

Requested by Senator BURDICK

**PROPOSED AMENDMENTS TO
SENATE BILL 868**

1 On page 1 of the printed bill, line 2, after “orders” delete the rest of the
2 line and insert a period.

3 Delete lines 4 through 25 and delete pages 2 through 8 and insert:

4 **“SECTION 1. As used in sections 1 to 8 of this 2017 Act:**

5 **“(1) ‘Deadly weapon’ means:**

6 **“(a) Any instrument, article or substance specifically designed for**
7 **and presently capable of causing death or serious physical injury; or**

8 **“(b) A firearm, whether loaded or unloaded.**

9 **“(2) ‘Family or household member’ means a spouse, intimate part-**
10 **ner, mother, father, child or sibling of the respondent, or any person**
11 **living within the same household as the respondent.**

12 **“(3) ‘Gun dealer’ has the meaning given that term in ORS 166.412.**

13 **“(4) ‘Law enforcement agency’ means an agency or department of**
14 **the State of Oregon or of a political subdivision of the State of Oregon**
15 **whose principal function is the apprehension of criminal offenders.**

16 **“(5) ‘Law enforcement officer’ means a member of the Oregon State**
17 **Police, a sheriff, a municipal police officer or an authorized tribal po-**
18 **lice officer as defined in ORS 181A.680.**

19 **“(6) ‘Petitioner’ means a person who petitions for an order under**
20 **sections 1 to 8 of this 2017 Act.**

21 **“(7) ‘Respondent’ means a person against whom an order is filed**

1 under sections 1 to 8 of this 2017 Act.

2 **“SECTION 2. (1) A law enforcement officer or a family or household**
3 **member of a person may file a petition requesting that the court issue**
4 **an extreme risk protection order enjoining the person from having in**
5 **the person’s custody or control, owning, purchasing, possessing or re-**
6 **ceiving, or attempting to purchase or receive, a deadly weapon.**

7 **“(2) An extreme risk protection order petition shall be heard by the**
8 **court and issued or denied on the same day the petition is submitted**
9 **to the court or on the judicial business day immediately following the**
10 **day the petition is filed.**

11 **“(3) The petition for an extreme risk protection order must be**
12 **supported by a written affidavit signed by the petitioner under oath,**
13 **or an oral statement taken under oath by the petitioner or any other**
14 **witness the petitioner may produce.**

15 **“(4) In determining whether to issue an extreme risk protection**
16 **order, the court shall consider the following:**

17 **“(a) A history of suicide threats or attempts or acts of violence by**
18 **the respondent directed against another person;**

19 **“(b) A history of use, attempted use or threatened use of physical**
20 **force by the respondent against another person;**

21 **“(c) A previous conviction for:**

22 **“(A) A misdemeanor involving violence as defined in ORS 166.470;**

23 **“(B) A stalking offense under ORS 163.732 or 163.750, or a similar**
24 **offense in another jurisdiction;**

25 **“(C) An offense constituting domestic violence as defined in ORS**
26 **135.230;**

27 **“(D) Driving under the influence of intoxicants under ORS 813.010**
28 **or 813.011; or**

29 **“(E) An offense involving cruelty or abuse of animals;**

30 **“(d) Evidence of recent unlawful use of controlled substances;**

1 “(e) Previous unlawful and reckless use, display or brandishing of
2 a deadly weapon by the respondent;

3 “(f) A previous violation by the respondent of a court order issued
4 pursuant to ORS 107.716 or 107.718;

5 “(g) Evidence of an acquisition or attempted acquisition within the
6 previous 180 days by the respondent of a deadly weapon; and

7 “(h) Any additional information the court finds to be reliable, in-
8 cluding a statement by the respondent.

9 “(5)(a) The petitioner has the burden of proof at the ex parte hear-
10 ing.

11 “(b) The petitioner may appear in person or by electronic video
12 transmission.

13 “(c) The court may continue a hearing under this section upon a
14 showing of good cause.

15 “(6)(a) The court shall issue an extreme risk protection order if the
16 court finds by a preponderance of the evidence, based on the petition
17 and supporting documentation and after considering a statement by
18 the respondent, if provided, that the respondent presents a risk in the
19 near future, including an imminent risk, of suicide or of causing
20 physical injury to another person.

21 “(b) Upon making the findings described in paragraph (a) of this
22 subsection, the court shall issue an extreme risk protection order
23 prohibiting the respondent from having in the respondent’s custody
24 or control, owning, purchasing, possessing or receiving, or attempting
25 to purchase or receive, a deadly weapon.

26 “(7) An extreme risk protection order issued under this section
27 must include:

28 “(a) A statement of the evidence and the court’s findings supporting
29 issuance of the order;

30 “(b) The date and time the order was issued;

1 “(c) A description of the manner in which the respondent may re-
2 quest a hearing described in subsection (9) of this section;

3 “(d) The address of the court to which a request for a hearing must
4 be sent;

5 “(e) A description of the requirements for surrender of deadly
6 weapons in the respondent’s possession under section 6 of this 2017
7 Act; and

8 “(f) A statement in substantially the following form:

9 “ _____
10 To the subject of this protection order: An extreme risk protection
11 order has been issued by the court and is now in effect. You are re-
12 quired to surrender all deadly weapons in your custody, control or
13 possession. You may not have in your custody or control, purchase,
14 possess, receive, or attempt to purchase or receive, deadly weapons
15 while this order is in effect. You must, within 24 hours, surrender all
16 deadly weapons in your custody, control or possession to (insert name
17 of local law enforcement agency), a gun dealer or a third party who
18 may lawfully possess the deadly weapons. You must, within 24 hours,
19 surrender to (insert name of local law enforcement agency) any con-
20 cealed handgun license issued to you. You may request a hearing to
21 contest this order. If you do not request a hearing, the extreme risk
22 protection order against you will be in effect for one year unless ter-
23 minated by the court. You have the right to request one hearing to
24 terminate this order during the 12 months that this order is in effect
25 starting from the date of this order. You may seek the advice of an
26 attorney as to any matter connected with this order.

27 “ _____
28 “(8)(a) The respondent shall be personally served with both a copy
29 of the extreme risk protection order and a hearing request form de-
30 scribed in subsection (9) of this section.

1 **“(b) Whenever an extreme risk protective order is served on a re-**
2 **spondent, the person serving the order shall immediately deliver to the**
3 **county sheriff a true copy of proof of service, on which it is stated that**
4 **personal service of the order was made on the respondent, and a copy**
5 **of the order. Proof of service may be made by affidavit or by declara-**
6 **tion under penalty of perjury in the form required by ORCP 1 E.**

7 **“(c) If the person serving the order cannot complete service within**
8 **10 days, the person shall notify the petitioner, at the address provided**
9 **by the petitioner, that the documents have not been served. If the**
10 **petitioner does not respond within 10 days, the person shall hold the**
11 **order and petition for future service and file a return to the clerk of**
12 **the court showing that service was not completed.**

13 **“(d) Upon receipt of a copy of the order and notice of completion**
14 **of service by a member of a law enforcement agency, the county**
15 **sheriff shall immediately enter the order into the Law Enforcement**
16 **Data System maintained by the Department of State Police and re-**
17 **quest that the order be entered into the databases of the National**
18 **Crime Information Center of the United States Department of Justice.**
19 **If the order was served on the respondent by a person other than a**
20 **member of a law enforcement agency, the county sheriff shall enter**
21 **the order into the Law Enforcement Data System, and shall request**
22 **that the information be entered into the databases of the National**
23 **Crime Information Center, upon receipt of a true copy of proof of**
24 **service. The sheriff shall provide the petitioner with a true copy of the**
25 **proof of service. Entry into the Law Enforcement Data System con-**
26 **stitutes notice to all law enforcement agencies of the existence of the**
27 **order. Law enforcement agencies shall establish procedures adequate**
28 **to ensure that an officer at the scene of an alleged violation of the**
29 **order may be informed of the existence and terms of the order. The**
30 **order is fully enforceable in any county in this state.**

1 “(9)(a) Within 30 days after an extreme risk protection order is
2 served on the respondent under this section, the respondent may re-
3 quest a court hearing using a form prescribed by the State Court Ad-
4 ministratoꝛ.

5 “(b) If the respondent requests a hearing under paragraph (a) of
6 this subsection, the clerk of the court shall notify the petitioner and
7 the respondent of the date and time of the hearing and shall supply
8 the petitioner with a copy of the respondent’s request for a hearing.
9 The petitioner and the respondent shall give to the clerk of the court
10 information sufficient to allow such notification.

11 “(c) The hearing shall occur within 21 days of the date of the
12 respondent’s request for a hearing.

13 “(10) If the respondent fails to request a hearing within 30 days af-
14 ter an extreme risk protection order is served, the protection order is
15 confirmed by operation of law and is effective for a period of one year
16 from the date the original order was issued or until the order is ter-
17 minated, whichever is sooner.

18 “(11) A filing fee, service fee or hearing fee may not be charged for
19 proceedings under this section or section 3 or 4 of this 2017 Act.

20 “(12) If the court declines to issue an extreme risk protection order
21 under this section, the court shall state with particularity the reasons
22 for the denial on the record.

23 “SECTION 3. (1) At a hearing on an extreme risk protection order
24 requested by the respondent under section 2 (9) of this 2017 Act, the
25 court may:

26 “(a) Examine under oath the petitioner, the respondent and any
27 witness either party may produce, including a mental health profes-
28 sional selected by the respondent, or, in lieu of examination, consider
29 sworn affidavits of the petitioner, the respondent or a witness of either
30 party; and

1 **“(b) Ensure that a reasonable search has been conducted for crim-**
2 **inal history records related to the respondent.**

3 **“(2)(a) The Oregon Evidence Code shall apply in a hearing under**
4 **this section.**

5 **“(b) The court may continue a hearing under this section upon a**
6 **showing of good cause. If the court continues a hearing under this**
7 **paragraph, the extreme risk protection order shall remain in effect**
8 **until the next hearing date.**

9 **“(3)(a) At the hearing, the court shall determine:**

10 **“(A) Whether to terminate the extreme risk protection order or**
11 **continue the order for a duration of one year; and**

12 **“(B) Whether any deadly weapons surrendered to a law enforcement**
13 **agency pursuant to section 6 of this 2017 Act shall be returned to the**
14 **respondent or retained by the law enforcement agency.**

15 **“(b) The petitioner has the burden of proving, by clear and con-**
16 **vincing evidence, that the respondent presents a risk in the near fu-**
17 **ture, including an imminent risk, of suicide or of causing physical**
18 **injury to another person.**

19 **“(c) If the court finds that the petitioner has met the burden of**
20 **proof, the court shall:**

21 **“(A) Order that the extreme risk protection order continue for the**
22 **duration of one year from the date the original order was issued.**

23 **“(B) Order that any deadly weapons surrendered to a law enforce-**
24 **ment agency pursuant to section 6 of this 2017 Act remain in the cus-**
25 **tody of the law enforcement agency while the order is in effect.**

26 **“(4) An extreme risk protection order continued under this section**
27 **must include:**

28 **“(a) A statement of the evidence and the court’s findings supporting**
29 **issuance of the order;**

30 **“(b) The date and time the order was issued;**

1 “(c) The date and time of the expiration of the order;

2 “(d) A description of the requirements for surrender of deadly
3 weapons in the respondent’s possession under section 6 of this 2017
4 Act; and

5 “(e) A statement in substantially the following form:

6 “ _____

7 **To the subject of this protection order: This order is valid until the**
8 **date and time noted above. If you have not done so already, you are**
9 **required to surrender all deadly weapons in your custody. You must**
10 **immediately surrender all deadly weapons in your custody, control or**
11 **possession to (insert name of local law enforcement agency), a gun**
12 **dealer or a third party who may lawfully possess the deadly weapons.**
13 **You must immediately surrender to (insert name of local law**
14 **enforcement agency) any concealed handgun license issued to you.**
15 **You may not have in your custody or control, purchase, possess, re-**
16 **ceive, or attempt to purchase or receive, a deadly weapon while this**
17 **order is in effect. You have the right to request one hearing to ter-**
18 **minate this order during the 12 months that this order is in effect**
19 **starting from the date of this order. You may seek the advice of an**
20 **attorney as to any matter connected with this order.**

21 “ _____

22 “(5) When the court continues an extreme risk protection order
23 under this section, the court shall inform the respondent that the re-
24 spondent is entitled to request termination of the order in the manner
25 described in section 4 of this 2017 Act. The court shall provide the re-
26 spondent with a form with which to request a termination hearing.

27 “(6) The respondent need not be served if an order of the court in-
28 dicates that the respondent appeared in person before the court.

29 “(7) If the court terminates an extreme risk protection order after
30 a hearing under this section:

1 “(a) The court shall state with particularity the reasons for the
2 termination on the record.

3 “(b) The clerk of the court shall immediately deliver a copy of the
4 termination order to the county sheriff with whom the original order
5 was filed. Upon receipt of the termination order, the county sheriff
6 shall promptly remove the original order from the Law Enforcement
7 Data System and shall request that the order be removed from the
8 databases of the National Crime Information Center of the United
9 States Department of Justice.

10 “SECTION 4. (1) The petitioner or the respondent of an extreme
11 risk protection order issued or continued under section 2 or 3 of this
12 2017 Act may each submit a written request once during the 12-month
13 effective period of the order, and once during any 12-month effective
14 period of an order renewed under section 5 of this 2017 Act, for a
15 hearing to terminate the order. A hearing under this section is in ad-
16 dition to any hearing requested under section 2 of this 2017 Act.

17 “(2) Upon receipt of a request described in subsection (1) of this
18 section, the court shall schedule a termination hearing and provide
19 notice of the hearing to both parties at least five days before the
20 hearing.

21 “(3)(a) The person filing the termination request has the burden of
22 proving, by clear and convincing evidence, that the respondent no
23 longer presents a risk in the near future, including an imminent risk,
24 of suicide or of causing physical injury to another person.

25 “(b) The Oregon Evidence Code shall apply in a hearing under this
26 section.

27 “(c) The court may continue a hearing under this section upon a
28 showing of good cause. If the court continues a hearing under this
29 paragraph, the extreme risk protection order shall remain in effect
30 until the next hearing date.

1 “(4) If the court finds that the petitioner has met the burden of
2 proof as described in subsection (3) of this section, the court shall
3 terminate the extreme risk protection order.

4 “(5) When an extreme risk protection order is terminated by order
5 of the court, the clerk of the court shall immediately deliver a copy
6 of the termination order to the county sheriff with whom the original
7 order was filed. Upon receipt of the termination order, the county
8 sheriff shall promptly remove the original order from the Law
9 Enforcement Data System and shall request that the order be removed
10 from the databases of the National Crime Information Center of the
11 United States Department of Justice.

12 “SECTION 5. (1) A law enforcement officer or a family or household
13 member of a respondent, including but not limited to the law
14 enforcement officer or family or household member who petitioned the
15 court for the original extreme risk protection order issued under sec-
16 tion 2 of this 2017 Act, may request a renewal of the order within 90
17 days before the expiration date of the order by filing a written request
18 with the court.

19 “(2) Upon receipt of the request for renewal described in subsection
20 (1) of this section, the court shall schedule a hearing and provide no-
21 tice of the hearing to both parties at least 14 days before the hearing.

22 “(3) At a hearing to determine whether to renew an extreme risk
23 protection order under this section, the court may:

24 “(a) Examine under oath the petitioner, the respondent and any
25 witness either party may produce or, in lieu of examination, consider
26 sworn affidavits of the petitioner, the respondent or a witness of either
27 party; and

28 “(b) Ensure that a reasonable search has been conducted for crim-
29 inal history records related to the respondent.

30 “(4) The person requesting the renewal of the extreme risk pro-

1 **tection order has the burden of proving, by clear and convincing evi-**
2 **dence, that the respondent continues to present a risk in the near**
3 **future, including an imminent risk, of suicide or of causing physical**
4 **injury to another person.**

5 **“(5)(a) The Oregon Evidence Code shall apply in a hearing under**
6 **this section.**

7 **“(b) The court may continue a hearing under this section upon a**
8 **showing of good cause. If the court continues a hearing under this**
9 **paragraph, the original extreme risk protection order shall remain in**
10 **effect until the next hearing date.**

11 **“(c) The petitioner may appear in person or by electronic video**
12 **transmission.**

13 **“(6) If the court finds that the petitioner has met the burden of**
14 **proof, the court may renew the extreme risk protection order for a**
15 **duration of up to one year.**

16 **“(7) An extreme risk protection order renewed under this section**
17 **must include:**

18 **“(a) A statement of the evidence and the court’s findings supporting**
19 **issuance of the order;**

20 **“(b) The date and time the order was issued;**

21 **“(c) The date and time of the expiration of the order;**

22 **“(d) A description of the requirements for surrender of deadly**
23 **weapons in the respondent’s possession under section 6 of this 2017**
24 **Act; and**

25 **“(e) A statement in substantially the following form:**

26 **“** _____

27 **To the subject of this protection order: This renewed order is valid**
28 **until the date and time noted above. If you have not done so already,**
29 **you are required to surrender all deadly weapons in your custody. You**
30 **must immediately surrender all deadly weapons in your custody, con-**

1 **trol or possession to (insert name of local law enforcement agency), a**
2 **gun dealer or a third party who may lawfully possess the deadly**
3 **weapons. You must immediately surrender to (insert name of local law**
4 **enforcement agency) any concealed handgun license issued to you.**
5 **You may not have in your custody or control, purchase, possess, re-**
6 **ceive, or attempt to purchase or receive, a deadly weapon while this**
7 **order is in effect. You have the right to request one hearing to ter-**
8 **minate this renewed order every 12 months that this order is in effect,**
9 **starting from the date of this order. You may seek the advice of an**
10 **attorney as to any matter connected with this order.**

11 “
12 **“(8) When the court renews an extreme risk protection order, the**
13 **court shall inform the respondent that the respondent is entitled to**
14 **request termination of the renewed order in the manner described in**
15 **section 4 of this 2017 Act. The court shall provide the respondent with**
16 **a form with which to request a termination hearing.**

17 **“(9)(a) Service of a renewed extreme risk protective order shall be**
18 **made by personal delivery of a copy of the order to the respondent.**
19 **The respondent need not be served if an order of the court indicates**
20 **that the respondent appeared in person before the court.**

21 **“(b) Whenever a renewed extreme risk protective order is served**
22 **on a respondent, the person serving the order shall immediately de-**
23 **liver to the county sheriff a true copy of proof of service, on which it**
24 **is stated that personal service of the order was made on the respond-**
25 **ent, and a copy of the order. Proof of service may be made by affidavit**
26 **or by declaration under penalty of perjury in the form required by**
27 **ORCP 1 E.**

28 **“(c) If service of the order is not required under paragraph (a) of**
29 **this subsection, a copy of the order must be delivered to the sheriff**
30 **by the court.**

1 “(d) Upon receipt of a copy of the order and notice of completion
2 of any required service by a member of a law enforcement agency, the
3 county sheriff shall immediately enter the order into the Law
4 Enforcement Data System maintained by the Department of State
5 Police and request that the order be entered into the databases of the
6 National Crime Information Center of the United States Department
7 of Justice. If the order was served on the respondent by a person other
8 than a member of a law enforcement agency, the county sheriff shall
9 enter the order into the Law Enforcement Data System and request
10 that the order be entered into the databases of the National Crime
11 Information Center upon receipt of a true copy of proof of service. The
12 sheriff shall provide the petitioner with a true copy of any required
13 proof of service. Entry into the Law Enforcement Data System con-
14 stitutes notice to all law enforcement agencies of the existence of the
15 order. Law enforcement agencies shall establish procedures adequate
16 to ensure that an officer at the scene of an alleged violation of the
17 order may be informed of the existence and terms of the order. The
18 order is fully enforceable in any county in this state.

19 “(10) If the court declines to renew an extreme risk protection or-
20 der, the court shall state with particularity the reasons for the denial
21 on the record.

22 “(11) A renewed extreme risk protection order may be further re-
23 newed as described in this section.

24 “SECTION 6. (1) Upon issuance of an extreme risk protection order
25 under section 2 of this 2017 Act, the court shall further order that the
26 respondent:

27 “(a) Within 24 hours surrender all deadly weapons in the
28 respondent’s custody, control or possession to a law enforcement
29 agency, a gun dealer or a third party who may lawfully possess the
30 deadly weapons; and

1 **“(b) Within 24 hours surrender to a law enforcement agency any**
2 **concealed handgun license issued to the respondent under ORS 166.291**
3 **and 166.292.**

4 **“(2) Upon continuance of an extreme risk protection order after a**
5 **hearing under section 3 of this 2017 Act, or renewal of an extreme risk**
6 **protection order under section 5 of this 2017 Act, the court shall fur-**
7 **ther order that the respondent:**

8 **“(a) Immediately surrender all deadly weapons in the respondent’s**
9 **custody, control or possession to a law enforcement agency, a gun**
10 **dealer or a third party who may lawfully possess the deadly weapons;**
11 **and**

12 **“(b) Immediately surrender to a law enforcement agency any con-**
13 **cealed handgun license issued to the respondent under ORS 166.291 and**
14 **166.292.**

15 **“(3)(a) A law enforcement officer serving an extreme risk protection**
16 **order issued under section 2 of this 2017 Act shall request that the**
17 **respondent immediately surrender to the officer all deadly weapons in**
18 **the respondent’s custody, control or possession and any concealed**
19 **handgun license issued to the respondent under ORS 166.291 and**
20 **166.292. The law enforcement officer shall take possession of all deadly**
21 **weapons appearing to be in the custody, control or possession of the**
22 **respondent that are surrendered by the respondent. If the respondent**
23 **indicates an intention to surrender the deadly weapons to a gun dealer**
24 **or a third party, the law enforcement officer shall request that the**
25 **respondent identify the gun dealer or third party. After 24 hours from**
26 **the time of service, a law enforcement officer may conduct any search**
27 **permitted by law for deadly weapons in the custody, control or pos-**
28 **session of the respondent and shall take possession of all deadly**
29 **weapons appearing to be in the custody, control or possession of the**
30 **respondent that are in plain sight or discovered pursuant to a lawful**

1 search.

2 “(b) A law enforcement officer serving an extreme risk protection
3 order continued after a hearing under section 3 of this 2017 Act, or
4 renewed under section 5 of this 2017 Act, shall request that the re-
5 spondent immediately surrender to the officer all deadly weapons in
6 the respondent’s custody, control or possession and any concealed
7 handgun license issued to the respondent under ORS 166.291 and
8 166.292. The officer may conduct any search permitted by law for
9 deadly weapons in the custody, control or possession of the respondent
10 and shall take possession of all deadly weapons appearing to be in the
11 custody, control or possession of the respondent that are surrendered,
12 in plain sight or discovered pursuant to a lawful search.

13 “(4) At the time of the surrender of any deadly weapons or con-
14 cealed handgun licenses under subsection (3) of this section, the law
15 enforcement officer taking possession shall issue a receipt identifying
16 all surrendered items and provide a copy of the receipt to the re-
17 spondent. Within 72 hours after service of the order, the law enforce-
18 ment officer serving the order shall file the original receipt with the
19 court and shall ensure that the law enforcement agency employing the
20 law enforcement officer retains a copy of the receipt.

21 “(5) If a third party claims lawful ownership or right of possession
22 of a deadly weapon surrendered pursuant to this section, the law
23 enforcement agency may return the deadly weapon to the third party
24 if the third party provides proof of lawful ownership or right of pos-
25 session of the deadly weapon, in a sworn affidavit, affirms that:

26 “(a) The third party may lawfully possess the deadly weapon;

27 “(b) The third party did not consent to the prior possession of the
28 deadly weapon by the respondent; and

29 “(c) The third party will prevent the respondent from accessing or
30 possessing the deadly weapon in the future.

1 **“SECTION 7. (1) If an extreme risk protection order is terminated**
2 **or expires without renewal, a law enforcement agency holding any**
3 **deadly weapon or concealed handgun license that has been surrendered**
4 **pursuant to the order shall return the surrendered items as requested**
5 **by the respondent of the order only after:**

6 **“(a) Confirming through a criminal background check, if the deadly**
7 **weapon is a firearm, that the respondent is legally eligible to own or**
8 **possess firearms under state and federal law; and**

9 **“(b) Confirming that the extreme risk protection order is no longer**
10 **in effect.**

11 **“(2) The owner of a deadly weapon, if the deadly weapon is a**
12 **firearm, in the custody of a law enforcement agency pursuant to sec-**
13 **tion 6 of this 2017 Act who does not wish to have the firearm returned**
14 **is entitled to sell or transfer title of any firearm to a licensed gun**
15 **dealer as defined in ORS 166.412, provided that the firearm is lawful**
16 **to own or possess and the person has a legal right to transfer title of**
17 **the firearm.**

18 **“(3) A deadly weapon surrendered by a person pursuant to section**
19 **6 of this 2017 Act that remains unclaimed by the owner shall be dis-**
20 **posed of in accordance with the law enforcement agency’s policies and**
21 **procedures for the disposal of deadly weapons in the agency’s custody.**

22 **“SECTION 8. (1) A person commits a Class A misdemeanor if:**

23 **“(a) The person knowingly possesses a deadly weapon; and**

24 **“(b) The person is prohibited from possessing deadly weapons pur-**
25 **suant to an extreme risk protection order:**

26 **“(A) Issued after notice and a hearing under section 3 of this 2017**
27 **Act;**

28 **“(B) Confirmed by operation of law after the person failed to re-**
29 **quest a hearing under section 2 (9) of this 2017 Act; or**

30 **“(C) Renewed under section 5 of this 2017 Act.**

1 **“(2) A person convicted under subsection (1) of this section shall**
2 **be prohibited from having in the person’s custody or control, owning,**
3 **purchasing, possessing or receiving, or attempting to purchase or re-**
4 **ceive, any firearms for a five-year period beginning when the extreme**
5 **risk protection order expires or is terminated, or the judgment of**
6 **conviction is entered, whichever occurs later.**

7 **“(3) A person who files a petition for any extreme risk protection**
8 **order under sections 1 to 8 of this 2017 Act with the intent to harass**
9 **the respondent, or knowing that the information in the petition is**
10 **false, is guilty of a Class A misdemeanor.”.**

11
