

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

***** 691.1821.new THIS NEW SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE
2023 REGULAR SESSION SINE DIE *****

691.1821.new Annual report on application of the act.

Sec. 21. (1) The state court administrative office, acting at the direction of the supreme court, shall prepare an annual report on and relating to the application of this act by the courts.

(2) The report required by this section must contain all of the following:

(a) The number of actions filed for extreme risk protection orders.

(b) The number of requests made for extreme risk protection orders to be issued without notice under section 7(2).

(c) The number of extreme risk protection orders issued and the number denied.

(d) The number of extreme risk protection orders issued without notice under section 7(2) and the number denied.

(e) The number of extreme risk protection orders that are rescinded.

(f) The number of extreme risk protection orders entered without notice under section 7(2) that are rescinded.

(g) The number of extreme risk protection orders that are renewed.

(h) To the extent ascertainable from available state court data, the number of individuals who are restrained under an emergency risk protection order who, within 30 days after entry of the order, are charged with a criminal offense, giving the nature of the criminal offense, whether it was an offense for the violation of the emergency risk protection order, and the disposition or status of the offense.

(i) To the extent ascertainable from available state court data, the number of petitioners who were prosecuted for knowingly and intentionally making a false statement to the court in a complaint or in support of the complaint under this act.

(j) To the extent ascertainable from available state court data, the number of individuals who were prosecuted for knowingly placing a firearm or ammunition in the possession of a restrained individual.

(k) Demographic data regarding the individuals who are petitioners and respondents in actions for extreme risk protection orders.

(3) The state court administrative office, acting under the direction of the supreme court, shall publish a report prepared under this section annually and provide the report to the legislature and the legislative committees with jurisdiction over judicial matters.

(4) The state court administrative office shall make the data used to prepare the report under this section available annually to individuals, including, but not limited to, the Institute for Firearm Injury and other researchers affiliated with institutions of higher education, who are conducting academic or policy research, including, but not limited to, any disproportionate or discriminatory impact of this act on members of protected classes.

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

Popular name: Red flag law