

**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 excessive alcohol use by the respondent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 enforcement agency designated under subdivision (g).

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

9 (c) That the restrained individual shall, immediately after
10 being served with the order, surrender all firearms and ammunition
11 in the individual's possession or control to either of the
12 following:

13 (i) The law enforcement agency designated under subdivision
14 (g).

15 (ii) A licensed firearm dealer.

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

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

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

29 (g) A designation of the law enforcement agency that is

1 responsible for forwarding the order to the Federal Bureau of
2 Investigation and the Bureau of Alcohol, Tobacco, Firearms, and
3 Explosives under section 15(1). The law enforcement agency
4 designated under this subdivision must be an agency within whose
5 jurisdiction the restrained individual resides.

6 (h) A statement that the law enforcement agency designated
7 under 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) Not later than 24 hours after an extreme risk
7 protection order is served, the restrained individual shall do
8 either of the following:

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

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

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

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

27 (2) If a restrained individual has not satisfied the
28 requirements of subsection (1)(a) or (b) within 24 hours after the
29 extreme risk protection order was issued, the clerk of the court

1 that issued the order shall inform the local law enforcement agency
2 designated under section 9(1)(g) of that fact.

3 (3) A local law enforcement agency that receives a
4 notification under subsection (2) shall make a good-faith effort to
5 determine whether there is evidence that the restrained individual
6 has failed to surrender a firearm or ammunition or a concealed
7 pistol license in the restrained individual's possession or control
8 as required. A good-faith effort under this subsection may include
9 asking the restrained individual for a receipt showing that the
10 restrained individual has surrendered the individual's firearms and
11 ammunition to a licensed firearm dealer.

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 the Bureau of Alcohol, Tobacco, Firearms, and
27 Explosives and, unless a local entering authority is designated
28 under section 9(1)(i), into the law enforcement information
29 network.

1 (2) The clerk of the court that issues an extreme risk
2 protection order shall immediately notify the law enforcement
3 agency designated under section 9(1)(g) if any of the following
4 occur:

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

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

9 (c) The order expires without being extended.

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

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

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

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

1 (a) File proof of service or proof of oral notice with the
2 clerk of the court that issued the order.

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

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

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

13 (b) Report the entry of the order to the Criminal Justice
14 Information Services Division of the Federal Bureau of
15 Investigation for purposes of the national crime information center
16 and to the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

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

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

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

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

12 (5) In the circumstances described in subsection (4), the law
13 enforcement officer shall give the restrained individual an
14 opportunity to comply with the extreme risk protection order before
15 the law enforcement officer makes a custodial arrest for violation
16 of the order. The failure by the restrained individual to
17 immediately comply with the order is grounds for an immediate
18 custodial arrest. This subsection does not preclude an arrest under
19 section 15 or 15a of chapter IV of the code of criminal procedure,
20 1927 PA 175, MCL 764.15 and 764.15a.

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

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

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

29 (7) A law enforcement officer who seizes a firearm or

1 ammunition under this act shall give a receipt for the firearm or
2 ammunition to the individual from whom it was taken, specifying the
3 firearm or ammunition in detail. If no individual is present at the
4 time of seizure, the officer shall leave the receipt in the place
5 where the officer found the firearm or ammunition.

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

26 (9) A law enforcement agency that returns a firearm or
27 ammunition to a restrained individual under subsection (8) shall
28 enter into the law enforcement information network and notify the
29 Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco,

1 Firearms, and Explosives that the court has ordered the firearm or
2 ammunition returned on expiration of the extreme risk protection
3 order.

4 (10) Subject to subsection (8) or (9), if any individual other
5 than the restrained individual claims title to a firearm or
6 ammunition seized under this act, the firearm or ammunition must be
7 returned to the claimant if the court determines that the claimant
8 is the lawful owner. The other individual shall ensure that the
9 restrained individual does not have access to the firearm or
10 ammunition.

11 Sec. 16. If the court that issues an extreme risk protection
12 order determines that the restrained individual resides at premises
13 that are also occupied by another individual who possesses a
14 firearm or ammunition, the court shall order the other individual
15 to not leave the firearm or ammunition out of the other
16 individual's immediate possession or control unless the other
17 individual does 1 or more of the following:

18 (a) Keeps the firearm or ammunition in a securely locked box
19 or container that is inaccessible to the restrained individual.

20 (b) Securely locks the firearm or ammunition with a locking
21 device that is inaccessible to the restrained individual.

22 Sec. 17. (1) An individual restrained under an extreme risk
23 protection order may file a motion to modify or rescind the order
24 and request a hearing under Michigan court rules. The restrained
25 individual shall not file a motion under this section until 3
26 months after the later of any of the following:

27 (a) The date the original extreme risk protection order is
28 issued.

29 (b) The date an extended order is issued under section 18 or

1 19.

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

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

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

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

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

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

28 (c) For a third or subsequent offense under this subsection,
29 guilty of a felony punishable by imprisonment for not more than 5

1 years or a fine of not more than \$20,000.00, or both.

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

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

10 (4) A petitioner who knowingly and intentionally makes a false
11 statement to the court in the complaint or in support of the
12 complaint under this act is guilty and subject to penalties as
13 follows:

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

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

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

23 (5) An individual who knowingly places a firearm or ammunition
24 in the possession of an individual who is restrained under an
25 extreme risk protection order is guilty of a misdemeanor punishable
26 by imprisonment for not more than 93 days or a fine of not more
27 than \$500.00, or both.

28 Sec. 20. (1) The state court administrative office, acting at
29 the direction of the supreme court, shall prepare an annual report

1 on and relating to the application of this act by the courts.

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

4 (a) The number of actions filed for extreme risk protection
5 orders.

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

8 (c) The number of extreme risk protection orders issued and
9 the number denied.

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

12 (e) The number of extreme risk protection orders that are
13 rescinded.

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

16 (g) The number of extreme risk protection orders that are
17 renewed.

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

25 (i) Demographic data regarding the individuals who are
26 petitioners and individuals who are respondents in actions for
27 extreme risk protection orders.

28 (3) The state court administrative office, acting at the
29 direction of the supreme court, shall publish a report prepared

1 under this section on the Michigan courts website and provide the
2 report to the legislature and the legislative committees with
3 jurisdiction over judicial matters.

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

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

13 (a) Senate Bill No. 84.

14 (b) Senate Bill No. 86.

15 Enacting section 2. As provided in section 5 of 1846 RS 1, MCL
16 8.5, this act is severable.