

EXTREME RISK PROTECTION ORDER ACT (EXCERPT)
Act 38 of 2023

***** 691.1819.new THIS NEW SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE
2023 REGULAR SESSION SINE DIE *****

691.1819.new Refusal or failure to comply with extreme risk protection order; making a false statement in complaint; penalties.

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

(a) For a first offense under this subsection, guilty of a felony punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

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

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

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

(3) The court may also enforce an extreme risk protection order by charging the restrained individual with contempt of court under chapter 17 of the revised judicature act of 1961, 1961 PA 236, MCL 600.1701 to 600.1745.

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

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

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

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

(5) An individual who knowingly places a firearm in the possession of an individual who is restrained under an extreme risk protection order is guilty of a felony punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00, or both.

History: 2023, Act 38, Eff. (sine die).

Popular name: Red flag law