

## Amendment to HB 687-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

1 Statement of Purpose. The general court finds that allowing family or household members or  
2 law enforcement officers to petition for a court order to temporarily restrict access to firearms by  
3 individuals who are found to pose an immediate risk to themselves or others would advance public  
4 safety. This act shall not apply in cases of domestic abuse or stalking where the petitioner is  
5 eligible to petition for relief under RSA 173-B or RSA 633:3-a.

8        2 New Chapter; Extreme Risk Protection Orders. Amend RSA by inserting after chapter 159-D  
9 the following new chapter:

CHAPTER 159-E

## EXTREME RISK PROTECTION ORDERS

12 159-E:1 Definitions. In this chapter:

13           I. “Extreme risk protection order” means a temporary, ex parte, or final order issued  
14 pursuant to this chapter to temporarily restrict access to firearms by individuals who are found to  
15 pose an immediate or significant risk to themselves or others.

16 II. "Family or household member" means:

17 (a) A spouse, ex-spouse, person cohabiting with another person, and a person who  
18 cohabited with another person in the preceding 24 months but who no longer shares the same  
19 residence.

(b) A parent or other person related by consanguinity or affinity, other than a minor child who resides with the respondent.

22           III. "Firearm" means any weapon, including a starter gun, which will, is designed to, or  
23 may be readily converted to expel a projectile by the action of an explosive.

IV. "Intimate partner" means a person currently or formerly involved in a romantic relationship with another, whether or not such relationship was ever sexually consummated.

26 V. "Law enforcement officer" means a sheriff or deputy sheriff of any county, a state police  
27 officer, a constable or police officer of any city or town, or a conservation officer.

28 VI. "Petitioner" means a law enforcement officer, family or household member, or intimate  
29 partner of the respondent who files a petition for an extreme risk protection order under this  
30 chapter.

31                   VII. "Respondent" means an individual who is identified as the respondent in a petition  
32        filed under this chapter.

1 159-E:2 Jurisdiction and Venue.

2 I. The district division of the circuit court shall have jurisdiction over all proceedings under  
3 this chapter.

4 II. The petitioner may commence proceedings pursuant to RSA 159-E:3 in the county or  
5 district where either the petitioner or the respondent resides.

6 III. Proceedings under this chapter may be transferred to another court upon the motion of  
7 any party or of the court as the interests of justice or the convenience of the parties may require.

8 159-E:3 Commencement of Proceedings; Hearing.

9 I. A petitioner may seek relief under this chapter by filing a petition, in the county or  
10 district where the petitioner or respondent resides, alleging that the respondent poses a significant  
11 risk of causing bodily injury to himself or herself or others by having a firearm or any ammunition  
12 in his or her custody or control or by purchasing, possessing, or receiving a firearm or any  
13 ammunition.

14 II. A petition for an extreme risk protection order shall:

15 (a) Be accompanied by a written affidavit, signed by the petitioner under oath. The  
16 affidavit shall contain specific factual allegations regarding the factors that give rise to petitioner's  
17 belief that respondent poses a significant risk of causing bodily injury to himself or herself or others  
18 by having a firearm or any ammunition in his or her custody or control or by purchasing,  
19 possessing, or receiving a firearm or any ammunition.

20 (b) Identify the quantities, types, and locations of all firearms and ammunition the  
21 petitioner believes to be in the respondent's current ownership, possession, custody, or control.

22 (c) Identify if there is a known existing protection order in effect against the respondent  
23 under RSA 173-B or any other applicable statute.

24 (d) Identify what steps if any have been taken to voluntarily remove firearms from the  
25 respondent.

26 III. Any person who files a petition under this chapter containing allegations the petitioner  
27 knows to be false, or who files a petition with intent to harass the respondent, shall be subject to  
28 criminal penalties, as set forth in RSA 159-E:11.

29 IV. Notice of the pendency of the action and of the facts alleged against the respondent  
30 shall be given to the respondent, either personally or as provided in paragraph V. The petitioner  
31 shall be permitted to supplement or amend the petition only if the respondent is provided an  
32 opportunity prior to the hearing to respond to the supplemental or amended petition. All petitions  
33 filed under this chapter shall include the home and work telephone numbers of the respondent, if  
34 known. Notice of the whereabouts of the petitioner shall not be revealed except by order of the  
35 court for good cause shown. Any answer by the respondent shall be filed with the court and a copy  
36 shall be provided to the petitioner by the court.

37 V. No filing fee or fee for service of process shall be charged for a petition or response under

1 this section, and the petitioner or respondent may proceed without legal counsel. A law  
2 enforcement officer shall serve process under this section. Any proceeding under this chapter shall  
3 not preclude any other available civil or criminal remedy.

4 VI. The clerk of the circuit court shall supply forms for petitions and for relief under this  
5 chapter designed to facilitate pro se proceedings. All such petitions shall contain the following  
6 statement: "I swear that the foregoing information is true and correct to the best of my knowledge.  
7 I understand that making a false statement on this petition will subject me to criminal penalties."

8 VII. The findings of facts shall be final, but questions of law may be transferred from the  
9 circuit court to the superior court.

10 VIII.(a) The court shall hold a hearing within 14 days of the filing of a petition under this  
11 section or within 7 days of service of process upon the respondent, whichever occurs later.

12 (b) The time frame established in this paragraph may be extended for an additional 7  
13 days upon motion by either party for good cause shown. A recusal by the judge or any act of God or  
14 closing of the court that interferes with the originally scheduled hearing shall not be cause for the  
15 dismissal of the petition. The court shall reschedule any hearing under this section in an  
16 expeditious manner.

17 IX. In any proceeding under this chapter, the court shall not be bound by the technical  
18 rules of evidence and may admit evidence which it considers relevant, reliable, and material.

19 159-E:4 Temporary Relief.

20 I. A petitioner may request, and the court may enter, a temporary extreme risk protection  
21 order with or without actual notice to respondent. Upon a showing by the petitioner that there is  
22 probable cause to believe that the respondent poses an immediate and significant risk of causing  
23 bodily injury to himself or herself or others by having a firearm or any ammunition in his or her  
24 custody or control or by purchasing, possessing, or receiving a firearm or ammunition, the court  
25 shall issue a temporary extreme risk protection order.

26 II. If a temporary extreme risk protection order is requested, the court shall hold a  
27 temporary ex parte risk protection order hearing in person or by telephone on the day the petition is  
28 filed or on the business day immediately following the day the petition is filed.

29 III. In determining whether there is probable cause to believe that the respondent poses an  
30 immediate risk of causing bodily injury to himself or herself or others by having a firearm or any  
31 ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or  
32 ammunition, the court shall consider any relevant evidence, including but not limited to the  
33 evidence described in RSA 159-E:5, III.

34 IV. Temporary orders issued under this section shall prohibit the respondent from  
35 purchasing, possessing, or receiving any firearms and ammunition for the duration of the order and  
36 shall further direct the respondent to relinquish to a law enforcement officer all firearms and  
37 ammunition in the control, ownership, or possession of the respondent or any other person on behalf

1 of the respondent, and any license to carry a loaded pistol or revolver issued to the respondent  
2 under RSA 159:6, for the duration of the protective order. The court shall require proof, which may  
3 be in the form of a verbal attestation under oath or sworn affidavit, that the respondent has  
4 surrendered any firearms or ammunition owned by the respondent or in his or her custody, control,  
5 or possession.

6 V. The court may issue such temporary orders by telephone or facsimile. Such  
7 telephonically issued orders shall be made by a circuit court judge to a law enforcement officer and  
8 shall be valid in any jurisdiction in the state. Such orders shall be returnable to the circuit court  
9 where the petitioner resides, unless otherwise ordered by the issuing judge. If non-telephonic  
10 temporary orders are made ex parte, the party against whom such relief is issued may file a written  
11 request with the clerk of the court and request an expedited hearing on such orders. Such hearing  
12 shall be held no less than 3 business days and no more than 5 business days after the request is  
13 received by the clerk. Such hearing may constitute the final hearing under RSA 159-E:3, VIII.

14 VI. A temporary extreme risk protection order shall expire upon the hearing on a final  
15 extreme risk protection order under RSA 159-E:3, VIII.

16 VII. The court may subsequently issue a search warrant authorizing a law enforcement  
17 officer to search for and seize any and all firearms and ammunition in the respondent's possession,  
18 custody or control, if there is probable cause to believe respondent has firearms or ammunition and  
19 if the court has reason to believe that such firearms or ammunition have not been relinquished by  
20 the respondent.

21 VIII. If the court denies the petitioner's request for a temporary extreme risk protection  
22 order, the court shall state the particular reasons for the denial.

23 159-E:5 Relief.

24 I. After notice to respondent and a hearing, and upon a showing by the petitioner that there  
25 is clear and convincing evidence that the respondent poses a significant and ongoing risk of causing  
26 bodily injury to himself or herself or others by having a firearm or any ammunition in his or her  
27 custody or control or by purchasing, possessing, or receiving a firearm or ammunition, the court  
28 shall issue an extreme risk protection order for a period not to exceed 12 months.

29 II. An extreme risk protection order issued under this section shall prohibit the respondent  
30 from purchasing, possessing, or receiving any firearms and ammunition for the duration of the  
31 order and shall further direct the respondent to relinquish to a law enforcement officer all firearms  
32 and ammunition in the control, ownership, or possession of the respondent or any other person on  
33 behalf of the respondent, and any license to carry a loaded pistol or revolver issued to the  
34 respondent under RSA 159:6 for the duration of the order.

35 III. In determining whether there is probable cause to believe that the respondent poses an  
36 immediate risk of causing bodily injury to himself or herself or others by having a firearm or any  
37 ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or

1 ammunition, the court shall consider any relevant evidence, including but not limited to any of the  
2 following:

3 (a) An act or threat of violence within the past 24 months by the respondent against  
4 himself or herself or others, whether or not such violence or threat of violence involves a firearm.

5 (b) Evidence of the respondent having a serious mental illness or recurring mental  
6 health condition which is likely to lead to the respondent being a danger to themselves or others.

7 (c) A violation by the respondent of a domestic violence protection order issued under  
8 RSA 173-B.

9 (d) A previous or existing risk protection order issued against the respondent.

10 (e) A violation of a previous or existing risk protection order issued against the  
11 respondent.

12 (f) Whether the respondent, in this state or any other state, has been convicted of,  
13 had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence  
14 as defined in RSA 173-B:1.

15 (g) Whether the respondent has used, or has threatened to use, against himself or  
16 herself or others any weapons.

17 (h) The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

18 (i) The recurring use of, or threat to use, physical force by the respondent against  
19 another person or the respondent stalking another person.

20 (j) Whether the respondent, in this state or any other state, has been arrested for,  
21 convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or  
22 a threat of violence.

23 (k) Corroborated evidence of the abuse of controlled substances or alcohol by the  
24 respondent and a pattern of self destructive or violent behavior when using such substances.

25 (l) Evidence of recent acquisition of firearms or ammunition by the respondent.

26 (m) Witness testimony, taken while the witness is under oath, relating to the matter  
27 before the court.

28 IV. A person, including an officer of the court, who offers evidence or recommendations  
29 relating to a petition filed under this chapter either shall present the evidence or recommendations  
30 in to the court in a sworn written affidavit, with copies to each party and his or her attorney, if one  
31 is retained, or shall present the evidence under oath at a hearing at which all parties are present.

32 V. During the hearing, the court shall determine if a mental health evaluation or chemical  
33 dependency evaluation is appropriate and if there is clear and convincing evidence that the  
34 respondent has a serious mental illness or recurring mental health condition that is likely to lead to  
35 the respondent being a danger to themselves or others by having a firearm or ammunition in his or  
36 her custody or control and, if such determination is made, may order such evaluations.

37 VI. The court may subsequently issue a search warrant authorizing a law enforcement

1      officer to search for and seize all firearms and ammunition in the respondent's possession, custody,  
2      or control, if there is probable cause to believe respondent has firearms or ammunition and if the  
3      court has probable cause to believe that such firearms or ammunition have not been relinquished by  
4      the respondent. The court shall require proof, which may be in the form of a verbal attestation  
5      under oath or sworn affidavit, that the respondent has surrendered any firearms or ammunition  
6      owned by the respondent or in his or her custody, control, or possession.

7      **159-E:6 Contents of Extreme Risk Protection Orders.**

8      I. An extreme risk protection order issued under this chapter shall include all of the  
9      following:

- 10      (a) A statement of the grounds supporting the issuance of the order.
- 11      (b) The date the order was issued.
- 12      (c) The date the order expires.
- 13      (d) Whether a mental health evaluation or chemical dependency evaluation of the  
14      respondent is required and, if so, when the results of said evaluation must be provided to the court.
- 15      (e) The address of the court in which any responsive pleading should be filed.
- 16      (f) A description of the requirements for the surrender of all firearms and ammunition  
17      in the control, ownership, or possession of the respondent under RSA 159-E:8.
- 18      (g) The following statement:

19      "To the subject of this extreme risk protection order: This order will remain in effect until the date  
20      noted above. If you have not done so already, you shall surrender immediately to the (insert name  
21      of local law enforcement agency) all firearms and ammunition that you own or that are in your  
22      custody, control, or possession and any license to carry a loaded pistol or revolver issued to you  
23      under RSA 159:6. You may seek the advice of an attorney as to any matter connected with this  
24      order."

25      II. If the court issues a temporary extreme risk protection order under RSA 159-E:4, the  
26      court shall inform the respondent, in writing, that he or she is entitled to request an expedited  
27      hearing as provided in RSA 159-E:4, V. The court shall provide the respondent with a form to  
28      request such a hearing.

29      III. If the court issues an extreme risk protection order under RSA 159-E:5, the court shall  
30      inform the respondent, in writing, that he or she is entitled to request a hearing to vacate the order  
31      in the manner provided in RSA 159-E:10. The court shall provide the respondent with a form to  
32      request a hearing to vacate.

33      IV. If the court denies the petitioner's request for an extreme risk protection order, the  
34      court shall state the particular reasons for the denial.

35      **159-E:7 Notification; Reporting of Orders.**

36      I. A copy of any order made under this chapter shall be promptly transmitted to the local  
37      law enforcement agency having jurisdiction to enforce such order and, if such person has been

1 issued a license to carry a loaded pistol or revolver under RSA 159:6, notice shall also be promptly  
2 made to the issuing authority of the license.

3       II. Extreme risk protection orders, including temporary extreme risk protection orders,  
4 shall be promptly served on the respondent by the law enforcement officer. Modifications,  
5 extensions, and any order vacating an extreme risk protection order shall be sent to the  
6 respondent's last address of record. The respondent shall be responsible for informing the court of  
7 any changes of address. Law enforcement agencies shall establish procedures whereby a law  
8 enforcement officer at the scene of an alleged violation of such an order may be informed of the  
9 existence and terms of such order.

10     III. The clerk of the court shall enter any order issued under this chapter into a statewide  
11 judicial information system on the same day such order is issued. The order shall remain in the  
12 information system as long as the order remains in effect.

13     IV. The clerk of the court shall forward a copy of any order issued under this section the  
14 same day such order is issued to the department of safety, which in turn shall forward a copy to the  
15 Federal Bureau of Investigation, or its successor agency, for inclusion in the National Instant  
16 Criminal Background Check database.

17     V. Any court-ordered changes, extensions, or modifications to the order shall be effective  
18 upon issuance of such changes, extensions, or modifications and shall be mailed or otherwise  
19 provided to the appropriate law enforcement agency, issuing authority, and transmitted to the  
20 department of safety within 24 hours of the entry of such changes, extensions, or modifications.

21     159-E:8 Surrender of Firearms and Ammunition.

22     I. Upon issuance of any extreme risk protection under this chapter, including a temporary  
23 ex parte extreme risk protection order, the court shall order the respondent to surrender to the local  
24 law enforcement agency all firearms and ammunition owned by the respondent or in his or her  
25 custody, control, or possession and any license to carry a loaded pistol or revolver issued to the  
26 respondent under RSA 159:6.

27     II. The law enforcement officer serving an extreme risk protection order under this section,  
28 including a temporary extreme risk protection order, shall request that the respondent immediately  
29 surrender all firearms and ammunition owned by the respondent or in his or her custody, control,  
30 or possession and any license to carry a loaded pistol or revolver issued to the respondent under  
31 RSA 159:6. The law enforcement officer shall take possession of all firearms and ammunition and  
32 any license to carry a loaded pistol or revolver issued to them under RSA 159:6, which are  
33 surrendered. Alternatively, if personal service by a law enforcement officer is not possible or is not  
34 required because the respondent was present at the extreme risk protection order hearing, the  
35 respondent shall surrender any firearms and ammunition owned by the respondent or in his or her  
36 custody, control, or possession and any license to carry a loaded pistol or revolver issued to them  
37 under RSA 159:6, held by the respondent, in a safe manner to the control of the local law

1 enforcement agency immediately after being served with the order by service or immediately after  
2 the hearing at which the respondent was present.

3 III. A law enforcement officer may, pursuant to RSA 159-E:4 and 159-E:5, seek a search  
4 warrant from a court of competent jurisdiction to search for and seize any and all firearms and  
5 ammunition owned by the respondent or in his or her possession, custody or control if the officer  
6 has probable cause to believe that said firearms or ammunition have not been surrendered.

7 IV. At the time of surrender, a law enforcement officer taking possession of any firearm or  
8 ammunition owned by the respondent or in his or her custody, control, or possession, or any license  
9 to carry a loaded pistol or revolver issued to respondent under RSA 159:6, shall issue a receipt  
10 identifying all firearms and the quantity and type of ammunition that have been surrendered, and  
11 any license surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours  
12 after service of the order, the law enforcement officer serving the order shall file the original receipt  
13 with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

14 V. Notwithstanding RSA 595-A, upon the sworn statement or testimony of any person  
15 alleging that the respondent has failed to comply with the surrender required by any order issued  
16 under this chapter, the court shall determine whether probable cause exists to believe that the  
17 respondent has failed to surrender any firearms or ammunition owned by the respondent in his or  
18 her custody, control, or possession. If the court finds that probable cause exists, the court shall  
19 issue a warrant describing the firearms or ammunition owned by the respondent or in his her  
20 custody, control or possession and authorizing a search of the locations where any such firearms or  
21 ammunition are reasonably believed to be found and the seizure of any such firearms or  
22 ammunition discovered pursuant to such search.

23 VI. If a person other than the respondent claims title to any firearms or ammunition  
24 surrendered or seized pursuant to this section and he or she is determined by the law enforcement  
25 agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be  
26 returned to him or her, if:

27 (a) The lawful owner agrees to store the firearm or ammunition in a manner such that  
28 the respondent does not have access to or control of the firearm or ammunition; and

29 (b) The law enforcement agency conducts a background check to determine that the  
30 lawful owner is not prohibited under state or federal law from possessing the firearm or  
31 ammunition.

32 VII. Upon the issuance of any extreme risk protection order, the court shall order a new  
33 hearing date and require the respondent to appear no later than 3 business days after the issuance  
34 of the order. The court shall require proof that the respondent has surrendered any firearms or  
35 ammunition owned by the respondent or in his or her custody, control, or possession. The court  
36 may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the  
37 surrender order.

1           VIII. All law enforcement agencies shall develop policies and procedures regarding the  
2 acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered  
3 under this section.

4           159-E:9 Return and Disposal of Firearms and Ammunition.

5           I. If an extreme risk protection order is vacated or ends without extension, a respondent  
6 may request, by motion to the court, the return of any and all firearms and ammunition that has  
7 been surrendered to or seized by the law enforcement pursuant to this chapter. Upon receipt of  
8 such a motion, the court shall schedule a hearing no later than 15 days after the expiration of the  
9 order. The court shall provide written notice to the petitioner who shall have the right to appear  
10 and be heard, and to the law enforcement agency which has control of the firearms and  
11 ammunition. The scope of the hearing shall be limited to:

12           (a) Establishing whether the respondent is subject to any state or federal law or  
13 court order that prohibits the respondent from owning or possessing a firearm or ammunition; and

14           (b) Under circumstances where the petitioner has requested an extension of the  
15 extreme risk protection order, pursuant to subsection 10 of this chapter, whether the petitioner has  
16 established by clear and convincing evidence that the respondent continues to pose a significant  
17 risk of causing bodily injury to himself or herself or others by having a firearm or any ammunition  
18 in his or her custody or control or by purchasing, possessing, or receiving a firearm or ammunition.

19           II. If the court finds that the respondent is not subject to any state or federal law or court  
20 order prohibiting the ownership or possession of firearms, and, if applicable, the court denies the  
21 petitioner's request to extend the extreme risk protection order, the court shall issue a written order  
22 directing the law enforcement agency to return the requested firearms and ammunition to the  
23 respondent.

24           III. Law enforcement agencies shall not release firearms and ammunition without a court  
25 order granting such release. The law enforcement agency may charge the respondent a reasonable  
26 fee for the storage of any firearms and ammunition taken surrendered or seized to an extreme risk  
27 protection order. The fee shall not exceed the actual cost incurred by the law enforcement agency  
28 for the storage of the firearms and ammunition. The respondent may make alternative  
29 arrangements with a federally-licensed firearms dealer for the storage of firearms, at the  
30 respondent's own expense, upon approval of the court. Such firearms shall be turned over to the  
31 appropriate law enforcement agency for transfer to the storage facility. Retrieval of such firearms  
32 shall be through the law enforcement agency responsible for their transfer to the storage facility  
33 pursuant to a court order as prescribed in this paragraph.

34           IV. No law enforcement agency shall be held liable for alleged damage or deterioration due  
35 to storage or transportation to any firearms and ammunition and specified deadly weapons held by  
36 a law enforcement agency, so long as due care is used.

37           V. If an extreme risk protection order is vacated or ends without extension, the licensing

1 authority, if it has suspended a license to carry a loaded pistol or revolver issued to respondent  
2 under RSA 159:6 pursuant to this section, shall reinstate such license only after confirming that the  
3 respondent is currently eligible to have such license.

4 VI. The court shall provide written notice, sent via the United States Postal Service to the  
5 last known address of the petitioner before the return of any firearm and ammunition surrendered  
6 or seized pursuant to this chapter.

7 VII. If a respondent does not file a motion seeking the return of firearms and ammunition  
8 within one year after an extreme risk protection order is vacated or expires and is not renewed, any  
9 firearms and ammunition surrendered by or seized from the respondent under this chapter shall be  
10 deemed abandoned and may be disposed of in accordance with the law enforcement agency's policies  
11 and procedures for the disposal of firearms in police custody.

12 159-E:10 Termination and Extension of Orders.

13 I. The respondent may submit one written request for a hearing to vacate an extreme risk  
14 protection order issued under RSA 159-E:5, starting after the date of the issuance of the order, and  
15 may request one additional hearing after every extension of the order, if any.

16 (a) Upon receipt of the request for a hearing to vacate an extreme risk protection order,  
17 the court shall set a date for a hearing. Notice of the request shall be served on the petitioner as  
18 provided in RSA 159-E:7. The hearing shall occur no sooner than 14 days and no later than 30 days  
19 after the date of service of the request upon the petitioner.

20 (b) The respondent shall have the burden of proving by clear and convincing evidence  
21 that the respondent no longer poses a significant risk of causing bodily injury to himself or herself  
22 or others by having a firearm or any ammunition in his or her custody or control or by purchasing,  
23 possessing, or receiving a firearm or ammunition. The court shall consider any relevant evidence,  
24 including evidence of the considerations listed in RSA 159-E:5, III.

25 (c) If the court finds after the hearing that the respondent has met his or her burden of  
26 proof, the court shall vacate the order.

27 (d) The law enforcement agency holding any firearm or ammunition or license to carry  
28 a loaded pistol or revolver that has been surrendered or seized pursuant to this section shall be  
29 notified of the court order to vacate the extreme risk protection order. The court shall also provide  
30 notice as required by RSA 159-E:7, V.

31 II. The court shall notify the petitioner of the impending expiration of an extreme risk  
32 protection order. Notice shall be received by the petitioner at least 30 days before the date the order  
33 is set to expire.

34 III. The petitioner may, by motion, request an extension of an extreme risk protection order  
35 at any time within 30 days before the end of the order.

36 (a) Upon receipt of the motion to extend, the court shall order that a hearing be held no  
37 later than 14 days after the date the order is issued and shall schedule such hearing. The

1 respondent shall be personally served with notice of the motion to extend as provided in RSA 159-  
2 E:7.

3 (b) In determining whether to extend an extreme risk protection order issued under  
4 this section, the court shall consider any relevant evidence, including evidence of the considerations  
5 listed in RSA 159-E:5, III.

6 (c) If the court finds by clear and convincing evidence that the requirements for  
7 issuance of an extreme risk protection order as provided in RSA 159-E:5 continue to be met, the  
8 court shall extend the order. However, if, after notice and hearing, the motion for extension is  
9 uncontested and no modification of the order is sought, the order may be extended on the basis of a  
10 motion or affidavit stating that there has been no material change in relevant circumstances since  
11 entry of the order and stating the reason for the requested extension.

12 (d) The court may extend an extreme risk protection order for a period that it deems  
13 appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as  
14 provided in paragraph I or to another extension order by the court.

15 (e) The court shall also provide notice of the extension of the order as required in RSA  
16 159-E:7, V.

17 **159-E:11 Violation of Extreme Risk Protection Order; Penalties.**

18 I. In addition to other applicable charges and penalties, a person shall be guilty of a class A  
19 misdemeanor if such person knowingly files a petition under this chapter containing false  
20 allegations, or if such person files a petition with intent to harass the respondent.

21 II. In addition to other applicable charges and penalties, a person shall be guilty of a class B  
22 felony if he or she knowingly violates an extreme risk protection order issued under this chapter by  
23 having in his or her possession, custody, or control any firearm or ammunition while the order is in  
24 effect.

25 III. A person who completes and signs an application for purchase of a firearm and who  
26 knows that such purchase is illegal because he or she is subject to an extreme risk protection order  
27 shall be guilty of a class A misdemeanor for a first offense and a class B felony for a second or  
28 subsequent offense.

29 **159-E:12 Orders Enforceable.**

30 I. Any extreme risk protection order issued under this chapter shall be effective throughout  
31 the state.

32 II. Any comparable extreme risk protection order issued by any other state, tribal, or  
33 territorial court, including an ex parte order, shall be deemed valid if the issuing court had  
34 jurisdiction over the parties and matter under the law of the state, tribe, or territory, and the  
35 person against whom the order was made was given reasonable notice and opportunity to be heard.  
36 There shall be a presumption of validity where an order appears facially valid.

37 III. Any valid extreme risk protection order, as defined in paragraph II, shall be accorded

1 full faith and credit throughout the state.

2 **159-E:13 Standard Forms.**

3       I. The administrative office of the courts shall develop instructions and informational  
4 brochures, standard petition forms, and extreme risk protection order forms. The standard petition  
5 and order forms shall be developed after September 20, 2019 for use by January 1, 2020, for all  
6 petitions filed and orders issued under this chapter. The instructions, brochures, forms, and  
7 handbook shall be prepared in consultation with interested persons, including representatives of  
8 gun violence prevention groups, judges, and law enforcement personnel. Materials shall be based  
9 on best practices and available electronically online to the public.

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

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

18       (c) The informational brochure shall describe the use of and the process for obtaining,  
19 modifying, and terminating an extreme risk protection order under this chapter, and provide  
20 relevant forms.

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

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

27       II. The clerk of the circuit court may create a community resource list of crisis intervention,  
28 mental health, substance abuse, interpreter, counseling, and other relevant resources serving the  
29 county in which the court is located. The court may make the community resource list available as  
30 part of or in addition to the informational brochures described in paragraph I.

31       III. The administrative office of the courts shall distribute a master copy of the petition and  
32 order forms, instructions, and informational brochures to all court clerks and shall distribute a  
33 master copy of the petition and order forms to all clerks of the circuit courts. Distribution of all  
34 documents shall, at a minimum, be in an electronic format or formats accessible to all courts and  
35 court clerks in the state.

36       IV. The administrative office of the courts shall determine the significant non-English-  
37 speaking or limited-English-speaking populations in the state. The administrator shall then

1 arrange for translation of the instructions and informational brochures required by this section to  
2 be developed after September 20, 2019, which shall contain a sample of the standard petition and  
3 order for protection forms, into the languages spoken by those significant non-English-speaking  
4 populations and shall distribute a master copy of the translated instructions and informational  
5 brochures to all clerks of the circuit court by January 1, 2020.

6 V. The administrative office of the courts shall update the instructions, brochures, standard  
7 petition, and extreme risk protection order forms, and court staff handbook as necessary, including  
8 when changes in the law make an update necessary.

9 **159-E:14 Reporting.**

10 I. No later than January 31 of each year, clerks of the circuit courts shall report to the  
11 administrative office of the courts the following information:

12 (a) The total number of petitions for an extreme risk protection order, and the total  
13 number of those petitions that requested the order be issued ex parte during the previous year.

14 (b) The total number of temporary extreme risk protection orders issued and the total  
15 number denied during the previous year.

16 (c) The total number of extreme risk protection orders issued and the total number  
17 denied during the previous year.

18 (d) The total number of extreme risk protection orders vacated upon petition by the  
19 respondent during the previous year.

20 (e) The total number of extreme risk protection orders extended during the previous  
21 year.

22 II. No later than April 1 of each year the administrative office of the courts shall compile  
23 and publish on its website a report which aggregates the information received pursuant to  
24 paragraph I and lists each category by county and type of court.

25 **3 Effective Date.**

26 I. RSA 159-E:13 as inserted by section 2 of this act shall take effect September 20, 2019.

27 II. The remainder of this act shall take effect January 1, 2020.