HOUSE DOCKET, NO. 1002 FILED ON: 1/18/2017

HOUSE . . . . . No. 3610

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act temporarily preventing firearm access for extremely dangerous or suicidal individuals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Marjorie C. Decker	*25th Middlesex*	*1/18/2017*
Mike Connolly	*26th Middlesex*	*2/3/2017*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/3/2017*
Dylan Fernandes	*Barnstable, Dukes and Nantucket*	*2/3/2017*
Carlos González	*10th Hampden*	*3/28/2017*
Kevin G. Honan	*17th Suffolk*	*2/3/2017*
Kay Khan	*11th Middlesex*	*2/3/2017*
Rady Mom	*18th Middlesex*	*2/3/2017*
Chris Walsh	*6th Middlesex*	*2/3/2017*

HOUSE DOCKET, NO. 1002 FILED ON: 1/18/2017

HOUSE . . . . . No. 3610

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act temporarily preventing firearm access for extremely dangerous or suicidal individuals.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Clause (vii) of paragraph (1) of section 129B of chapter 140 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by adding the following words:- or an ex parte or 1-year extreme risk protection order issued pursuant to sections 131R through 13BB;.

SECTION 2. Clause (vi) of paragraph (d) of section 131 of said chapter 140, as so appearing, is hereby amended by adding the following words:- or an ex parte or 1-year extreme risk protection order issued pursuant to sections 131R through 13BB .

SECTION 3. Said chapter 140 of the General Laws is hereby amended by inserting after section 131Q the following 11 sections:-

Section 131R. For purposes of sections 131S to 131BB, the following words shall have the following meaning, unless the context clearly requires otherwise:-

"Court", the superior, district, or Boston municipal court departments of the trial court.

“Ex parte extreme risk protection order”, a written order issued pursuant to section 131W, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition until a hearing for a 1-year extreme risk protection order is held.

"Extreme risk protection order", an order in writing, issued and signed by the court pursuant to section 131U, prohibiting and enjoining a named person from having in his or her custody or control, owning, purchasing, possessing, or receiving any firearms or ammunition for a period of 1 year.

“Family or household member”, a person who:

(a) is or was married to the respondent;

(b) is or was residing with the respondent in the same household;

(c) is or was related by blood or marriage to the respondent;

(d) has or is having a child in common with the respondent, regardless of whether they have ever married or lived together; or

(e) is or has been in a substantive dating or engagement relationship with the respondent, which shall be adjudged by district or Boston municipal courts consideration of the following factors: (1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

“Petitioner”, a family or household member, or law enforcement officer or agency with jurisdiction over the respondent’s residence, who files a petition requesting an ex parte or 1-year extreme risk protection order pursuant to section 131T.

"Respondent", the person who is identified as the respondent in a petition filed pursuant to section 131T, against whom an order is sought.

Section 131S. (a) An action for an extreme risk protection order or an ex parte extreme risk protection order pursuant to sections 131R through 131BB shall be filed, heard and determined in the superior court department or respective divisions of the district court departments or the Boston municipal court department having jurisdiction over the respondent’s residence

(b) The administrative justices of the superior court, district court and the Boston municipal court departments shall jointly promulgate a form of petition for use under sections 131R through 131BB which shall be in such form and language to permit a person to prepare and file such petition pro se.

(c) The administrative office of the courts shall develop and prepare instructions and informational brochures, standard petitions pursuant to subsection (b,) ex parte and extreme risk protection order forms, suspension and surrender order forms, and a court staff handbook on the extreme risk protection order process. The standard petition and order forms shall be used for all petitions filed pursuant to section 131T, extreme risk protection orders issued pursuant to section 131U, ex parte extreme risk protection orders issued pursuant to section 131W, and suspension and surrender orders issued pursuant to section 131Y . The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including representatives of

gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and accessible online to the public.

(i) The instructions shall be designed to assist petitioners in completing the petition, and shall include a sample of a standard petition and order for protection forms.

(ii) The instructions and standard petition shall include a means for the petitioner to identify, with only lay knowledge, the firearms the respondent may own, possesses, receive, or have in his or her custody or control. The instructions shall provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms.

(iii) The informational brochure shall describe the use of and the process for obtaining, modifying, and terminating an extreme risk protection order, and provide relevant forms.

(iv) The extreme risk protection order form shall include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written application."

(v) The court staff handbook shall allow for the addition of a community resource list by the court clerk.

(d) All court clerks may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county

in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in this section.

(e) The administrative office of the courts shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks and shall distribute a master copy of the petition and order forms to all superior, district, and municipal courts. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and court clerks in the state.

(f) The administrative office of the courts shall determine the significant non-English speaking or limited English speaking populations in the state. The administrator shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks.

(g) The administrative office of the courts shall update the instructions, brochures, standard petition and order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

Section 131T. (a) A petition for an extreme risk protection order may be filed by a family or household member of the respondent or a law enforcement officer or agency having jurisdiction over the respondent's residence, on a form approved pursuant to section 131S, in the superior, district or the Boston municipal court department having jurisdiction over the respondent's residence.

(b) A petition filed pursuant to this section shall:

(i) allege that the respondent poses a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, and be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent;

(ii) identify the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, or control;

(iii) identify whether there is a known existing abuse prevention order pursuant to chapter 209A or a harassment prevention order pursuant to chapter 258E governing the respondent; and

(iv) identify whether there is a pending lawsuit, complaint, petition, or other action between the parties to the petition under the laws of the commonwealth.

(c)The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A petition for an extreme risk protection order may be granted whether or not there is a pending action between the parties.

(d) No fees for filing or service of process may be charged by a court or any public agency to petitioners seeking relief under sections 131R to 131BB. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge.

(e) If the petitioner is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner

intends to petition the court for an extreme risk protection order or has already done so, and include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice, or attest to the steps that will be taken to provide such notice.

(f) If the petition states that disclosure of the petitioner's address would risk harm to the petitioner or any member of the petitioner's family or household, the petitioner's address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner must designate an alternative address at which the respondent may serve notice of any motions. If the petitioner is a law enforcement officer or agency, the address of record must be that of the law enforcement agency.

Section 131U. (a) Upon receipt of a petition for an extreme risk protection order, the court shall set a date for a hearing within 14 days, regardless of whether the court issues an ex parte extreme risk protection order pursuant to section 131W. Written notice of the petition and hearing shall be personally served on the respondent by a law enforcement officer, or if personal service by a law enforcement officer is not possible, in accordance with the laws relative to service of process in the commonwealth, not less than 7 days prior to the hearing. If the court does issue an ex parte extreme risk protection order pursuant to section 131W, notice of the petition and hearing shall be served on the respondent with the ex parte order. Written notice of the hearing shall be sent to the petitioner by certified mail.

(b) The court may, as provided in section 131W, issue an ex parte extreme risk protection order pending the hearing ordered pursuant to this section. Such ex parte order shall be served upon the respondent concurrently with the notice of hearing and petition.

(c) Upon a hearing on an extreme risk protection order, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an extreme risk protection order to be effective for a period of 1 year.

(d) In determining whether grounds for an extreme risk protection order exist, the court may consider any relevant evidence including, but not limited to, any of the following:

(i) a recent act or threat of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm;

(ii) a pattern of acts or threats of violence by the respondent within the past year including, but not limited to, acts or threats of violence by the respondent against self or others;

(iii) any dangerous mental health issues of the respondent;

(iv) a violation by the respondent of an abuse prevention order pursuant to chapter 209A, or a harassment prevention order pursuant to chapter 258E, whether or not the order involved the petitioner;

(v) a previous or existing extreme risk protection order issued against the respondent;

(vi) a violation of a previous or existing extreme risk protection order issued against the respondent;

(vii) a conviction of the respondent for a crime that constitutes domestic violence;

(viii) the respondent's ownership, access to, or intent to possess firearms;

(ix) the unlawful or reckless use, display, or brandishing of a firearm by the respondent;

(x) the history of use, attempted use, or threatened use of physical force by the respondent against another person, or the respondent's history of stalking another person;

(xi) any prior arrest of the respondent for a felony offense or violent crime;

(xii) corroborated evidence of the abuse of controlled substances or alcohol by the respondent; and

(xiii) evidence of recent acquisition of firearms by the respondent.

(e) The court may:

(i) examine under oath the petitioner, the respondent, and any witnesses they may produce, or, in lieu of examination, consider sworn affidavits of the petitioner, the respondent, and any witnesses they may produce; and

(ii) ensure that a reasonable search has been conducted for criminal history records related to the respondent.

(f) During a hearing pursuant to this section, the court shall consider whether a mental health evaluation or substance use evaluation is appropriate, and may order such evaluation if appropriate.

(g) An extreme risk protection order issued pursuant to this section shall be personally served on the respondent with an order of suspension and surrender pursuant to section 131Y by a law enforcement officer, or if personal service by a law enforcement officer is not possible, in accordance with state laws regarding service of process.

(h) If the court issues an extreme risk protection order, the court shall inform the respondent that he or she is entitled to request termination of the order in the manner prescribed by section 131X. The court shall provide the respondent with a form to request a termination hearing.

(i) If the court declines to issue an extreme risk protection order, the court shall state the particular reasons for the court's denial.

Section 131V. (a) An extreme risk protection order issued by a court pursuant to section 131U shall include:

(i) a statement of the grounds supporting the issuance of the order;

(ii) the date and time the order was issued;

(iii) the date and time the order expires;

(iv) whether a mental health evaluation or substance use evaluation of the respondent is required;

(v) the address of the court in which any responsive pleading shall be filed;

(vi) a description of the requirements for surrender of firearms under section 131Y; and

(vii) the following statement: "To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession immediately. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You have the

right to request 1 hearing to terminate this order during every 1--year period that this order is in effect, starting from the date of this order and continuing through any renewals of the order. You may seek the advice of an attorney as to any matter connected with this order."

(b) An extreme risk protection order issued by a court pursuant to section 131U shall be served on the respondent with an order for suspension and surrender of firearms pursuant to section 131Y.

Section 131W. (a) A petitioner may request that an ex parte extreme risk protection order be issued before a hearing for an extreme risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing imminent personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, and requesting an ex parte extreme risk protection order in such petition.

(b) In considering whether to issue an ex parte extreme risk protection order pursuant to this section, the court shall consider all relevant evidence, including the evidence described in subsection (d) of section 131U.

(c) An ex parte extreme risk protection order issued pursuant to this section shall be issued or denied on the same day that the petition is submitted to the court, unless the complaint is filed too late in the day to permit effective review, in which case the order shall be issued or denied on the next day of judicial business.

(d) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing imminent personal injury to self or others by having in his or her

custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an ex parte extreme risk protection order.

(e) The court shall schedule a hearing within 14 days of the issuance of an ex parte extreme risk protection order to determine if a 1-year extreme risk protection order should be issued purusant to section 131U.

(f) An ex parte extreme risk protection order shall include:

(i) a statement of the grounds asserted for the order;

(ii) the date and time the order was issued;

(iii) the date and time the order expires, which shall be the date of the scheduled hearing for a 1-year extreme risk protection order;

(iv) the address of the court in which any responsive pleading should be filed;

(v) the date and time of the scheduled hearing for a 1-year extreme risk protection order, which shall be within 14 days of the issuance of the ex parte protection order;

(vi) a description of the requirements for surrender of firearms under section 131Y; and

(vii) the following statement: "To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this order is in effect. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession immediately. A hearing will be held on the date and at the time noted above to

determine if an extreme risk protection order should be issued. Failure to appear at that hearing may result in a court making an order against you that is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order."

(g) Any ex parte extreme risk protection order issued by the court expires on the date of the hearing on the extreme risk protection order.

(h) An ex parte extreme risk protection order shall be served by a law enforcement officer in the same manner as provided for in section 131U for service of the notice of hearing and petition, and shall be served concurrently with the notice of hearing and petition.

(i) An ex parte extreme risk protection order issued by a court pursuant to this section shall be served on the respondent with an order for suspension and surrender of firearms pursuant to section 131Y.

(j) If the court declines to issue an ex parte extreme risk protection order, the court shall state the particular reasons for the court’s denial.

Section 131X. (1) (a) The respondent may submit 1 written request for a hearing to terminate an extreme risk protection order issued pursuant to section 131U during each 1-year period that the order is in effect, starting from the date of the order and continuing through any renewals of the order.

(b) Upon receipt of the request for a hearing to terminate an extreme risk protection order, the court shall set a date for a hearing. Written notice of the request shall be served on the petitioner, and written notice of the hearing shall be served on the petitioner and the respondent,

by certified mail. The hearing shall occur no sooner than 14 days and no later than 30 days from the date of service of the request upon the petitioner.

(c) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in subsection (d) of section 131U.

(d) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(2) (a) The court shall send written notification by certified mail to the petitioner of the impending expiration of an extreme risk protection order, including the petitioner's right to file a motion to renew the order. Notice must be received by the petitioner at least 105 calendar days before the date the order expires.

(b) A petitioner may request a renewal of an extreme risk protection order at any time within 105 calendar days before the expiration of the order. The court shall schedule a hearing on the renewal of the order not later than 14 days from the date such request from the petitioner was received, if possible, and shall send written notice by certified mail of such hearing to the petitioner. Written notice of the hearing shall be personally served on the respondent by a law enforcement officer, or if personal service by a law enforcement officer is not possible, in accordance with the laws relative to service of process in the commonwealth.

(c) In determining whether to renew an extreme risk protection order issued under this section, the court shall consider all relevant evidence presented by the petitioner and the respondent, including the evidence described in subsection (d) of section 131U.

(d) If the court finds by a preponderance of the evidence that the requirements for issuance of an extreme risk protection order as provided in section 131U of this act continue to be met, the court shall renew the order. However, if, after written notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner's motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.

(e) Upon the issuance of a renewed extreme risk protection order, the court shall issue an order for suspension and surrender of firearms pursuant to section 131Y. An extreme risk protection order renewed pursuant to this section shall expire after 1 year, subject to termination or renewal by further order of the court pursuant to this section.

Section 131Y. (1) (a) Upon issuance of an extreme risk protection order pursuant to section 131U, including an ex parte extreme risk protection order pursuant to section 131W, or a renewal of an existing extreme risk protection order pursuant to section 131X, the court shall order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the respondent may hold and order the respondent to surrender all firearms, rifles, shotguns, machine guns and ammunition which the respondent then controls, owns or possesses, to the licensing authority where the respondent resides. Order of such suspension and surrender of firearms shall be appended to the copy of the extreme risk protection

order, ex parte extreme risk protection order, or renewed extreme risk protection order served on the respondent.. Law enforcement officers, upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of the respondent, to be brought to the licensing authority where the person resides. If someone other than a law enforcement officer serves said order upon the respondent, the respondent served with the order shall surrender all firearms and ammunition, within 8 hours of such service, to the licensing authority where the respondent resides in accordance with section 129D. The licensing authority may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of said section 129D. A suspension and surrender order issued pursuant to this section shall continue so long as extreme risk protection order or ex parte extreme risk protection order to which it relates is in effect.

(b) At the time of surrender, a law enforcement officer taking possession of a license to carry firearms or a firearm identification card, and firearms, shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 48 hours after service of the order, the officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(c) Any violation of an order issued pursuant to this section shall be punishable by a fine of not more than $5,000, or by imprisonment for not more than 3 years in a house of correction, or by both such fine and imprisonment.

(d) Upon the filing of an affidavit by the respondent that a firearm, rifle, shotgun, machine gun or ammunition is required in the performance of the respondent’s employment, and

upon a request for an expedited hearing, the court shall order a hearing within 2 business days of receipt of such affidavit and request, but only on the issue of surrender and suspension pursuant to this section, and shall immediately notify the respondent and petitioner of such hearing in writing.

(e) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued pursuant to section 131Y, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(f) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and he or she is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

(i) the firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and

(ii) the firearm is not otherwise unlawfully possessed by the owner.

(g) Upon the issuance of a 1-year extreme risk protection order, the court shall order a new hearing date and require the respondent to appear not later than 3 judicial days from the issuance of the order. The court shall require a showing that the respondent has surrendered any

firearms in his or her custody, control, or possession. The court may dismiss the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(2) (a) If an extreme risk protection order is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to this section shall return any surrendered firearm requested by a respondent only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under federal and state law and after confirming with the court that the extreme risk protection order has terminated or has expired without renewal.

(b) A law enforcement agency shall provide prior notice of the return of a firearm to a respondent to family or household members of the respondent named in the petition.

(c) A respondent who has surrendered any firearm or ammunition to a law enforcement agency pursuant to subdivision (1) and who does not wish to have the firearm or ammunition returned or who is no longer eligible to own or possess firearms or ammunition may sell or transfer title of the firearm or ammunition to a licensed firearms dealer. The law enforcement agency shall transfer possession of the firearm or ammunition to a licensed firearms dealer only after the dealer has displayed written proof of transfer of the firearm or ammunition from the respondent to the dealer and the law enforcement has verified the transfer with the respondent.

(d) If a person other than the respondent claims title to any firearm or ammunition surrendered pursuant to subdivision (1), and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her.

(e) If the licensing authority cannot reasonably ascertain a lawful owner of any firearms surrendered pursuant to this section within 180 days of expiration of the order to surrender the firearms, the authority may, in its discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns or machine guns or ammunition to properly licensed distributors or firearms dealers. The proceeds of the sale or transfer shall be remitted or credited to the municipality in which the authority presides to purchase weapons, equipment or supplies or for violence reduction or suicide prevention; provided, however, that no firearm, rifle, shotgun or machine gun or ammunition classified as having been used to carry out a criminal act pursuant to section 131Q shall be considered surplus, donated, abandoned or junk for the purposes of this section.

Section 131Z. (a) The clerk of the court shall forward a copy of an extreme risk protection order, ex parte extreme risk protection order, or renewed extreme risk protection order issued under sections 131U, 131W or 131X the same day such order is issued to the appropriate law enforcement agency specified in the order; the licensing authority; the department of criminal justice information services who shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System; and any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms. Upon the expiration, cancellation, revocation or other termination of the order, the court shall transmit a report containing the respondent's name and identifying information, a statement describing the respondent's alleged conduct and relationship to the petitioner and an explanation that the order is no longer current or valid to the appropriate law enforcement agency specified in the order; the licensing authority; the department of criminal justice information services who

shall transmit the report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be included in the National Instant Criminal Background Check System; and any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms.

(b) The petitioner's residential address, residential telephone number and workplace name, address and telephone number, contained within the court records of cases arising out of an action brought by a petitioner under the provisions of sections 131R through 131BB, shall be confidential and withheld from public inspection, except by order of the court, except that the petitioner's residential address and workplace address shall appear on the court order and accessible to the respondent and the respondent's attorney unless the petitioner specifically requests that this information be withheld from the order pursuant to subsection (f) of section 131T. All confidential portions of the records shall be accessible at all reasonable times to the petitioner and petitioner's attorney, to others specifically authorized by the petitioner to obtain such information, and to prosecutors and law enforcement officers, if such access is necessary in the performance of their duties. Such confidential portions of the court records shall not be deemed to be public records under the provisions of clause twenty-sixth of section 7 of chapter 4.

Section 131AA. (a) Any person who files a petition for an extreme risk protection order, knowing the information in the petition to be materially false or with intent to harass the respondent, shall be punished by a fine of no more than $5,000 or by imprisonment for no more than 3 years in the house of corrections.

(b) Any person who has in his or her custody or control, owns, purchases, possesses, or receives a firearm or ammunition with knowledge that he or she is prohibited from doing so by

an extreme risk protection order pursuant to 131U or 131X or an ex parte extreme risk protection order pursuant to 131W and an accompanying suspension and surrender order pursuant to 131Y shall be punished by a fine of no more than $5,000 or by imprisonment for no more than 3 years in the house of corrections, and shall be prohibited from having in his or her custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm or ammunition for a period of 5 years from the date of conviction.

Section 131BB. (a) Sections 131R through 131AA shall not affect the ability of a law enforcement officer to remove firearms or ammunition from any person or conduct any search and seizure for firearms pursuant to other lawful authority.

(b) Said sections 131R through 131AA shall not be construed to impose criminal or civil liability on any person who chooses not to seek an extreme risk protection order pursuant to said sections.

SECTION 4. The administrative office of the courts shall develop and prepare instructions, brochures, petitions, forms and other material required pursuant to this act within 30 days of the effective date of this act.

SECTION 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.