



# 131st MAINE LEGISLATURE

## SECOND REGULAR SESSION-2024

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Legislative Document

No. 2283

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H.P. 1470

House of Representatives, March 28, 2024

**An Act to Enact the Crisis Intervention Order Act to Protect the  
Safety of the Public**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Speaker TALBOT ROSS of Portland.  
Cosponsored by Senator VITELLI of Sagadahoc and  
Representatives: CLOUTIER of Lewiston, TERRY of Gorham, Senator: DAUGHTRY of  
Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 5 MRSA c. 337-E** is enacted to read:

3 **CHAPTER 337-E**

4 **CRISIS INTERVENTION ORDER ACT**

5 **§4801. Short title**

6 This chapter may be known and cited as "the Crisis Intervention Order Act."

7 **§4802. Definitions**

8 As used in this chapter, unless the context otherwise indicates, the following terms  
9 have the following meanings.

10 **1. Court.** "Court" means a District Court.

11 **2. Crisis intervention order.** "Crisis intervention order" means a written order signed  
12 by the court that prohibits and enjoins an individual from purchasing, possessing or  
13 receiving a firearm or having or attempting to have custody or control of a firearm. "Crisis  
14 intervention order" includes an order issued pursuant to section 4804 and an emergency  
15 order issued pursuant to section 4805.

16 **3. Family or household member.** "Family or household member" means a spouse or  
17 domestic partner of the respondent, a former spouse or former domestic partner of the  
18 respondent, an individual presently or formerly living as a spouse of the respondent, a  
19 parent of a child of the respondent or an adult related by consanguinity or affinity to the  
20 respondent.

21 **4. Federally licensed firearm dealer.** "Federally licensed firearm dealer" means a  
22 federally licensed firearm importer, federally licensed firearm manufacturer or federally  
23 licensed firearm dealer required to conduct national instant criminal background checks  
24 under 18 United States Code, Section 922(t).

25 **5. Firearm.** "Firearm" has the same meaning as in Title 17-A, section 2, subsection  
26 12-A.

27 **6. Law enforcement agency.** "Law enforcement agency" means the State Police, a  
28 county sheriff's department, a municipal police department or the Department of the  
29 Attorney General.

30 **7. Law enforcement officer.** "Law enforcement officer" means an individual who by  
31 virtue of public employment is vested by law with the power to make arrests for crimes or  
32 serve criminal process, whether that power extends to all crimes or is limited to specific  
33 crimes, and who possesses a current and valid certificate issued by the Board of Trustees  
34 of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A. "Law  
35 enforcement officer" does not include a federal law enforcement officer.

36 **8. Petition.** "Petition" means a petition for a crisis intervention order filed under this  
37 chapter.

1           **9. Petitioner.** "Petitioner" means a family or household member, a law enforcement  
2 agency or a law enforcement officer who files a petition for a crisis intervention order under  
3 this chapter.

4           **10. Respondent.** "Respondent" means an individual named in a petition filed under  
5 this chapter whose purchase, possession or control of a firearm the petitioner seeks to  
6 restrain.

7           **§4803. Jurisdiction and venue**

8           **1. Jurisdiction.** The District Court has jurisdiction over proceedings under this  
9 chapter.

10           **2. Venue.** Proceedings under this chapter must be commenced in the judicial division  
11 where the respondent resides, the judicial division where the petitioner resides or the  
12 judicial division where the law enforcement agency has jurisdiction. If a District Court  
13 Judge is not available in the division in which a motion requesting an emergency order is  
14 to be filed, the petition and motion may be presented to any other District Court Judge or  
15 to any Superior Court Justice who has the same authority as a District Court Judge to grant  
16 or deny the temporary order.

17           **§4804. Crisis intervention orders**

18           **1. Petition.** A family or household member, a law enforcement agency or a law  
19 enforcement officer may file a petition requesting that the court issue a crisis intervention  
20 order.

21           **A.** A petition filed pursuant to this subsection must allege that the respondent poses a  
22 significant danger of causing severe harm to the respondent or another person by  
23 purchasing, possessing or receiving a firearm or by having or attempting to have  
24 custody or control of a firearm.

25           **B.** A significant danger of causing severe harm to another person may be shown by  
26 establishing that:

27                   (1) The respondent has inflicted or attempted to inflict bodily harm on another  
28 person;

29                   (2) By the respondent's threats or actions, the respondent has placed another person  
30 in reasonable fear of physical harm; or

31                   (3) By the respondent's actions or inactions, the respondent has presented a danger  
32 to persons in the respondent's care.

33           **C.** A significant danger of causing severe harm to the respondent may be shown by  
34 establishing that the respondent has threatened or attempted suicide or serious bodily  
35 harm.

36           **D.** The affidavit in support of the petition must state:

37                   (1) The specific facts supporting the allegations in the petition;

38                   (2) Any firearms the petitioner believes to be in the respondent's possession,  
39 custody or control; and

40                   (3) Whether the petitioner knows of an existing order with respect to the respondent  
41 under section 4655 or Title 19-A, section 4108 or 4110.

1 E. The court shall provide forms and clerical assistance to either party in completing  
2 and filing a petition or other necessary documents. The assistance may not include  
3 legal advice or assistance in drafting legal documents. The forms provided by the court  
4 under this paragraph must be uniform throughout the State and must include a  
5 summons and an affidavit for a crisis intervention order. The summons must include  
6 a section in which to list the places where the respondent may be located or available  
7 to be served.

8 F. A filing fee may not be required for a petition filed under this subsection.

9 **2. Hearing.** Except as provided in section 4805, the court may grant relief only after  
10 notice to the respondent and a hearing. The petitioner has the burden of proof by a  
11 preponderance of the evidence.

12 A. The court shall hold a hearing within 14 days after a petition is filed under this  
13 section. Notice of the hearing must be served pursuant to section 4807 concurrently  
14 with the petition and any ex parte order issued under section 4805.

15 B. Upon the filing of a petition, the court shall appoint an attorney to represent the  
16 respondent at the hearing if the respondent is unable to afford one. The court shall  
17 include the name of the appointed attorney in the notice of the hearing under paragraph  
18 A. The respondent may replace the attorney with an attorney of the respondent's own  
19 selection at any time at the respondent's own expense. The State is responsible for the  
20 cost of an attorney appointed by the court to represent the respondent.

21 **3. Orders.** The court shall grant a petition and issue a crisis intervention order if it  
22 finds by a preponderance of the evidence that the respondent poses a significant danger of  
23 causing severe harm to the respondent or to another person by purchasing, possessing or  
24 receiving a firearm or by having or attempting to have custody or control of a firearm.

25 A. The court shall issue an order under this subsection prohibiting the respondent from  
26 purchasing, possessing or receiving a firearm or having or attempting to have custody  
27 or control of a firearm for a period of up to one year. The order must be signed by the  
28 court and include the following provisions:

29 (1) A statement of the grounds for the issuance of the order;

30 (2) The name and address of the court where any filings must be made, the names  
31 of the parties, the date of the petition, the date and time of the order and the date  
32 and time the order expires;

33 (3) A description of how to appeal the order;

34 (4) A description of the requirements for relinquishment of a firearm under section  
35 4810;

36 (5) A description of how to request termination of the order under section 4806.  
37 The court shall include with the order a form for a motion to terminate the order;

38 (6) A statement directing the law enforcement agency or federally licensed firearm  
39 dealer in possession of the firearm to release it to the owner upon expiration of the  
40 order; and

41 (7) A statement in substantially the following form:

1 "To the subject of this crisis intervention order: This order is in effect until the date  
2 and time stated above. If you have not done so already, you are required to  
3 surrender all firearms in your custody, control or possession to [insert name of law  
4 enforcement agency] or a federally licensed firearm dealer. While this order is in  
5 effect, you are not allowed to purchase, possess or receive a firearm; attempt to  
6 purchase, possess or receive a firearm; or have or attempt to have custody or  
7 control of a firearm. You have the right to request one hearing to terminate this  
8 order during the period that this order is in effect, starting from the date of this  
9 order. You may seek the advice of an attorney regarding any matter connected with  
10 this order."

11 B. When findings are required under this section, the court shall make either written  
12 findings of fact or oral findings of fact on the record.

13 C. An order issued under this section must bear the following language: "VIOLATION  
14 OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR  
15 A FINE, OR BOTH, AS PROVIDED BY THE MAINE REVISED STATUTES,  
16 TITLE 5, SECTION 4809, AND MAY ALSO BE PROSECUTED AS CRIMINAL  
17 CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH."

18 D. Affidavit forms required pursuant to this section must bear the following language:  
19 "MAKING A FALSE STATEMENT IN THIS AFFIDAVIT IS A CRIME SUBJECT  
20 TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY  
21 THE MAINE REVISED STATUTES, TITLE 5, SECTION 4809."

22 E. If the court denies a petition filed under this section, the court shall state the  
23 particular reasons for the denial in its decision.

24 **§4805. Emergency crisis intervention orders**

25 **1. Petition.** A petitioner may file a motion requesting that the court issue an emergency  
26 crisis intervention order. An emergency crisis intervention order is issued ex parte, without  
27 notice to the respondent.

28 A. The petitioner shall submit an affidavit in support of the motion alleging that the  
29 respondent poses an imminent and significant danger of causing severe harm to the  
30 respondent or to another person by purchasing, possessing or receiving a firearm or by  
31 having or attempting to have custody or control of a firearm.

32 The affidavit must state:

33 (1) The specific facts supporting the allegations in the motion, including the  
34 imminent danger posed by the respondent; and

35 (2) Any firearms the petitioner believes to be in the respondent's possession,  
36 custody or control.

37 B. The court may issue an emergency crisis intervention order by telephone or by  
38 reliable electronic means, such as e-mail, pursuant to this subsection if requested by  
39 the petitioner.

40 Upon receipt of a request for electronic issuance of an emergency crisis intervention  
41 order, the court shall inform the petitioner that a signed or unsigned motion and  
42 affidavit may be submitted electronically. The affidavit must be sworn to or affirmed  
43 by administration of the oath over the telephone to the petitioner by the court. The

1 administration of the oath need not be made part of the affidavit or recorded, but the  
2 court shall note on the affidavit that the oath was administered.

3 C. Affidavit forms required pursuant to this section must bear the following language:  
4 "MAKING A FALSE STATEMENT IN THIS AFFIDAVIT IS A CRIME SUBJECT  
5 TO A TERM OF IMPRISONMENT OR A FINE, OR BOTH, AS PROVIDED BY  
6 THE MAINE REVISED STATUTES, TITLE 5, SECTION 4809."

7 D. Upon the filing of a motion for an emergency crisis intervention order, the court  
8 shall notify the Department of the Attorney General.

9 **2. Standards.** The standards for the issuance of an emergency crisis intervention order  
10 are established in this subsection.

11 A. The court shall grant the motion and issue an emergency crisis intervention order if  
12 it finds by a preponderance of the evidence that at the time the order is requested the  
13 respondent poses an imminent and significant danger of causing severe harm to the  
14 respondent or to another person by purchasing, possessing or receiving a firearm or by  
15 having or attempting to have custody or control of a firearm. The petitioner shall cause  
16 a copy of the order to be served on the respondent pursuant to section 4807, and the  
17 court shall deliver a copy to the law enforcement agency that has jurisdiction over  
18 where the respondent resides or keeps the firearm.

19 B. An imminent and significant danger of causing severe harm to another person may  
20 be shown by establishing that:

21 (1) The respondent has inflicted or attempted to inflict bodily harm on another  
22 person;

23 (2) By the respondent's threats or actions, the respondent has placed another person  
24 in reasonable fear of physical harm; or

25 (3) By the respondent's actions or inactions, the respondent has presented a danger  
26 to persons in the respondent's care.

27 C. An imminent and significant danger of causing severe harm to the respondent may  
28 be shown by establishing that the respondent has threatened or attempted suicide or  
29 serious bodily harm.

30 D. The court shall decide whether to grant or deny the motion and issue the order solely  
31 on the basis of the contents of the motion and the affidavit or affidavits provided. If the  
32 motion is granted, the court shall immediately sign the original order, enter on its face  
33 the exact date and time it is issued and transmit a copy to the petitioner by reliable  
34 electronic means, such as e-mail. The petitioner shall cause a copy of the order to be  
35 served on the respondent pursuant to section 4807.

36 **3. Order.** An order issued under this section must prohibit for a period of up to 14  
37 days the respondent from purchasing, possessing or receiving a firearm or having or  
38 attempting to have custody or control of a firearm.

39 A. The order must be in writing and signed by the court and must include the following  
40 provisions:

41 (1) A statement of the grounds for the issuance of the order;

1 (2) The name and address of the court where any filings must be made, the names  
2 of the parties, the date of the petition, the date and time of the order and the date  
3 and time the order expires;

4 (3) The date and time of the hearing under subsection 4 when the respondent may  
5 appear to contest the order before the court. This opportunity to contest must be  
6 scheduled as soon as reasonably possible, but may not be more than 14 days after  
7 the date of the issuance of the order;

8 (4) A description of the requirements for relinquishment of firearms under section  
9 4810; and

10 (5) A statement in substantially the following form:

11 "To the subject of this crisis intervention order: This order is in effect until the date  
12 and time stated above. If you have not done so already, you are required to  
13 surrender all firearms in your custody, control or possession to [insert name of law  
14 enforcement agency], a federally licensed firearm dealer or a person approved by  
15 the court. While this order is in effect, you are not allowed to purchase, possess or  
16 receive a firearm; attempt to purchase, possess or receive a firearm; or have or  
17 attempt to have custody or control of a firearm. A hearing will be held on the date  
18 and time noted above to determine if a crisis intervention order should be issued.  
19 Failure to appear at that hearing may result in a court making an order against you  
20 that is valid for up to one year. You may seek the advice of an attorney regarding  
21 any matter connected with this order. An attorney will be appointed to represent  
22 you if you cannot afford one."

23 B. An order issued under this section must bear the following language: "VIOLATION  
24 OF THIS ORDER IS A CRIME SUBJECT TO A TERM OF IMPRISONMENT OR  
25 A FINE, OR BOTH, AS PROVIDED BY THE MAINE REVISED STATUTES,  
26 TITLE 5, SECTION 4809, AND MAY ALSO BE PROSECUTED AS CRIMINAL  
27 CONTEMPT PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH."

28 C. On or before the next business day after an order under this section is issued:

29 (1) The petitioner shall file the original motion and affidavit with the court; and

30 (2) The court shall file the signed order, the motion and the affidavit with the clerk  
31 of the court. The clerk shall enter the documents on the docket immediately after  
32 filing.

33 D. If the court denies a petition filed under this section, the court shall state the  
34 particular reasons for the denial in its decision.

35 **4. Duration.** The duration of an emergency crisis intervention order issued pursuant  
36 to this section is as follows.

37 A. Unless the motion is voluntarily dismissed pursuant to paragraph B, the court shall  
38 hold a hearing within 14 days after the issuance of an emergency crisis intervention  
39 order to determine if a crisis intervention order should be issued. If not voluntarily  
40 dismissed, the emergency crisis intervention order expires when the court grants or  
41 denies a motion for a crisis intervention order in accordance with section 4804,  
42 subsection 3.

1 B. The petitioner may voluntarily dismiss a motion filed under this section at any time  
2 prior to the hearing if the petitioner determines the respondent no longer poses a  
3 significant danger of causing severe harm to the respondent or to another person by  
4 purchasing, possessing or receiving a firearm or by having or attempting to have  
5 custody or control of a firearm. If the petitioner voluntarily dismisses the motion  
6 pursuant to this paragraph, the court shall vacate the emergency crisis intervention  
7 order and direct the law enforcement agency or federally licensed firearm dealer in  
8 possession of a firearm belonging to the respondent to return it to the respondent  
9 consistent with section 4810.

10 **§4806. Termination and renewal motions**

11 **1. Motions to terminate.** A motion to terminate a crisis intervention order under  
12 section 4804 is subject to the provisions of this subsection.

13 A. The respondent may file a motion to terminate a crisis intervention order issued  
14 under section 4804 or an order renewed under subsection 2. A motion to terminate  
15 may not be filed more than once during the effective period of the order. The  
16 respondent has the burden of proof by a preponderance of the evidence.

17 B. The court shall hold a hearing within 14 days after a motion to terminate is filed  
18 under this section. Notice of the hearing must be served pursuant to section 4807  
19 concurrently with the motion.

20 C. The court shall grant the motion under paragraph A and terminate the crisis  
21 intervention order if it finds, by a preponderance of the evidence, that the respondent  
22 no longer poses a significant danger of causing severe harm to the respondent or to  
23 another person by purchasing, possessing or receiving a firearm or by having or  
24 attempting to have custody or control of a firearm.

25 D. When findings are required under this subsection, the court shall make either  
26 written findings of fact or oral findings of fact on the record.

27 E. Termination motion forms must be provided by the court and maintained by the  
28 clerks of the courts. The forms provided by the court under this subsection must be  
29 uniform throughout the State.

30 **2. Motions to renew.** A motion to renew a crisis intervention order under section  
31 4804 is subject to the provisions of this subsection.

32 A. A petitioner may file a motion requesting that the court renew a crisis intervention  
33 order issued under section 4804 or renewed pursuant to this subsection for an additional  
34 period of up to one year. The motion must be accompanied by an affidavit and must  
35 be filed not more than 30 days and not less than 14 days before the expiration date of  
36 the order. The motion and affidavit must comply with the requirements for a petition  
37 in section 4804, subsection 1. The petitioner has the burden of proof by a  
38 preponderance of the evidence.

39 B. The court shall hold a hearing within 14 days after a motion to renew under  
40 paragraph A is filed under this subsection. Notice of the hearing must be served  
41 pursuant to section 4807 concurrently with the motion.

42 C. The court shall grant the motion and renew the crisis intervention order for an  
43 additional period of up to one year if it finds by a preponderance of the evidence that

1 the respondent continues to pose a significant danger of causing severe harm to the  
2 respondent or to another person by purchasing, possessing or receiving a firearm or by  
3 having or attempting to have custody or control of a firearm. The order must comply  
4 with the requirements of section 4804, subsection 3.

5 D. If the court denies a motion filed under this subsection, the court shall state the  
6 particular reasons for the denial in its decision.

7 E. When findings are required under this subsection, the court shall make either written  
8 findings of fact or oral findings of fact on the record.

9 F. Renewal motion forms must be provided by the court and maintained by the clerks  
10 of the courts. The forms provided by the court under this subsection must be uniform  
11 throughout the State.

## 12 **§4807. Service**

13 **1. Form of service; transmittal.** A petition, emergency crisis intervention order,  
14 crisis intervention order or notice of a hearing issued under this chapter must be served in  
15 accordance with the Maine Rules of Civil Procedure and may be served by any law  
16 enforcement officer. A court that issues an order under this chapter during normal business  
17 hours shall promptly transmit the order electronically or by other means to a law  
18 enforcement agency for service and shall deliver a copy to the law enforcement agency that  
19 has jurisdiction over where the respondent resides or keeps the firearm.

20 **2. Service on respondent.** A respondent who attends a hearing held under section  
21 4804, 4805 or 4806 at which an emergency crisis intervention order or crisis intervention  
22 order is issued and who receives notice from the court at the hearing that the order has been  
23 issued is deemed to have been served. A respondent notified by the court at the hearing is  
24 required to immediately comply with the provisions of the order. Regardless of whether  
25 the court has previously notified the respondent of the order, the court shall transmit the  
26 order for service on the respondent by a law enforcement agency.

27 **3. Performance of service.** Crisis intervention orders must be served by the law  
28 enforcement agency at the earliest possible time and take precedence over other  
29 summonses and orders. Orders must be served in a manner calculated to ensure the safety  
30 of the parties. Methods of service that include advance notification to the respondent may  
31 not be used. The person making service shall file a return of service with the court stating  
32 the date, time and place at which the order was delivered personally to the respondent.

33 **4. Inability to make personal service.** If service of a notice of hearing issued under  
34 section 4804 or 4806 cannot be made before the scheduled hearing, the court shall delay  
35 the hearing, and extend the terms of the order upon request of the petitioner, for such  
36 additional time as it considers necessary to achieve service on the respondent.

## 37 **§4808. Procedure**

38 **1. Rules; other actions not barred.** Proceedings commenced under this chapter must  
39 be in accordance with the Maine Rules of Civil Procedure and are in addition to any other  
40 available civil or criminal remedies.

41 **2. Assistance by courts and law enforcement.** The court shall establish procedures  
42 to ensure access to petitions after regular business hours or on weekends and holidays. The  
43 court is authorized to contract with public or private agencies to assist petitioners to seek

1 crisis intervention orders and to gain access to courts. Law enforcement agencies shall  
2 assist in carrying out the intent of this subsection.

3 **3. Sharing of information between courts.** The Supreme Judicial Court shall ensure  
4 that procedures are in place so that the contents of orders and pendency of other  
5 proceedings can be known to all courts for cases in which a crisis intervention order  
6 proceeding is related to a criminal proceeding.

7 **§4809. Enforcement; penalties**

8 **1. Authorization of law enforcement officers.** Law enforcement officers are  
9 authorized to enforce orders issued under this chapter. Enforcement may include the  
10 collection and disposition of firearms pursuant to section 4810 and making an arrest in  
11 accordance with the provisions of the Maine Rules of Unified Criminal Procedure.

12 **2. Failure to comply with order.** A person who intentionally commits an act  
13 prohibited by a court or who fails to perform an act ordered by a court, in violation of a  
14 crisis intervention order issued pursuant to section 4804 or 4805 or renewed pursuant to  
15 section 4806, after the person has been served with the crisis intervention order as provided  
16 in this chapter is guilty of a Class D crime.

17 **3. Notice required by Department of Public Safety of national instant criminal**  
18 **background check problem.** When the Department of Public Safety receives notification  
19 from a federal agency that a national instant criminal background check conducted under  
20 the system established pursuant to 18 United States Code, Section 922(t) indicates that a  
21 potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant  
22 to a crisis intervention order issued under section 4804 or 4805 or renewed pursuant to  
23 section 4806, the department shall make every reasonable effort to notify as quickly as  
24 practicable another law enforcement agency with jurisdiction in the municipality in which  
25 that individual resides of the information received from the federal agency.

26 **4. Penalty for submitting false information.** A person who files a petition for a crisis  
27 intervention order under this chapter, or who submits an affidavit accompanying the  
28 petition, knowing that information in the petition or the affidavit is false or that the petition  
29 or affidavit is submitted with the intent to harass is guilty of a Class D crime.

30 **5. Criminal contempt.** In addition to the provisions of subsection 2, violation of a  
31 crisis intervention order issued under this chapter may be prosecuted as criminal contempt  
32 under the Maine Rules of Unified Criminal Procedure, Rule 42. The prosecution for  
33 criminal contempt may be initiated by the attorney for the State in the judicial district in  
34 which the violation occurred. The maximum penalty that may be imposed under this  
35 subsection is a fine of \$1,000 or imprisonment for 6 months, or both. A sentence of  
36 imprisonment upon conviction for criminal contempt may be stayed, in the discretion of  
37 the court, pending the expiration of the time allowed for filing notice of appeal or pending  
38 appeal if any appeal is taken.

39 **§4810. Relinquishment of firearm**

40 **1. Relinquishment by respondent.** A respondent who is required to relinquish a  
41 firearm in the respondent's possession, custody or control by a crisis intervention order  
42 issued pursuant to section 4804 or 4805 or renewed pursuant to section 4806, upon service  
43 of the order, shall immediately relinquish the firearm to a law enforcement agency or a  
44 federally licensed firearm dealer.

1            **2. Search warrant authorizing seizure.** The court may issue a search warrant  
2 authorizing a law enforcement agency to seize any firearms at any location if there is  
3 probable cause to believe any firearms have not been relinquished by the respondent.

4            **3. Treatment of seized firearm.** A law enforcement agency or a federally licensed  
5 firearm dealer that takes possession of a firearm shall photograph, catalog and store the  
6 firearm.

7            **4. Lawful sale of firearms not affected.** This section may not be construed to prohibit  
8 the lawful sale of firearms.

9            **5. Order must require release of firearm.** A crisis intervention order issued pursuant  
10 to section 4804 or renewed pursuant to section 4806 shall direct the law enforcement  
11 agency or federally licensed firearm dealer to release a firearm seized pursuant to a crisis  
12 intervention order to the respondent upon expiration of the order.

13            **6. No release of firearm unless court order.** A law enforcement agency or federally  
14 licensed firearm dealer may not release a firearm seized pursuant to a crisis intervention  
15 order to the respondent without a court order. If a court orders the release of a firearm  
16 seized pursuant to a crisis intervention order, the law enforcement agency or federally  
17 licensed firearm dealer in possession of the firearm shall make it available to the respondent  
18 within 3 business days after receipt of the order and in a manner consistent with federal  
19 law.

20            **7. Immunity.** A law enforcement agency is immune from civil or criminal liability  
21 for any damage or deterioration of a firearm stored or transported pursuant to this section.

22            **8. When return or seizure prohibited.** Notwithstanding any provision of this chapter  
23 to the contrary:

24            A. A firearm may not be returned to the respondent if the respondent's possession of  
25 the firearm is prohibited by state or federal law; and

26            B. A firearm may not be taken into possession pursuant to this section if it is, or may  
27 be used as, evidence in a criminal matter.

28            **§4811. Appeals**

29            A crisis intervention order issued by the court pursuant to section 4804 or renewed  
30 pursuant to section 4806 must be treated as a final order for the purposes of appeal. Appeal  
31 may be taken by either party to the Supreme Judicial Court under the Maine Rules of  
32 Appellate Procedure and the appeal must be determined without delay.

33            **§4812. Data and reporting**

34            **1. Annual report; submission to Legislature.** The State Court Administrator, acting  
35 at the direction of the Chief Justice of the Supreme Judicial Court, shall prepare an annual  
36 report on and relating to the application of this chapter by the courts. Beginning in 2025,  
37 the State Court Administrator, no later than October 1st, shall prepare and submit the report  
38 to the joint standing committee of the Legislature having jurisdiction over civil rights  
39 matters.

40            **2. Report requirements.** The report required by this section must contain all of the  
41 following:

42            A. The number of petitions filed for a crisis intervention order;



1 person, but only one request to terminate the order per term of the order may be filed. A  
2 crisis intervention order may be renewed for an additional period up to one year.

3 A person who is the subject of a crisis intervention order immediately must surrender  
4 all the firearms in that person's possession, custody or control to a law enforcement agency  
5 or a federally licensed firearm dealer, manufacturer or importer.