

SENATE. No. 2549

Senate, June 7, 2018 – Text of the Senate amendment to the House Bill relative to firearms
(House, No. 4539)

The Commonwealth of Massachusetts

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

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

4 SECTION 1A. Said section 121 of said chapter 140 is hereby further amended by adding
5 the following paragraph:-

6 As used in sections 131R to 131X, inclusive, the word “court” shall, unless the context
7 clearly requires otherwise, mean the division of the district court department or the Boston
8 municipal court department of the trial court having jurisdiction in the city or town in which the
9 respondent resides.

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

12 "Extreme risk protection order", an order by the court ordering the immediate suspension
13 and surrender of any license to carry firearms or firearm identification card which the respondent
14 may hold and ordering the respondent to surrender all firearms, rifles, shotguns, machine guns,
15 weapons or ammunition which he or she then controls, owns or possesses. An extreme risk

16 protection order shall be in effect for up to 1 year from the date of issuance and may be renewed
17 upon petition.

18 “Family or household member”, a person who:

19 (i) is or was married to the respondent;

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

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

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

24 (v) is or has been in a substantive dating relationship with the respondent;

25 (vi) is or has been engaged to the respondent.

26 **[THERE IS NO SECTION 3]**

27 SECTION 4. Said section 121 of said chapter 140 is hereby further amended by inserting
28 after the definition of “Machine gun”, as amended by section 20 of chapter 110 of the acts of
29 2017, the following 2 definitions:-

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

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

34 SECTION 5. Said section 121 of said chapter 140 is hereby further amended by inserting
35 after the definition of “Purchase”, as appearing in the 2016 Official Edition, the following
36 definition:-

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

39 SECTION 6. Said section 121 of said chapter 140 is hereby further amended by inserting
40 after the definition of “Shotgun”, as so appearing, the following 2 definitions:-

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

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

50 SECTION 7. 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 8. 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 9. 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 10. 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 11. Said chapter 140 is hereby further amended by striking out section 131J,
63 as appearing in the 2016 Official Edition, and inserting in place thereof the following section:-

64 Section 131J. (a) No person shall possess, purchase, carry, transfer or otherwise utilize
65 for defensive purposes a stun gun, as defined in section 121, unless the person is not less than 21
66 years of age and has been issued a firearms identification card pursuant to section 129B or a
67 license to carry firearms pursuant to section 131.

68 (b) Whoever violates subsection (a) shall be punished by a fine of not less than \$500 nor
69 more than \$1,000, by imprisonment in the house of correction for not more than 2½ years or by
70 both such fine and imprisonment. A law enforcement officer may arrest without a warrant any
71 person who the officer has probable cause to believe has violated this section.

72 (c) Whoever, not being licensed as provided in section 122B, sells a stun gun shall be
73 punished by a fine of not more than \$1,000 or by imprisonment in a house of correction for not
74 more than 2 years.

75 (d) Whoever sells a stun gun to a person who is less than 21 years of age shall have the
76 license to sell firearms, rifles, shotguns, machine guns or ammunition revoked, shall not be
77 entitled to apply for such a license for 10 years from the date of the revocation and shall be
78 punished by a fine of not less than \$1,000 nor more than \$10,000, by imprisonment in a state
79 prison for not more than 10 years or by imprisonment in a house of correction for not more than
80 2½ years or by both such fine and imprisonment.

81 (e) The following shall be exempt from subsections (b) and (c):

82 (i) a federal, state, municipal or university law enforcement officer, or member of a
83 special reaction team in a state prison or designated special operations or tactical team in a
84 county correctional facility, who: (i) is acting in the discharge of the official duties of the officer
85 or member; and (ii) has completed a training course approved by the secretary of public safety in
86 the use of such a stun gun;

87 (ii) federally-licensed firearms manufacturers or wholesale dealers, or persons employed
88 by them or by licensed dealers, or on their behalf, when possession of stun guns is necessary for
89 manufacture, display, storage, transport, installation, inspection or testing;

90 (iii) a licensed supplier of such stun guns, if possession of the stun gun is necessary to the
91 supply or sale of the stun gun within the scope of such sale or supply enterprise;

92 (iv) a person voluntarily surrendering a stun gun therefor to a licensing authority, the
93 colonel of the state police or a designee, if prior written notice has been given by the person to
94 the licensing authority or the colonel of the state police, stating the place and approximate time
95 of the surrender;

96 (v) the regular and ordinary transport of stun guns as merchandise by any common
97 carrier;

98 (vi) possession of stun guns therefor by nonresidents traveling in or through the
99 commonwealth; provided, however, that that any stun gun is enclosed in a locked case;

100 (vii) a resident of the commonwealth returning after having been absent from the
101 commonwealth for not less than 180 consecutive days or a new resident moving into the
102 commonwealth, with respect to any stun gun therefor then in the resident's possession, for 60
103 days after the return or entry into the commonwealth;

104 (viii) the possession or utilization of a stun gun during the course of a television, movie,
105 stage or other similar theatrical production or by a professional photographer or writer for
106 examination purposes in the pursuit of the person's profession; provided, however, that the
107 possession or utilization is under the immediate supervision of a holder of a firearm
108 identification card or a license to carry firearms;

109 (ix) the temporary holding, handling or firing of a stun gun for examination, trial or
110 instruction in the presence of a holder of a license to carry firearms or the temporary holding,
111 handling or firing of a stun gun for examination, trial or instruction in the presence of a holder of
112 a firearm identification card or where such holding, handling or firing is for a lawful purpose;
113 and

114 (x) the transfer of a stun gun upon the death of an owner to the owner's heir or legatee
115 shall be subject to this section; provided, however, that the heir or legatee shall, within 180 days
116 of the transfer, obtain a firearm identification card or a license to carry firearms if the heir or

117 legatee is not otherwise an exempt person who is qualified to receive such card or license or
118 apply to the licensing authority for such further limited period as may be necessary for the
119 disposition of the stun gun.

120 (f) A person who, while not being within the limits of the person's own property or
121 residence or whose property or residence is under lawful search, and who is not exempt under
122 this section, shall, on demand of a police officer or other law enforcement officer, exhibit the
123 person's license to carry firearms, the person's firearm identification card or a receipt for fee
124 paid for such a card. Upon failure to do so, such a person may be required to surrender to such an
125 officer the stun gun, which shall be taken into custody pursuant to section 129D; provided,
126 however, that such a stun gun shall be returned immediately upon presentation, within 30 days,
127 of such a license, firearm identification card or receipt. A person subject to the conditions of this
128 paragraph may, even though no stun gun was surrendered, be required to produce, within 30
129 days, such a license, firearm identification card or receipt, failing which the conditions of section
130 129D shall apply. Nothing in this section shall prevent a person from being prosecuted for a
131 violation of this chapter.

132 (g) A person who is required to surrender the person's firearms identification card,
133 license to carry, firearms, rifles or shotguns, either by order of a court or by operation of law,
134 shall simultaneously surrender any stun gun in the same manner as the other weapons are
135 surrendered.

136 (h) The secretary of public safety shall adopt regulations governing storage of devices or
137 weapons under this section and law enforcement training on the appropriate use of devices or
138 weapons issued under this section.

139 SECTION 12. Said chapter 140 is hereby further amended by inserting after section
140 131Q the following 7 sections:-

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

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

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

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

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

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

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

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

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

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

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

179 (g) The court shall notify the respondent of the respondent's right to retain counsel to
180 represent the respondent at the hearing on the petition conducted pursuant to section 131S.

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

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

192 (c) If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a
193 preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or
194 others by having in his or her control, ownership or possession a firearm, rifle, shotgun, machine
195 gun, weapon or ammunition, the court shall grant the petition. If the respondent does not appear
196 at the hearing pursuant to subsection (a) or subsection (b), the court shall grant the petition upon
197 a determination that the petitioner has demonstrated by a preponderance of the evidence that the
198 respondent poses such a risk.

199 (d) Upon granting a petition, the court shall issue an extreme risk protection order and
200 shall order the respondent to surrender all firearms, rifles, shotguns, machine guns, weapons and
201 ammunition which the respondent then controls, owns or possesses, to the licensing authority of
202 the municipality where the respondent resides. The court shall enter written findings as to the

203 basis of its order within 24 hours of granting the order. The court may modify, suspend or
204 terminate its order at any subsequent time upon motion by either party; provided, however, that
205 due notice is given to the respondent and petitioner, and the court holds a hearing on said motion.
206 When the petitioner's address is inaccessible to the respondent as provided in subsection (d) of
207 section 131R and the respondent has filed a motion to modify the court's order, the court shall be
208 responsible for notifying the respondent. In no event shall the court disclose any such
209 inaccessible address.

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

213 (e) Upon issuing an extreme risk protection order the clerk-magistrate of the court shall
214 transmit 2 certified copies of the order and 1 copy of the petition and summons forthwith to the
215 licensing authority of the municipality where the respondent resides which, unless otherwise
216 ordered by the court, shall serve a copy of the order and petition upon the respondent. Licensing
217 authorities shall establish adequate procedures to ensure that, when effecting service upon a
218 respondent, a law enforcement officer shall, to the extent practicable: (i) fully inform the
219 respondent of the contents and terms of the order and the available penalties for any violation of
220 an order; and (ii) provide the respondent with informational resources, including, but not limited
221 to, a list of services relating to crisis intervention, mental health, substance use disorders and
222 counseling, and a list of interpreters, as necessary, located within or near the court's jurisdiction.
223 The chief justice of the trial court, in consultation with the executive office of public safety and
224 security, and the department of mental health, shall annually update the informational resource
225 guides required under this section. The department of mental health shall develop materials

226 concerning state and community resources of crisis intervention, mental health, substance abuse,
227 interpreter, counseling and other relevant resources that serve the county in which the court is
228 located. The department shall provide the materials to the courts and the courts shall make the
229 materials and resources available as part of, or in addition to, the informational brochures
230 described in this section.

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

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

237 Upon receipt of service of an extreme risk protection order the respondent shall
238 immediately surrender their license to carry firearms or a firearm identification card and all
239 firearms, rifles, shotguns, machine guns, weapons or ammunition in their control, ownership or
240 possession to the local licensing authority serving the order, in accordance with section 129D;
241 provided, however, that nothing in this section or in said section 129D shall allow the respondent
242 to: (i) transfer any firearms, rifles, shotguns, machine guns, weapons or ammunition required to
243 be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer; or (ii)
244 maintain control or possession of any firearms, rifles, shotguns, machine guns, weapons or
245 ammunition during the pendency of any appeal of an extreme risk protection order; and provided
246 further that, notwithstanding section 129D, if the licensing authority cannot reasonably ascertain
247 a lawful owner of firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered

248 pursuant to extreme risk protection order within 180 days of the expiration or termination of the
249 extreme risk protection order the licensing authority may, in its discretion, trade or dispose of
250 surplus, donated, abandoned or junk firearms, rifles, shotguns, machine guns, weapons or
251 ammunition to properly licensed distributors or firearms dealers and the proceeds of such sale or
252 transfer shall be remitted or credited to the municipality in which the licensing authority presides
253 to be used for violence reduction or suicide prevention Any violation of this subsection shall be
254 punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years in
255 a house of correction, or by both such fine and imprisonment.

256 (g) Upon receipt of a license to carry firearms or a firearm identification card and any
257 firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered by a respondent
258 pursuant to subsection (f), the licensing authority taking possession of the license to carry
259 firearms or a firearm identification card, and firearms, rifles, shotguns, machine guns, weapons
260 or ammunition shall issue a receipt identifying any license to carry firearms or a firearm
261 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition
262 surrendered by the respondent and shall provide a copy of the receipt to the respondent. The
263 licensing authority to which the respondent surrendered a license to carry firearms or a firearm
264 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition
265 shall, within 48 hours of the surrender, file the receipt with the court.

266 (h) If a person other than the respondent claims title to any firearms, rifles, shotguns,
267 machine guns, weapons or ammunition required to be surrendered, or surrendered, pursuant to
268 this section, and is determined by the licensing authority to be the lawful owner of the firearms,
269 rifles, shotguns, machine guns, weapons or ammunition, the firearms, rifles, shotguns, machine
270 guns, weapons or ammunition shall be returned to said person; provided, however, that: (i) the

271 firearms, rifles, shotguns, machine guns, weapons or ammunition are removed from the
272 respondent's control, ownership, or possession and the lawful owner agrees to store the firearms,
273 rifles, shotguns, machine guns, weapons or ammunition in a manner such that the respondent
274 does not have access to, or control of, the firearms, rifles, shotguns, machine guns, weapons or
275 ammunition; and (ii) the firearms, rifles, shotguns, machine guns, weapons or ammunition are
276 not otherwise unlawfully possessed by the owner. Any violation of this subsection shall be
277 punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years in
278 a house of correction, or by both such fine and imprisonment.

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

287 At least 7 days prior to expiration of an extreme risk protection order, a licensing
288 authority holding any firearms, rifles, shotguns, machine guns, weapons or ammunition that have
289 been surrendered pursuant to this section shall notify the petitioner of the expiration of the
290 extreme risk protection order and the return of a license to carry firearms or firearm
291 identification card and the return of any firearms, rifles, shotguns, machine guns, weapons or
292 ammunition to the respondent.

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

299 (j) A respondent who has surrendered a license to carry firearms or firearm identification
300 card and all firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensing
301 authority and who does not wish to have the license to carry firearms or firearm identification
302 card or firearms, rifles, shotguns, machine guns, weapons or ammunition returned or who is no
303 longer eligible to control, own or possess firearms, rifles, shotguns, machine guns, weapons or
304 ammunition pursuant to this chapter or federal law, may sell or transfer title of the firearms,
305 rifles, shotguns, machine guns, weapons or ammunition to a licensed firearms dealer; provided,
306 however, that the respondent shall not take physical possession of the firearms, rifles, shotguns,
307 machine guns, weapons or ammunition. The licensing authority may transfer possession of the
308 firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensed dealer upon said
309 dealer providing the licensing authority with written proof of the sale or transfer of title of the
310 firearms, rifles, shotguns, machine guns, weapons or ammunition from the respondent to the
311 dealer.

312 (k) If the licensing authority cannot reasonably ascertain the lawful owner of any
313 firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to this
314 section within 180 days of expiration or termination of the order to surrender the firearms, rifles,

315 shotguns, machine guns, weapons or ammunition the licensing authority may dispose of the
316 firearms, rifles, shotguns, machine guns, weapons or ammunition pursuant to section 129D.

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

323 Upon issuance of an emergency extreme risk protection order pursuant to this section, the
324 clerk magistrate of the court shall notify the respondent pursuant to subsection (e) of section
325 131S. An order issued under this subsection shall expire 10 days after its issuance or upon a
326 hearing held pursuant to subsection (a) or (b) of section 131S, whichever is sooner.

327 (b) When the court is closed for business, a justice of the court may grant an emergency
328 extreme risk protection order if the court finds reasonable cause to conclude that the respondent
329 poses a risk of causing bodily injury to self or others by being in possession of a license to carry
330 firearms or firearm identification card or by having in his control, ownership or possession of a
331 firearm, rifle, shotgun, machine gun, weapon or ammunition. In the discretion of the justice, such
332 relief may be granted and communicated by telephone to the licensing authority of the
333 municipality where the respondent resides, which shall record such order on a form of order
334 promulgated for such use by the chief justice of the trial court and shall deliver a copy of such
335 order on the next court business day to the clerk-magistrate of the court. If relief has been
336 granted without the filing of a petition pursuant to section 131R, the petitioner shall appear in

337 court on the next available court business day to file a petition. Any order issued under this
338 subsection shall expire at the conclusion of the next court business day after the order was issued
339 unless a petitioner has filed a petition with the court pursuant to section 131R and the court has
340 issued an emergency extreme risk protection order pursuant to subsection (a).

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

345 Section 131U. (a) On the same day that an extreme risk protection order is issued
346 pursuant to section 131S or section 131T, the clerk magistrate of the court shall forward a copy
347 of such order to: (i) the licensing authority; (ii) the commissioner of probation; (iii) the
348 department of criminal justice information services who shall transmit the report, pursuant to
349 paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be
350 included in the National Instant Criminal Background Check System; and (iv) any other federal
351 or state computer-based systems used by law enforcement or others to identify prohibited
352 purchasers of firearms. Upon the expiration or termination of an extreme risk protection order
353 issued pursuant to section 131S or section 131T, the court shall transmit the petition, summons
354 and a copy of the order and written findings to: (i) the licensing authority; (ii) the commissioner
355 of probation; (iii) the department of criminal justice information services who shall transmit the
356 report, pursuant to paragraph (h) of section 167A of chapter 6, to the attorney general of the
357 United States to be included in the National Instant Criminal Background Check System; and
358 (iv) any other federal or state computer-based systems used by law enforcement or others to
359 identify prohibited purchasers of firearms.

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

365 Section 131W. The chief justice of the trial court, in consultation with the chief justice of
366 the district court, shall promulgate rules, regulations and policies and shall develop and prepare
367 instructions, brochures, petitions, forms and other material required for the administration and
368 enforcement of sections 131R to 131X, inclusive, which shall be in such form and language to
369 permit a petitioner to prepare and file a petition pro se.

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

374 (a½) Nothing in sections 131R to 131X, inclusive, shall supersede or limit a licensing
375 authority's ability to suspend or revoke a license that the licensing authority has issued pursuant
376 to other lawful authority.

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

380 (l) The supreme judicial court and the appeals court shall have concurrent jurisdiction to
381 review any proceedings had, determinations made, and orders or judgments entered in the court

382 pursuant to this section or section 131T. The supreme judicial court or the appeals court, subject
383 to the provisions of section 13 of chapter 211A may by rule vary the procedure authorized or
384 required for such review upon a finding that the review by the court will thereby be made more
385 simple, speedy and effective.

386 Section 131Z. The court shall annually, on or before December thirty-first, issue a report
387 on the use of extreme risk protective orders. The report shall be submitted to the Executive
388 Office of Public Safety and Security; the Joint Committee on Public Safety and Homeland
389 Security; The Joint Committee on the Judiciary; the Joint Committee on Mental Health
390 Substance Use and Recovery; and the House and Senate Clerks. The report shall include but
391 shall not be limited to the following information:

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

393 (2) the number of extreme risk protective order petitions that lead to a respondent's
394 forfeiture subject to Section 131X;

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

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

397 (5) the number of emergency extreme risk protective order petitions that lead to a
398 respondent's forfeiture subject to section 131X;

399 (6) the number of emergency extreme risk protective order petitions that are heard but not
400 granted;

401 (7) the number of extreme risk protective order or emergency extreme risk protective
402 order petitions filed that are deemed to be fraudulent;

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

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

405 (10) the data on the duration of extreme risk protection orders.(11) The number of
406 instances in which an order has been terminated or otherwise modified prior to its original
407 expiration date; and

408 (12) The number of instances in which a fine has been assessed for a filed petition that
409 was deemed to be fraudulent.

410 SECTION 13. Notwithstanding any general or special law to the contrary, the chief
411 justice of the trial court shall promulgate rules, regulations and policies and shall develop and
412 prepare instructions, brochures, petitions, forms and other material required pursuant to section
413 131X of chapter 140 of the General Laws within 45 days of the effective date of this act.

414 SECTION 14. Sections 1, 1A, 2, 4, 5, 7, 8, 9, 10 and 12 shall take effect 45 days after
415 passage.