

HOUSE No. 4670

The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2549) of the House Bill relative to firearms (House, No. 4539), reports recommending passage of the accompanying bill (House, No. 4670).
June 27, 2018.

Harold P. Naughton, Jr.	Cynthia Stone Creem
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The Commonwealth of Massachusetts

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

An Act relative to firearms.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the possession of firearms in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 SECTION 1. Section 121 of chapter 140 of the General Laws is hereby amended by
2 striking out, in line 1, as appearing in the 2016 Official Edition the words “to 131Q” and
3 inserting in place thereof the following words:- to 131Y.

4 SECTION 2. Said section 121 of said chapter 140 is hereby further amended by inserting
5 after the definition of “Conviction”, as so appearing, the following definition:-

6 “Court”, as used in sections 131R to 131X, inclusive, the division of the district court
7 department or the Boston municipal court department of the trial court having jurisdiction in the
8 city or town in which the respondent resides.

9 SECTION 3. Said section 121 of said chapter 140 is hereby further amended, by inserting
10 after the definition of “Deceptive weapon device”, as so appearing, the following 2 definitions:-

11 “Extreme risk protection order”, an order by the court ordering the immediate suspension
12 and surrender of any license to carry firearms or firearm identification card which the respondent
13 may hold and ordering the respondent to surrender all firearms, rifles, shotguns, machine guns,
14 weapons or ammunition which he or she then controls, owns or possesses; provided, however,
15 that an extreme risk protection order shall be in effect for up to 1 year from the date of issuance
16 and may be renewed upon petition.

17 “Family or household member”, a person who: (i) is or was married to the respondent;
18 (ii) is or was residing with the respondent in the same household; (iii) is or was related by blood
19 or marriage to the respondent; (iv) has or is having a child in common with the respondent,
20 regardless of whether they have ever married or lived together; (v) is or has been in a substantive
21 dating relationship with the respondent; or (vi) is or has been engaged to the respondent.

22 SECTION 4. Said section 121 of said chapter 140 is hereby further amended by striking
23 out, in line 44, as so appearing, the word “a” and inserting in place thereof the following words:-
24 a stun gun or a.

25 SECTION 5. Said section 121 of said chapter 140 is hereby further amended by inserting
26 after the definition of “Machine gun”, as amended by section 20 of chapter 110 of the acts of
27 2017, the following 2 definitions:-

28 “Petition”, a request filed with the court by a petitioner for the issuance or renewal of an
29 extreme risk protection order.

30 “Petitioner”, the family or household member, or the licensing authority of the
31 municipality where the respondent resides, filing a petition.

32 SECTION 6. Said section 121 of said chapter 140 is hereby further amended by inserting
33 after the definition of “Purchase”, as appearing in the 2016 Official Edition, the following
34 definition:-

35 "Respondent", the person identified as the respondent in a petition against whom an
36 extreme risk protection order is sought.

37 SECTION 7. Said section 121 of said chapter 140 is hereby further amended by inserting
38 after the definition of “Shotgun”, as so appearing, the following 2 definitions:-

39 “Stun gun”, a portable device or weapon, regardless of whether it passes an electrical
40 shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse,
41 wave or beam that is designed to incapacitate temporarily, injure or kill may be directed.

42 “Substantive dating relationship”, a relationship as determined by the court after
43 consideration of the following factors: (i) the length of time of the relationship; (ii) the type of
44 relationship; (iii) the frequency of interaction between the parties; and (iv) if the relationship has
45 been terminated by either person, the length of time elapsed since the termination of the
46 relationship.

47 SECTION 8. Section 123 of said chapter 140, as so appearing, is hereby amended by
48 striking out, in line 506, the words “or (iii)” and inserting in place thereof the following words:-
49 (iii) a stun gun, as defined in section 121; or (iv).

50 SECTION 9. Section 129B of said chapter 140, as so appearing, is hereby amended by
51 striking out, in line 90, the first time it appears, the word “or”.

52 SECTION 10. Said section 129B of said chapter 140, as so appearing, is hereby further
53 amended by inserting after the figure “18 U.S.C. 922(g)(8)”, in line 93, the following words:- ;
54 or (C) an extreme risk protection order issued pursuant to sections 131R to 131X, inclusive, or a
55 similar order issued by another jurisdiction.

56 SECTION 11. Section 131 of said chapter 140, is hereby amended by striking out, in line
57 248, as so appearing, the first time it appears, the word “or”.

58 SECTION 12. Said section 131 of said chapter 140 is hereby further amended by
59 inserting after the figure “18 U.S.C. 922(g)(8)”, in line 251, as so appearing, the following
60 words:- ; or (C) an extreme risk protection order issued pursuant to sections 131R to 131X,
61 inclusive, or a similar order issued by another jurisdiction.

62 SECTION 13. Said chapter 140 is hereby further amended by striking out section 131J
63 and inserting in place thereof the following section:-

64 Section 131J. Sections 131³/₄, 131K and 131P shall not apply to stun guns. The secretary
65 of public safety and security shall promulgate regulations restricting access or use of stun guns
66 by non-licensed persons and establishing minimum safety and quality standards, safe storage
67 requirements, education and safety training requirements and law enforcement training on the
68 appropriate use of stun guns, which shall require that any stun gun purchased or used by a law
69 enforcement or public safety official include a mechanism for tracking the number of times the
70 stun gun has been fired.

71 SECTION 14. Subsection (a) of section 131L of said chapter 140 is hereby amended by
72 inserting after the first sentence, as appearing in the 2016 Official Edition, the following

73 sentence:- It shall be unlawful to store or keep any stun gun in any place unless such weapon is
74 secured in a locked container accessible only to the owner or other lawfully authorized user.

75 SECTION 15. Said chapter 140 is hereby further amended by inserting after section
76 131Q the following 8 sections:-

77 Section 131R. (a) A petitioner who believes that a person holding a license to carry
78 firearms or a firearm identification card may pose a risk of causing bodily injury to self or others
79 may, on a form furnished by the court and signed under the pains and penalties of perjury, file a
80 petition in court.

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

82 (i) state any relevant facts supporting the petition;

83 (ii) identify the reasons why the petitioner believes that the respondent poses a risk of
84 causing bodily injury to self or others by having in the respondent's control, ownership or
85 possession a firearm, rifle, shotgun, machine gun, weapon or ammunition;

86 (iii) identify the number, types, and locations of any firearms, rifles, shotguns, machine
87 guns, weapons or ammunition the petitioner believes to be in the respondent's current control,
88 ownership, or possession;

89 (iv) identify whether there is an abuse prevention order pursuant to chapter 209A, a
90 harassment prevention order pursuant to chapter 258E or an order similar to an abuse prevention
91 or harassment prevention order issued by another jurisdiction in effect against the respondent;
92 and

93 (v) identify whether there is a pending lawsuit, complaint, petition, or other legal action
94 between the parties to the petition.

95 (c) No fees for filing or service of process may be charged by a court or any public
96 agency to a petitioner filing a petition pursuant to this section.

97 (d) The petitioner's residential address, residential telephone number and workplace
98 name, address and telephone number, contained within the records of the court related to a
99 petition shall be confidential and withheld from public inspection, except by order of the court;
100 provided, however, that the petitioner's residential address and workplace address shall appear
101 on the court order and shall be accessible to the respondent and the respondent's attorney unless
102 the petitioner specifically requests, and the court orders, that this information be withheld from
103 the order. All confidential portions of the records shall be accessible at all reasonable times to the
104 petitioner and petitioner's attorney, the licensing authority of the municipality where the
105 respondent resides and to law enforcement officers, if such access is necessary in the
106 performance of their official duties. Such confidential portions of the court records shall not be
107 deemed to be public records under the provisions of clause twenty-sixth of section 7 of chapter 4.

108 (e) The court may order that any information in the petition or case record be impounded
109 in accordance with court rule.

110 (f) Upon receipt of a petition under this section and if the petitioner is a family or
111 household member as defined in section 121, the clerk of the court shall provide to the petitioner
112 and respondent informational resources about: (i) crisis intervention; (ii) mental health; (iii)
113 substance use disorders; (iv) counseling services; and (v) the process to apply for a temporary
114 commitment under section 12 of chapter 123.

115 Section 131S. (a) The court shall, within 10 days of receipt of a petition pursuant to
116 section 131R, conduct a hearing on the petition. Upon receipt of the petition, the court shall
117 issue a summons with the date, time and location of the hearing. The court shall direct a law
118 enforcement officer to personally serve a copy of the petition and the summons on the
119 respondent, or if personal service by a law enforcement officer is not possible, the court may,
120 after a hearing, order that service be made by some other identified means reasonably calculated
121 to reach the respondent. Service shall be made not less than 7 days prior to the hearing.

122 (b) Notwithstanding the provisions of subsection (a), the court shall, within 2 days of
123 receipt of a petition made pursuant to section 131R, conduct a hearing on the petition if the
124 respondent files an affidavit that a firearm, rifle, shotgun, machine gun, weapon or ammunition is
125 required in the performance of the respondent's employment.

126 (c) If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a
127 preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or
128 others by having in the respondent's control, ownership or possession a firearm, rifle, shotgun,
129 machine gun, weapon or ammunition, the court shall grant the petition. If the respondent does
130 not appear at the hearing pursuant to subsection (a) or subsection (b), the court shall grant the
131 petition upon a determination that the petitioner has demonstrated by a preponderance of the
132 evidence that the respondent poses such a risk.

133 (d) Upon granting a petition, the court shall issue an extreme risk protection order and
134 shall order the respondent to surrender any licenses to carry firearms, firearms identification
135 cards and all firearms, rifles, shotguns, machine guns, weapons and ammunition which the
136 respondent then controls, owns or possesses, to the licensing authority of the municipality where

137 the respondent resides. The court shall enter written findings as to the basis of its order within 24
138 hours of granting the order. The court may modify, suspend or terminate its order at any
139 subsequent time upon motion by either party; provided, however, that due notice shall be given
140 to the respondent and petitioner, and the court shall hold a hearing on said motion. When the
141 petitioner's address is confidential to the respondent as provided in subsection (d) of section
142 131R and the respondent has filed a motion to modify the court's order, the court shall be
143 responsible for notifying the petitioner. In no event shall the court disclose any such confidential
144 address.

145 Not less than 30 calendar days prior to the expiration of an extreme risk protection order,
146 the court shall notify the petitioner at the best known address of the scheduled expiration of the
147 order and that the petitioner may file a petition to renew the order pursuant to section 131R.

148 (e) Upon issuing an extreme risk protection order the clerk-magistrate of the court shall
149 transmit 2 certified copies of the order and 1 copy of the petition and summons forthwith to the
150 licensing authority of the municipality where the respondent resides which, unless otherwise
151 ordered by the court, shall serve a copy of the order and petition upon the respondent. Licensing
152 authorities shall establish adequate procedures to ensure that, when effecting service upon a
153 respondent, a law enforcement officer shall, to the extent practicable: (i) fully inform the
154 respondent of the contents and terms of the order and the available penalties for any violation of
155 an order; and (ii) provide the respondent with informational resources, including, but not limited
156 to, a list of services relating to crisis intervention, mental health, substance use disorders and
157 counseling, and a list of interpreters, as necessary, located within or near the court's jurisdiction.
158 The chief justice of the trial court, in consultation with the executive office of public safety and

159 security, and the department of mental health, shall annually update the informational resource
160 guides required under this section.

161 Each extreme risk protection order issued by the court shall contain the following
162 statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

163 (f) Upon receipt of service of an extreme risk protection order, the licensing authority of
164 the municipality where the respondent resides shall immediately suspend the respondent's
165 license to carry firearms or a firearm identification card and shall immediately notify the
166 respondent of said suspension.

167 Upon receipt of service of an extreme risk protection order the respondent shall
168 immediately surrender their license to carry firearms or a firearm identification card and all
169 firearms, rifles, shotguns, machine guns, weapons or ammunition in their control, ownership or
170 possession to the local licensing authority serving the order, in accordance with section 129D;
171 provided, however, that nothing in this section or in said section 129D shall allow the respondent
172 to: (i) transfer any firearms, rifles, shotguns, machine guns, weapons or ammunition required to
173 be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer; or (ii)
174 maintain control, ownership or possession of any firearms, rifles, shotguns, machine guns,
175 weapons or ammunition during the pendency of any appeal of an extreme risk protection order;
176 provided, however, that while the surrender of ownership pursuant to an extreme risk protection
177 order shall require the immediate surrender of any license to carry firearms or a firearm
178 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition in
179 the respondent's control or possession, it shall not require the surrender of permanent ownership
180 rights; and provided further that, notwithstanding section 129D, if the licensing authority cannot

181 reasonably ascertain a lawful owner of firearms, rifles, shotguns, machine guns, weapons or
182 ammunition surrendered pursuant to extreme risk protection order within 180 days of the
183 expiration or termination of the extreme risk protection order, the licensing authority may, in its
184 discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns,
185 machine guns, weapons or ammunition to properly licensed distributors or firearms dealers and
186 the proceeds of such sale or transfer shall be remitted or credited to the municipality in which the
187 licensing authority presides to be used for violence reduction or suicide prevention. Any
188 violation of this subsection shall be punishable by a fine of not more than \$5,000, or by
189 imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and
190 imprisonment.

191 (g) Upon receipt of a license to carry firearms or a firearm identification card and any
192 firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered by a respondent
193 pursuant to subsection (f), the licensing authority taking possession of the license to carry
194 firearms or a firearm identification card, and firearms, rifles, shotguns, machine guns, weapons
195 or ammunition shall issue a receipt identifying any license to carry firearms or a firearm
196 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition
197 surrendered by the respondent and shall provide a copy of the receipt to the respondent. The
198 licensing authority to which the respondent surrendered a license to carry firearms or a firearm
199 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition
200 shall, within 48 hours of the surrender, file the receipt with the court.

201 (h) If a person other than the respondent claims title to any firearms, rifles, shotguns,
202 machine guns, weapons or ammunition required to be surrendered, or surrendered, pursuant to
203 this section, and is determined by the licensing authority to be the lawful owner of the firearms,

204 rifles, shotguns, machine guns, weapons or ammunition, the firearms, rifles, shotguns, machine
205 guns, weapons or ammunition shall be returned to said person; provided, however, that: (i) the
206 firearms, rifles, shotguns, machine guns, weapons or ammunition are removed from the
207 respondent's control, ownership, or possession and the lawful owner agrees to store the firearms,
208 rifles, shotguns, machine guns, weapons or ammunition in a manner such that the respondent
209 does not have access to, or control of, the firearms, rifles, shotguns, machine guns, weapons or
210 ammunition; and (ii) the firearms, rifles, shotguns, machine guns, weapons or ammunition are
211 not otherwise unlawfully possessed by the owner. Any violation of this subsection shall be
212 punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years in
213 a house of correction, or by both such fine and imprisonment.

214 (i) Upon the expiration or termination of an extreme risk protection order, a licensing
215 authority holding any firearms, rifles, shotguns, machine guns, weapons or ammunition that have
216 been surrendered pursuant to this section shall return any license to carry firearms or firearm
217 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition
218 requested by a respondent only after the licensing authority of the municipality in which the
219 respondent resides confirms that the respondent is suitable for a license to carry firearms or a
220 firearm identification card and to control, own or possess firearms, rifles, shotguns, machine
221 guns, weapons or ammunition under federal and state law.

222 Not less than 7 days prior to expiration of an extreme risk protection order, a licensing
223 authority holding any firearms, rifles, shotguns, machine guns, weapons or ammunition that have
224 been surrendered pursuant to this section shall notify the petitioner of the expiration of the
225 extreme risk protection order and the return of a license to carry firearms or firearm

226 identification card and the return of any firearms, rifles, shotguns, machine guns, weapons or
227 ammunition to the respondent.

228 As soon as reasonably practicable after receiving notice of the termination of an extreme
229 risk protection order by the court, a licensing authority holding any firearms, rifles, shotguns,
230 machine guns, weapons or ammunition that have been surrendered pursuant to this section shall
231 notify the petitioner of the termination of the extreme risk protection order and the return of a
232 license to carry firearms or firearm identification card and the return of any firearms, rifles,
233 shotguns, machine guns, weapons or ammunition to the respondent.

234 (j) A respondent who has surrendered a license to carry firearms or firearm identification
235 card and all firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensing
236 authority and who does not wish to have the license to carry firearms or firearm identification
237 card or firearms, rifles, shotguns, machine guns, weapons or ammunition returned or who is no
238 longer eligible to control, own or possess firearms, rifles, shotguns, machine guns, weapons or
239 ammunition pursuant to this chapter or federal law, may sell or transfer title of the firearms,
240 rifles, shotguns, machine guns, weapons or ammunition to a licensed firearms dealer; provided,
241 however, that the respondent shall not take physical possession of the firearms, rifles, shotguns,
242 machine guns, weapons or ammunition. The licensing authority may transfer possession of the
243 firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensed dealer upon said
244 dealer providing the licensing authority with written proof of the sale or transfer of title of the
245 firearms, rifles, shotguns, machine guns, weapons or ammunition from the respondent to the
246 dealer.

247 (k) If the licensing authority cannot reasonably ascertain the lawful owner of any
248 firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to this
249 section within 180 days of expiration or termination of the order to surrender the firearms, rifles,
250 shotguns, machine guns, weapons or ammunition the licensing authority may dispose of the
251 firearms, rifles, shotguns, machine guns, weapons or ammunition pursuant to section 129D.

252 Section 131T. (a) Upon the filing of a petition pursuant to section 131R, the court may
253 issue an emergency extreme risk protection order without notice to the respondent and prior to
254 the hearing required pursuant to subsection (a) of section 131S if the court finds reasonable
255 cause to conclude that the respondent poses a risk of causing bodily injury to self or others by
256 being in possession of a license to carry firearms or a firearm identification card or having in his
257 control, ownership or possession a firearm, rifle, shotgun, machine gun, weapon or ammunition.

258 Upon issuance of an emergency extreme risk protection order pursuant to this section, the
259 clerk magistrate of the court shall notify the respondent pursuant to subsection (e) of section
260 131S. An order issued under this subsection shall expire 10 days after its issuance unless a
261 hearing is scheduled pursuant to subsection (a) or (b) of section 131S or at the conclusion of a
262 hearing held pursuant to said subsection (a) or (b) of said section 131S unless a permanent order
263 is issued by the court pursuant to subsection (d) of said section 131S.

264 (b) When the court is closed for business, a justice of the court may grant an emergency
265 extreme risk protection order if the court finds reasonable cause to conclude that the respondent
266 poses a risk of causing bodily injury to self or others by being in possession of a license to carry
267 firearms or firearm identification card or by having in his control, ownership or possession of a
268 firearm, rifle, shotgun, machine gun, weapon or ammunition. In the discretion of the justice, such

269 relief may be granted and communicated by telephone to the licensing authority of the
270 municipality where the respondent resides, which shall record such order on a form of order
271 promulgated for such use by the chief justice of the trial court and shall deliver a copy of such
272 order on the next court business day to the clerk-magistrate of the court. If relief has been
273 granted without the filing of a petition pursuant to section 131R, the petitioner shall appear in
274 court on the next available court business day to file a petition. Any order issued under this
275 subsection shall expire at the conclusion of the next court business day after the order was issued
276 unless a petitioner has filed a petition with the court pursuant to section 131R and the court has
277 issued an emergency extreme risk protection order pursuant to subsection (a).

278 (c) Upon receipt of service of an extreme risk protection order pursuant to this section,
279 the respondent shall immediately surrender their license to carry firearms or firearm
280 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition to
281 the local licensing authority serving the order as provided in subsection (f) of section 131S.

282 Section 131U. (a) On the same day that an extreme risk protection order is issued
283 pursuant to section 131S or section 131T, the clerk magistrate of the court shall forward a copy
284 of such order to: (i) the licensing authority; (ii) the commissioner of probation; (iii) the
285 department of criminal justice information services who shall transmit the report, pursuant to
286 paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be
287 included in the National Instant Criminal Background Check System; and (iv) any other federal
288 or state computer-based systems used by law enforcement or others to identify prohibited
289 purchasers of firearms. Upon the expiration or termination of an extreme risk protection order
290 issued pursuant to section 131S or section 131T, the clerk magistrate of the court shall notify (i)
291 the licensing authority; (ii) the commissioner of probation; (iii) the department of criminal justice

292 information services who shall transmit the report, pursuant to paragraph (h) of section 167A of
293 chapter 6, to the attorney general of the United States to be included in the National Instant
294 Criminal Background Check System; and (iv) any other federal or state computer-based systems
295 used by law enforcement or others to identify prohibited purchasers of firearms that the order has
296 been terminated or has expired.

297 Section 131V. (a) Any person who files a petition for an extreme risk protection order,
298 knowing the information in the petition to be materially false or with an intent to harass the
299 respondent, shall be punished by a fine of no less than \$2,500 and no more than \$5,000 or by
300 imprisonment for no more than 2 ½ years in the house of correction or by both such fine and
301 imprisonment.

302 Section 131W. The chief justice of the trial court, in consultation with the chief justice of
303 the district court and the chief justice of the Boston municipal court, shall promulgate rules,
304 regulations and policies and shall develop and prepare instructions, brochures, petitions, forms
305 and other material required for the administration and enforcement of sections 131R to 131X,
306 inclusive, which shall be in such form and language to permit a petitioner to prepare and file a
307 petition pro se.

308 Section 131X. (a) Sections 131R to 131Y, inclusive, shall not affect the ability of a law
309 enforcement officer to remove firearms, rifles, shotguns, machine guns, weapons or ammunition
310 from any person or conduct any search and seizure for firearms, rifles, shotguns, machine guns,
311 weapons or ammunition pursuant to other lawful authority.

312 (b) Nothing in sections 131R to 131Y, inclusive, shall supersede or limit a licensing
313 authority's ability to suspend or revoke a license that the licensing authority has issued pursuant
314 to other lawful authority.

315 (c) Sections 131R to 131Y, inclusive, shall not impose any duty on a family or household
316 member to file a petition and no family or household member shall be held criminally or civilly
317 liable for failure to petition.

318 (d) The supreme judicial court and the appeals court shall have concurrent jurisdiction to
319 review any proceedings had, determinations made, and orders or judgments entered in the court
320 pursuant to section 131S or section 131T. The supreme judicial court or the appeals court,
321 subject to the provisions of section 13 of chapter 211A may by rule vary the procedure
322 authorized or required for such review upon a finding that the review by the court will thereby be
323 made more simple, speedy and effective.

324 Section 131Z. The court shall annually, on or before December 31, issue a report on the
325 use of extreme risk protective orders. The report shall be submitted to the executive office of
326 public safety and security; the chairs of the joint committee on public safety and homeland
327 security; the chairs of the joint committee on the judiciary; the chairs of the joint committee on
328 mental health substance use and recovery; and clerks of the senate and the house of
329 representatives. The report shall include but shall not be limited to the following information:

330 (1) the number of extreme risk protective order petitions filed;

331 (2) the number of extreme risk protective order petitions that lead to a respondent's
332 surrender pursuant to section 131S;

333 (3) the number of extreme risk protective order petitions that are heard but not granted;

334 (4) the number of emergency extreme risk protective order petitions filed;

335 (5) the number of emergency extreme risk protective order petitions that lead to a

336 respondent's surrender pursuant to 131T;

337 (6) the number of emergency extreme risk protective order petitions that are heard but not

338 granted;

339 (7) the number of extreme risk protective order or emergency extreme risk protective

340 order petitions filed that are deemed to be fraudulent;

341 (8) the race and ethnicity of the petitioner and respondent;

342 (9) the gender and gender identity of the petitioner and respondent;

343 (10) the data on the duration of extreme risk protection orders.

344 (11) The number of instances in which an order has been terminated or otherwise

345 modified prior to its original expiration date; and

346 (12) The number of instances in which a fine has been assessed for a filed petition that

347 was deemed to be fraudulent.

348 SECTION 16. Notwithstanding any general or special law to the contrary, the department

349 of mental health shall develop county based informational resources about crisis intervention,

350 mental health, substance use disorders, counseling services, interpreter services, the process to

351 apply for temporary commitment under section 12 of chapter 123 of the General Laws and other

352 relevant resources that serve each county. The department shall provide said county based

353 informational resources to the chief justice of the trial court who shall distribute the
354 informational resources to each district and municipal court in the Commonwealth for
355 distribution pursuant to subsection (f) of section 131R of the chapter 140 of the General Laws.
356 The department of mental health shall develop county based informational resources required
357 pursuant to this section within 45 days of the effective date of this act.

358 SECTION 17. Notwithstanding any general or special law to the contrary, the chief
359 justice of the trial court shall promulgate rules, regulations and policies and shall develop and
360 prepare instructions, brochures, petitions, forms and other material required pursuant to section
361 131X of chapter 140 of the General Laws within 45 days of the effective date of this act.

362 SECTION 18. Sections 1, 2, 3, 5, 6, 9, 10, 11, 12, 15, 16 and 17 shall take effect 45 days
363 after passage.