

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

***** 691.1803.new THIS NEW SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE
2023 REGULAR SESSION SINE DIE *****

691.1803.new Definitions.

Sec. 3. As used in this act:

(a) "C.J.I.S. policy council act" means the C.J.I.S. policy council act, 1974 PA 163, MCL 28.211 to 28.215.

(b) "Dating relationship" means a relationship that consists of frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(c) "Extreme risk protection order" means an order issued by a court under section 7.

(d) "Family member" means an individual who is related to the respondent as any of the following:

(i) A parent.

(ii) A son or daughter.

(iii) A sibling.

(iv) A grandparent.

(v) A grandchild.

(vi) An uncle or aunt.

(vii) A first cousin.

(e) "Guardian" means that term as defined in section 1104 of the estates and protected individuals code, 1998 PA 386, MCL 700.1104.

(f) "Health care provider" means any of the following:

(i) A physician, physician's assistant, nurse practitioner, or certified nurse specialist licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, or a physician, physician's assistant, nurse practitioner, or certified nurse specialist licensed in another state.

(ii) A mental health professional as that term is defined in section 100b of the mental health code, 1974 PA 258, MCL 330.1100b, or a mental health professional licensed in another state.

(g) "Law enforcement agency" means any of the following:

(i) A sheriff's department.

(ii) The department of state police.

(iii) A police department of a township, village, or incorporated city.

(iv) The public safety department of an institution of higher education created under or described in article VIII of the state constitution of 1963.

(v) The public safety department of a community or junior college.

(vi) The public safety department or office of a private college.

(h) "Law enforcement officer" means a law enforcement officer as that term is defined in section 2 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.602.

(i) "Petitioner" means the individual who requests an extreme risk protection order in an action under section 5.

(j) "Possession or control" includes, but is not limited to, actual possession or constructive possession by which the individual has the right to control the firearm, even though the firearm is in a different location than the individual. Possession or control does not require the individual to own the firearm.

(k) "Respondent" means the individual against whom an extreme risk protection order is requested in an action under section 5.

(l) "Restrained individual" means the individual against whom an extreme risk protection order has been issued and is in effect.

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

Popular name: Red flag law