreme risk protection order before  
12 the law enforcement officer makes a custodial arrest for violation  
13 of the order. The failure by the restrained individual to  
14 immediately comply with the order is grounds for an immediate  
15 custodial arrest. This subsection does not preclude an arrest under  
16 section 15 or 15a of chapter IV of the code of criminal procedure,  
17 1927 PA 175, MCL 764.15 and 764.15a.

18 (6) The law enforcement agency ordered to seize a firearm or  
19 ammunition under this act shall do all of the following:

20 (a) Seize a firearm and ammunition identified in an order  
21 issued under this act from any place or from any individual who has  
22 possession or control of the firearm and ammunition.

23 (b) Seize any other firearms or ammunition discovered that are  
24 owned by or in the possession or control of the restrained  
25 individual or if allowed under other applicable law.

26 (7) A law enforcement officer who seizes a firearm or  
27 ammunition under this act shall give a receipt for the firearm or  
28 ammunition to the individual from whom it was taken, specifying the  
29 firearm or ammunition in detail. If no individual is present at the





1 time of seizure, the officer shall leave the receipt in the place  
2 where the officer found the firearm or ammunition.

3 (8) The law enforcement agency that seizes a firearm or  
4 ammunition under this act shall retain and store the firearm or  
5 ammunition subject to order of the court that issued the extreme  
6 risk protection order under which the firearm or ammunition was  
7 seized. In addition to any other order that the court determines is  
8 appropriate, the court shall order that the firearm or ammunition  
9 be returned to the restrained individual when the extreme risk  
10 protection order expires, unless the restrained individual is  
11 prohibited for another reason from owning or possessing a firearm.  
12 Before returning a firearm or ammunition to the restrained  
13 individual under this subsection, and to determine whether the  
14 restrained individual is prohibited from owning or possessing a  
15 firearm for another reason, the law enforcement agency shall  
16 conduct a verification under the law enforcement information  
17 network and the national instant criminal background check system  
18 in the same manner as required under section 5b(6) of 1927 PA 372,  
19 MCL 28.425b.

20 (9) Subject to subsection (8), if any individual other than  
21 the restrained individual claims title to a firearm or ammunition  
22 seized under this act, the firearm or ammunition must be returned  
23 to the claimant if the court determines that the claimant is the  
24 lawful owner. The other individual shall ensure that the restrained  
25 individual does not have access to the firearm or ammunition.

26 Sec. 17. (1) An individual restrained under an extreme risk  
27 protection order may file a motion to modify or rescind the order  
28 and request a hearing under Michigan court rules. The restrained  
29 individual shall not file a motion under this section until 3



1 months after the later of any of the following:

2 (a) The date the original extreme risk protection order is  
3 issued.

4 (b) The date an extended order is issued under section 18 or  
5 19.

6 (c) The date a previous motion to modify or rescind the order  
7 was denied.

8 (2) At a hearing on a motion under subsection (1), the  
9 restrained individual must prove by the preponderance of the  
10 evidence that there has been a material change in circumstances and  
11 the extreme risk protection order is no longer justified.

12 Sec. 18. The petitioner may move the court to issue, or the  
13 court on its own motion may issue, 1 or more extended extreme risk  
14 protection orders, each effective for 1 year after the expiration  
15 of the preceding order. The court shall issue an extended order  
16 under this section only if the preponderance of the evidence shows  
17 that the restrained individual continues to pose a significant risk  
18 of personal injury to the restrained individual or others by  
19 possessing a firearm. The court shall give the restrained  
20 individual written notice of a hearing on a motion to extend the  
21 order.

22 Sec. 19. (1) An individual who refuses or fails to comply with  
23 an extreme risk protection order is guilty and subject to penalties  
24 as follows, which may be imposed in addition to a penalty imposed  
25 for another criminal offense arising from the same conduct:

26 (a) For a first offense under this subsection, guilty of a  
27 misdemeanor punishable by imprisonment for not more than 93 days or  
28 a fine of not more than \$500.00, or both.

29 (b) For a second offense under this subsection, guilty of a



1 felony punishable by imprisonment for not more than 4 years or a  
2 fine of not more than \$2,000.00, or both.

3 (c) For a third or subsequent offense under this subsection,  
4 guilty of a felony punishable by imprisonment for not more than 5  
5 years or a fine of not more than \$20,000.00, or both.

6 (2) If a court or a jury finds that the restrained individual  
7 has refused or failed to comply with an extreme risk protection  
8 order, the court that issued the order shall issue an extended  
9 extreme risk protection order effective for 1 year after the  
10 expiration of the preceding order.

11 (3) An extreme risk protection order may also be enforced as  
12 contempt of court or otherwise under chapter 17 of the revised  
13 judicature act of 1961, 1961 PA 236, MCL 600.1701 to 600.1745.

14 (4) A petitioner who knowingly and intentionally makes a false  
15 statement to the court in the complaint or in support of the  
16 complaint under this act is guilty and subject to penalties as  
17 follows:

18 (a) For a first offense under this subsection, guilty of a  
19 misdemeanor punishable by imprisonment for not more than 93 days or  
20 a fine of not more than \$500.00, or both.

21 (b) For a second offense under this subsection, guilty of a  
22 felony punishable by imprisonment for not more than 4 years or a  
23 fine of not more than \$2,000.00, or both.

24 (c) For a third or subsequent offense under this subsection,  
25 guilty of a felony punishable by imprisonment for not more than 5  
26 years or a fine of not more than \$20,000.00, or both.

27 (5) An individual who knowingly places a firearm or ammunition  
28 in the possession of an individual who is restrained under an  
29 extreme risk protection order is guilty of a misdemeanor punishable



1 by imprisonment for not more than 93 days or a fine of not more  
2 than \$500.00, or both.

3 Sec. 20. (1) The state court administrative office, acting at  
4 the direction of the supreme court, shall prepare an annual report  
5 on and relating to the application of this act by the courts.

6 (2) The report required by this section must contain all of  
7 the following:

8 (a) The number of actions filed for extreme risk protection  
9 orders.

10 (b) The number of requests made for extreme risk protection  
11 orders to be issued without notice under section 7(2).

12 (c) The number of extreme risk protection orders issued and  
13 the number denied.

14 (d) The number of extreme risk protection orders issued  
15 without notice under section 7(2) and the number denied.

16 (e) The number of extreme risk protection orders that are  
17 rescinded.

18 (f) The number of extreme risk protection orders entered  
19 without notice under section 7(2) that are rescinded.

20 (g) The number of extreme risk protection orders that are  
21 renewed.

22 (h) To the extent ascertainable from available state court  
23 data, the number of individuals who are restrained under an  
24 emergency risk protection order who, within 30 days after entry of  
25 the order, are charged with a criminal offense, giving the nature  
26 of the criminal offense, whether it was an offense for the  
27 violation of the emergency risk protection order, and the  
28 disposition or status of the offense.

29 (i) Demographic data regarding the individuals who are



1 petitioners and individuals who are respondents in actions for  
2 extreme risk protection orders.

3 (3) The state court administrative office, acting at the  
4 direction of the supreme court, shall publish a report prepared  
5 under this section on the Michigan courts website and provide the  
6 report to the legislature and the legislative committees with  
7 jurisdiction over judicial matters.

8 (4) The state court administrative office, acting at the  
9 direction of the supreme court, shall make data on which the report  
10 under this section is based available to individuals conducting  
11 research, including, but not limited to, researchers affiliated  
12 with institutions of higher education conducting academic or policy  
13 research.

14 Enacting section 1. This act does not take effect unless all  
15 of the following bills of the 102nd Legislature are enacted into  
16 law:

17 (a) Senate Bill No. 84.

18 (b) Senate Bill No. 86.

19 Enacting section 2. As provided in section 5 of 1846 RS 1, MCL  
20 8.5, this act is severable.

