

FIRST REGULAR SESSION

# HOUSE BILL NO. 458

102ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE MERIDETH.

1331H.011

DANA RADEMAN MILLER, Chief Clerk

---

## AN ACT

To amend chapter 571, RSMo, by adding thereto one new section relating to risk protection orders, with penalty provisions.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 571, RSMo, is amended by adding thereto one new section, to be known as section 571.816, to read as follows:

**571.816. 1. As used in this section, the following terms mean:**

(1) "Petitioner", a law enforcement officer or a law enforcement agency that petitions a court for a risk protection order under this section;

(2) "Respondent", the individual who is identified as the respondent in a petition filed under this section;

(3) "Risk protection order", a temporary ex parte order or a final order granted under this section.

2. (1) An action is hereby created, to be known as a petition for a risk protection order.

(2) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(3) An action under this section shall be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

(4) Such petition for a risk protection order shall not require either party to be represented by an attorney.

(5) Notwithstanding any other law, attorney's fees shall not be awarded in any proceeding under this section.

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **(6) A petition shall:**

19           **(a) Allege that the respondent poses a significant danger of causing personal**  
20 **injury to himself or herself or others by having a firearm or any ammunition in his or**  
21 **her custody or control or by purchasing, possessing, or receiving a firearm or any**  
22 **ammunition and shall be accompanied by an affidavit made under oath stating the**  
23 **specific statements, actions, or facts that give rise to a reasonable fear of significant**  
24 **dangerous acts by the respondent;**

25           **(b) Identify the quantities, types, and locations of all firearms and ammunition**  
26 **the petitioner believes to be in the respondent's current ownership, possession, custody,**  
27 **or control; and**

28           **(c) Identify whether there is a known existing protection order governing the**  
29 **respondent under chapter 455 or under any other applicable statute.**

30           **(7) The petitioner shall make a good faith effort to provide notice to a family or**  
31 **household member of the respondent and to any known third party who may be at risk**  
32 **of violence. The notice shall state that the petitioner intends to petition the court for a**  
33 **risk protection order or has already done so and shall include referrals to appropriate**  
34 **resources, including mental health, domestic violence, and counseling resources. The**  
35 **petitioner shall attest in the petition to having provided such notice or shall attest to the**  
36 **steps that will be taken to provide such notice.**

37           **(8) The petitioner shall list the address of record on the petition as being where**  
38 **the appropriate law enforcement agency is located.**

39           **(9) A court or a public agency shall not charge fees for filing or for service of**  
40 **process to a petitioner seeking relief under this section and shall provide the necessary**  
41 **number of certified copies, forms, and instructional brochures free of charge.**

42           **(10) A person shall not be required to post a bond to obtain relief in any**  
43 **proceeding under this section.**

44           **(11) The circuit courts of this state have jurisdiction over proceedings under this**  
45 **section.**

46           **3. (1) Upon receipt of a petition, the court shall order a hearing to be held no**  
47 **later than fourteen days after the date of the order and shall issue a notice of hearing to**  
48 **the respondent for the same, and:**

49           **(a) The clerk of the court shall cause a copy of the notice of hearing and petition**  
50 **to be forwarded on or before the next business day to the appropriate law enforcement**  
51 **agency for service upon the respondent as described under subsection 5 of this section;**

52           **(b) The court may, as provided in subsection 4 of this section, issue a temporary**  
53 **ex parte risk protection order pending the hearing ordered under this subsection. Such**

54 temporary ex parte order shall be served concurrently with the notice of hearing and  
55 petition as provided in subsection 5 of this section; and

56 (c) The court may conduct a hearing by telephone pursuant to a local court rule  
57 to reasonably accommodate a disability or exceptional circumstances. The court shall  
58 receive assurances of the petitioner's identity before conducting a telephonic hearing.

59 (2) Upon notice and a hearing on the matter, if the court finds by clear and  
60 convincing evidence that the respondent poses a significant danger of causing personal  
61 injury to himself or herself or others by having in his or her custody or control, or by  
62 purchasing, possessing, or receiving, a firearm or any ammunition, the court shall issue  
63 a risk protection order for a period that it deems appropriate, up to and including but  
64 not exceeding twelve months.

65 (3) In determining whether grounds for a risk protection order exist, the court  
66 may consider any relevant evidence including, but not limited to:

67 (a) Any recent act or threat of violence by the respondent against himself or  
68 herself or others, regardless of whether such violence or threat of violence involved a  
69 firearm;

70 (b) Any act or threat of violence by the respondent within the past twelve months  
71 including, but not limited to, acts or threats of violence by the respondent against  
72 himself or herself or others;

73 (c) Evidence of the respondent being seriously mentally ill or having recurring  
74 mental health issues;

75 (d) Any violation by the respondent of a risk protection order or a no-contact  
76 order issued under chapter 455;

77 (e) Any previous or existing risk protection order issued against the respondent;

78 (f) Any violation of a previous or existing risk protection order issued against the  
79 respondent;

80 (g) Whether the respondent, in this state or any other state, has been convicted  
81 of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes  
82 domestic violence as defined in section 455.010;

83 (h) Whether the respondent has used, or has threatened to use, against himself  
84 or herself or others any weapons;

85 (i) Any unlawful or reckless use, display, or brandishing of a firearm by the  
86 respondent;

87 (j) Any recurring use of, or threat to use, physical force by the respondent  
88 against another person or the respondent stalking another person;

89 (k) Whether the respondent, in this state or any other state, has been arrested  
90 for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime  
91 involving violence or a threat of violence;

92 (l) Any corroborated evidence of the abuse of controlled substances or alcohol by  
93 the respondent;

94 (m) Evidence of recent acquisition of firearms or ammunition by the respondent;

95 (n) Any relevant information from family and household members concerning  
96 the respondent; and

97 (o) Witness testimony, taken while the witness is under oath, relating to the  
98 matter before the court.

99 (4) A person, including an officer of the court, who offers evidence or  
100 recommendations relating to the cause of action shall either:

101 (a) Present the evidence or recommendations in writing to the court with copies  
102 to each party and his or her attorney, if one is retained; or

103 (b) Present the evidence under oath at a hearing at which all parties are present.

104 (5) In a hearing under this section, the rules of evidence apply to the same extent  
105 as in a domestic violence injunction proceeding under chapter 455.

106 (6) During the hearing, the court shall consider whether a mental health  
107 evaluation or chemical dependency evaluation is appropriate and, if such determination  
108 is made, may order such evaluations.

109 (7) A risk protection order shall include:

110 (a) A statement of the grounds supporting the issuance of the order;

111 (b) The date the order was issued;

112 (c) The date the order ends;

113 (d) Whether a mental health evaluation or chemical dependency evaluation of  
114 the respondent is required;

115 (e) The address of the court in which any responsive pleading should be filed;

116 (f) A description of the requirements for the surrender of all firearms and  
117 ammunition that the respondent owns, as set forth under subsection 7 of this section;  
118 and

119 (g) The following statement: "To the subject of this protection order: This order  
120 will last until the date noted above. If you have not done so already, you shall surrender  
121 immediately to the \_\_\_\_\_ (insert name of local law enforcement agency) all  
122 firearms and ammunition that you own in your custody, control, or possession and any  
123 license to carry a concealed weapon or firearm issued to you under 571.101 to 571.126,  
124 RSMo, or 571.205 to 571.230, RSMo. You shall not have in your custody or control, or  
125 purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition

126 while this order is in effect. You have the right to request one hearing to vacate this  
127 order, starting after the date of the issuance of this order, and to request another hearing  
128 after every extension of the order, if any. You may seek the advice of an attorney as to  
129 any matter connected with this order."

130 (8) If the court issues a risk protection order, the court shall inform the  
131 respondent that he or she is entitled to request a hearing to vacate the order in the  
132 manner provided by subsection 6 of this section. The court shall provide the respondent  
133 with a form to request a hearing to vacate.

134 (9) If the court denies the petitioner's request for a risk protection order, the  
135 court shall state the particular reasons for the denial.

136 4. (1) A petitioner may request that a temporary ex parte risk protection order  
137 be issued before a hearing for a risk protection order, without notice to the respondent,  
138 by including in the petition detailed allegations based on personal knowledge that the  
139 respondent poses a significant danger of causing personal injury to himself or herself or  
140 others in the near future by having in his or her custody or control, or by purchasing,  
141 possessing, or receiving, a firearm or ammunition.

142 (2) In considering whether to issue a temporary ex parte risk protection order  
143 under this section, the court shall consider all relevant evidence, including any evidence  
144 described under subdivision (3) of subsection 3 of this section.

145 (3) If a court finds reasonable cause to believe that the respondent poses a  
146 significant danger of causing personal injury to himself or herself or others in the near  
147 future by having in his or her custody or control, or by purchasing, possessing, or  
148 receiving, a firearm or ammunition, the court shall issue a temporary ex parte risk  
149 protection order.

150 (4) The court shall hold a temporary ex parte risk protection order hearing in  
151 person or by telephone on the day the petition is filed or on the business day  
152 immediately following the day the petition is filed.

153 (5) A temporary ex parte risk protection order shall include all of the following:

154 (a) A statement of the grounds asserted for the order;

155 (b) The date the order was issued;

156 (c) The address of the court in which any responsive pleading may be filed;

157 (d) The date and time of the scheduled hearing;

158 (e) A description of the requirements for the surrender of all firearms and  
159 ammunition that the respondent owns, as set forth under subsection 7 of this section;  
160 and

161 (f) The following statement: "To the subject of this protection order: This order  
162 is valid until the date noted above. You are required to surrender all firearms and

163 ammunition that you own in your custody, control, or possession. You shall not have in  
164 your custody or control, or purchase, possess, receive, or attempt to purchase or receive,  
165 a firearm or ammunition while this order is in effect. You shall surrender immediately  
166 to the \_\_\_\_\_ (insert name of local law enforcement agency) all firearms and  
167 ammunition in your custody, control, or possession and any license to carry a concealed  
168 weapon or firearm issued to you under 571.101 to 571.126, RSMo, or 571.205 to 571.230,  
169 RSMo. A hearing will be held on the date and at the time noted above to determine if a  
170 risk protection order should be issued. Failure to appear at that hearing may result in a  
171 court issuing an order against you which is valid for one year. You may seek the advice  
172 of an attorney as to any matter connected with this order."

173 (6) A temporary ex parte risk protection order ends upon the hearing on the risk  
174 protection order.

175 (7) A temporary ex parte risk protection order shall be served by a law  
176 enforcement officer in the same manner as provided for in subsection 5 of this section  
177 for service of the notice of hearing and petition and shall be served concurrently with  
178 the notice of hearing and petition.

179 (8) If the court denies the petitioner's request for a temporary ex parte risk  
180 protection order, the court shall state the particular reasons for the denial.

181 5. (1) The clerk of the court shall furnish a copy of the notice of hearing,  
182 petition, and temporary ex parte risk protection order or risk protection order, as  
183 applicable, to the sheriff of the county in which the respondent resides or can be found,  
184 who shall serve it upon the respondent as soon thereafter as practicable on any day of  
185 the week and at any time of the day or night. When requested by the sheriff, the clerk of  
186 the court may transmit a facsimile copy of a temporary ex parte risk protection order or  
187 a risk protection order that has been certified by the clerk of the court, and this  
188 facsimile copy may be served in the same manner as a certified copy. Upon receiving a  
189 facsimile copy, the sheriff shall verify receipt with the sender before attempting to serve  
190 it upon the respondent. The clerk of the court shall be responsible for furnishing to the  
191 sheriff information on the respondent's physical description and location. Notwithstanding  
192 any other law to the contrary, the chief judge of each circuit, in  
193 consultation with the appropriate sheriff, may authorize a law enforcement agency  
194 within the jurisdiction to effect service. A law enforcement agency effecting service  
195 pursuant to this section shall use service and verification procedures consistent with  
196 those of the sheriff. Service under this section takes precedence over the service of other  
197 documents unless the other documents are of a similar emergency nature.

198 (2) All orders issued, changed, continued, extended, or vacated after the original  
199 service of documents specified in subdivision (1) of this subsection shall be certified by

200 the clerk of the court and delivered to the parties at the time of the entry of the order.  
201 The parties may acknowledge receipt of such order in writing on the face of the original  
202 order. If a party fails or refuses to acknowledge the receipt of a certified copy of an  
203 order, the clerk shall note on the original order that service was effected. If delivery at  
204 the hearing is not possible, the clerk shall mail certified copies of the order to the parties  
205 at the last known address of each party. Service by mail is complete upon mailing. If an  
206 order is served pursuant to this subsection, the clerk shall prepare a written certification  
207 to be placed in the court file specifying the time, date, and method of service and shall  
208 notify the sheriff.

209       6. (1) The respondent may submit one written request for a hearing to vacate a  
210 risk protection order issued under this section, starting after the date of the issuance of  
211 the order, and may request another hearing after every extension of the order, if any.  
212 Regarding the request:

213       (a) Upon receipt of a request for a hearing to vacate a risk protection order, the  
214 court shall set a date for a hearing. Notice of the request shall be served on the  
215 petitioner in accordance with subsection 5 of this section. The hearing shall occur no  
216 sooner than fourteen days and no later than thirty days after the date of service of the  
217 request upon the petitioner;

218       (b) The respondent shall have the burden of proving by clear and convincing  
219 evidence that the respondent does not pose a significant danger of causing personal  
220 injury to himself or herself or others by having in his or her custody or control,  
221 purchasing, possessing, or receiving a firearm or ammunition. The court may consider  
222 any relevant evidence, including evidence of the considerations listed in subdivision (3)  
223 of subsection 3 of this section;

224       (c) If the court finds after the hearing that the respondent has met his or her  
225 burden of proof, the court shall vacate the order; and

226       (d) The law enforcement agency holding any firearm or ammunition or license  
227 to carry a concealed weapon or firearm that has been surrendered pursuant to this  
228 section shall be notified of the court order to vacate the risk protection order.

229       (2) The court shall notify the petitioner of any impending end of a risk protection  
230 order. Notice shall be received by the petitioner at least thirty days before the date the  
231 order ends.

232       (3) The petitioner may, by motion, request an extension of a risk protection  
233 order at any time within the thirty days before the order ends. If the petitioner does so:

234       (a) Upon receipt of the motion to extend, the court shall order that a hearing be  
235 held no later than fourteen days after the date the order is issued and shall schedule  
236 such hearing, and:

237           **a. The court may schedule a hearing by telephone in the manner provided under**  
238 **paragraph (c) of subdivision 1 of subsection 3 of this section; and**

239           **b. The respondent shall be personally serviced in the same manner provided by**  
240 **subsection 5 of this section;**

241           **(b) In determining whether to extend a risk protection order issued under this**  
242 **section, the court may consider all relevant evidence, including evidence of the**  
243 **considerations listed in subdivision (3) of subsection 3 of this section;**

244           **(c) If the court finds by clear and convincing evidence that the requirements for**  
245 **issuance of a risk protection order as provided in subsection 3 of this section continue to**  
246 **be met, the court shall extend the order. However, if, after notice, the motion for**  
247 **extension is uncontested and no modification of the order is sought, the order may be**  
248 **extended on the basis of a motion or affidavit stating that there has been no material**  
249 **change in relevant circumstances since entry of the order and stating the reason for the**  
250 **requested extension; and**

251           **(d) The court may extend a risk protection order for a period that it deems**  
252 **appropriate, up to but not exceeding twelve months, subject to an order to vacate as**  
253 **provided in subdivision (1) of this subsection or to another extension order by the court.**

254           **7. (1) Upon issuance of a risk protection order under this section, including a**  
255 **temporary ex parte risk protection order, the court shall order the respondent to**  
256 **surrender to the local law enforcement agency all firearms and ammunition owned by**  
257 **the respondent in the respondent's custody, control, or possession except as provided in**  
258 **subsection 9 of this section, and any license to carry a concealed weapon or firearm**  
259 **issued under sections 571.101 to 571.126 or sections 571.205 to 571.230, held by the**  
260 **respondent.**

261           **(2) The law enforcement officer serving a risk protection order under this**  
262 **section, including a temporary ex parte risk protection order, shall request that the**  
263 **respondent immediately surrender all firearms and ammunition owned by the**  
264 **respondent in his or her custody, control, or possession and any license to carry a**  
265 **concealed weapon or firearm issued under sections 571.101 to 571.126 or sections**  
266 **571.205 to 571.230 held by the respondent. The law enforcement officer shall take**  
267 **possession of all firearms and ammunition and any license to carry a concealed weapon**  
268 **or firearm that the respondent surrenders. Alternatively, if personal service by a law**  
269 **enforcement officer is not possible or is not required because the respondent was present**  
270 **at the risk protection order hearing, the respondent shall surrender any firearms and**  
271 **ammunition owned by the respondent, and any license to carry a concealed weapon or**  
272 **firearm issued under sections 571.101 to 571.126 or sections 571.205 to 571.230 held by**  
273 **the respondent, in a safe manner to the control of the local law enforcement agency**

274 immediately after being served with the order by service or immediately after the  
275 hearing at which the respondent was present. Notwithstanding sections 542.271, a law  
276 enforcement officer may seek a search warrant from a court of competent jurisdiction to  
277 conduct a search for firearms or ammunition owned by the respondent if the officer has  
278 probable cause to believe that there are firearms or ammunition owned by the  
279 respondent in the respondent's custody, control, or possession which have not been  
280 surrendered.

281 (3) At the time of surrender, a law enforcement officer taking possession of any  
282 firearm or ammunition owned by the respondent, or a license to carry a concealed  
283 weapon or firearm issued under sections 571.101 to 571.126 or sections 571.205 to  
284 571.230 held by the respondent, shall issue a receipt identifying all firearms and the  
285 quantity and type of ammunition that have been surrendered and any license  
286 surrendered and shall provide a copy of the receipt to the respondent. Within  
287 seventy-two hours after service of the order, the law enforcement officer serving the  
288 order shall file the original receipt with the court and shall ensure that his or her law  
289 enforcement agency retains a copy of the receipt.

290 (4) Notwithstanding section 542.271, upon the sworn statement or testimony of  
291 any person alleging that the respondent has failed to comply with the surrender of  
292 firearms or ammunition owned by the respondent, as required by an order issued under  
293 this section, the court shall determine whether probable cause exists to believe that the  
294 respondent has failed to surrender all firearms or ammunition owned by the respondent  
295 in the respondent's custody, control, or possession. If the court finds that probable  
296 cause exists, the court shall issue a warrant describing the firearms or ammunition  
297 owned by the respondent and authorizing a search of the locations where the firearms or  
298 ammunition owned by the respondent are reasonably believed to be found and the  
299 seizure of any firearms or ammunition owned by the respondent discovered pursuant to  
300 such search.

301 (5) If a person other than the respondent claims title to any firearms or  
302 ammunition surrendered pursuant to this section and he or she is determined by the law  
303 enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or  
304 ammunition shall be returned to him or her, if:

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

308 (b) The firearm or ammunition is not otherwise unlawfully possessed by the  
309 owner.

310           **(6) Upon the issuance of a risk protection order, the court shall order a new**  
311 **hearing date and require the respondent to appear no later than three business days**  
312 **after the issuance of the order. The court shall require proof that the respondent has**  
313 **surrendered any firearms or ammunition owned by the respondent in the respondent's**  
314 **custody, control, or possession. The court may cancel the hearing upon a satisfactory**  
315 **showing that the respondent is in compliance with the order.**

316           **(7) All law enforcement agencies shall develop policies and procedures regarding**  
317 **the acceptance, storage, and return of firearms, ammunition, or licenses required to be**  
318 **surrendered under this section.**

319           **8. (1) If a risk protection order is vacated or ends without extension, a law**  
320 **enforcement agency holding a firearm or any ammunition owned by the respondent or a**  
321 **license to carry a concealed weapon or firearm issued under sections 571.101 to 571.126**  
322 **or sections 571.205 to 571.230, held by the respondent, that has been surrendered or**  
323 **seized pursuant to this section shall return such surrendered firearm, ammunition, or**  
324 **license to carry a concealed weapon or firearm issued under sections 571.101 to 571.126**  
325 **or sections 571.205 to 571.230, as requested by a respondent only after confirming**  
326 **through a background check that the respondent is currently eligible to own or possess**  
327 **firearms and ammunition under federal and state law and after confirming with the**  
328 **court that the risk protection order has been vacated or has ended without extension.**

329           **(2) If a risk protection order is vacated or ends without extension and the sheriff**  
330 **that issued the concealed carry permit has suspended a license to carry a concealed**  
331 **weapon or firearm pursuant to this section, the sheriff shall reinstate such license only**  
332 **after confirming that the respondent is currently eligible to have a license to carry a**  
333 **concealed weapon or firearm pursuant sections 571.101 to 571.126 or sections 571.205 to**  
334 **571.230.**

335           **(3) A law enforcement agency shall provide notice to any family or household**  
336 **members of the respondent before the return of any surrendered firearm and**  
337 **ammunition owned by the respondent.**

338           **(4) Any firearm and ammunition surrendered by a respondent pursuant to**  
339 **subsection 7 of this section that remains unclaimed for one year by the lawful owner**  
340 **after an order to vacate the risk protection order shall be disposed of in accordance with**  
341 **the law enforcement agency's policies and procedures for the disposal of firearms in**  
342 **police custody.**

343           **9. A respondent may elect to transfer all firearms and ammunition owned by the**  
344 **respondent that have been surrendered to or seized by a local law enforcement agency**  
345 **pursuant to subsection 7 of this section to another person who is willing to receive the**

346 respondent's firearms and ammunition. The law enforcement agency shall allow such a  
347 transfer only if it is determined that the chosen recipient:

348 (1) Currently is eligible to own or possess a firearm and ammunition under  
349 federal and state law after confirmation through a background check;

350 (2) Attests to storing the firearms and ammunition in a manner such that the  
351 respondent does not have access to or control of the firearms and ammunition until the  
352 risk protection order against the respondent is vacated or ends without extension; and

353 (3) Attests not to transfer the firearms or ammunition back to the respondent  
354 until the risk protection order against the respondent is vacated or ends without  
355 extension.

356 10. (1) Within twenty-four hours after issuance, the clerk of the court shall enter  
357 any risk protection order or temporary ex parte risk protection order issued under this  
358 section into the uniform case reporting system.

359 (2) Within twenty-four hours after issuance, the clerk of the court shall forward  
360 a copy of an order issued under this section to the appropriate law enforcement agency  
361 specified in the order. Upon receipt of the copy of the order, the law enforcement agency  
362 shall enter the order into the Missouri Uniform Law Enforcement System (MULES)  
363 and the National Crime Information Center (NCIC). The order shall remain in each  
364 system for the period stated in the order, and the law enforcement agency may only  
365 remove an order from the systems that has ended or been vacated. Entry of the order  
366 into the MULES and NCIC constitutes notice to all law enforcement agencies of the  
367 existence of the order. The order is fully enforceable in any county in this state.

368 (3) The issuing court shall, within three business days after issuance of a risk  
369 protection order or temporary ex parte risk protection order, forward all available  
370 identifying information concerning the respondent, along with the date of order  
371 issuance, to the sheriff of the county in which the respondent resides. Upon receipt of  
372 the information, the sheriff shall determine if the respondent has a license to carry a  
373 concealed weapon or firearm. If the respondent does have a license to carry a concealed  
374 weapon or firearm, the sheriff shall immediately suspend the license.

375 (4) If a risk protection order is vacated before its end date, the clerk of the court  
376 shall, on the day of the order to vacate, forward a copy of the order to the sheriff of the  
377 county in which the respondent resides and any other law enforcement agency specified  
378 in the order to vacate. Upon receipt of the order, the law enforcement agency shall  
379 promptly remove the order from any computer-based system in which it was entered  
380 pursuant to subdivision (2) of this subsection.

381           **11. (1) A person who makes a false statement, which he or she does not believe to**  
382 **be true, under oath in a hearing under this section in regard to any material matter is**  
383 **guilty of a class E felony.**

384           **(2) A person who has in his or her custody or control a firearm or any**  
385 **ammunition or who purchases, possesses, or receives a firearm or any ammunition with**  
386 **knowledge that he or she is prohibited from doing so by an order issued under this**  
387 **section is guilty of a class E felony.**

388           **12. This section does not affect the ability of a law enforcement officer to remove**  
389 **a firearm or ammunition or license to carry a concealed weapon or concealed firearm**  
390 **from any person or to conduct any search and seizure for firearms or ammunition**  
391 **pursuant to other lawful authority.**

392           **13. Except as provided in subsection 8 or 11 of this section, this section does not**  
393 **impose criminal or civil liability on any person or entity for acts or omissions related to**  
394 **obtaining a risk protection order or temporary ex parte risk protection order including,**  
395 **but not limited to, providing notice to the petitioner, a family or household member of**  
396 **the respondent, and any known third party who may be at risk of violence or failure to**  
397 **provide such notice, or reporting, declining to report, investigating, declining to**  
398 **investigate, filing, or declining to file, a petition under this section.**

399           **14. (1) The office of the state courts administrator shall develop and prepare**  
400 **instructions and informational brochures, standard petitions and risk protection order**  
401 **forms, and a court staff handbook on the risk protection order process. The standard**  
402 **petition and order forms shall be used after January 1, 2024, for all petitions filed and**  
403 **orders issued pursuant to this section. The office shall determine the significant non-**  
404 **English-speaking or limited English-speaking populations in the state and prepare the**  
405 **instructions and informational brochures and standard petitions and risk protection**  
406 **order forms in such languages. The instructions, brochures, forms, and handbook shall**  
407 **be prepared in consultation with interested persons, including representatives of gun**  
408 **violence prevention groups, judges, and law enforcement personnel. Materials shall be**  
409 **based on best practices and shall be available online to the public, and:**

410           **(a) The instructions shall be designed to assist petitioners in completing the**  
411 **petition and shall include a sample of a standard petition and order for protection**  
412 **forms;**

413           **(b) The instructions and standard petition shall include a means for the**  
414 **petitioner to identify, with only layman's knowledge, the firearms or ammunition the**  
415 **respondent may own, possess, receive, or have in his or her custody or control. The**  
416 **instructions shall provide pictures of types of firearms and ammunition that the**  
417 **petitioner may choose from to identify the relevant firearms or ammunition, or shall**

418 **provide an equivalent means to allow petitioners to identify firearms or ammunition**  
419 **without requiring specific or technical knowledge regarding the firearms or**  
420 **ammunition;**

421 **(c) The informational brochure shall describe the use of and the process for**  
422 **obtaining, extending, and vacating a risk protection order under this section and shall**  
423 **provide relevant forms;**

424 **(d) The risk protection order form shall include, in a conspicuous location,**  
425 **notice of criminal penalties resulting from violation of the order and the following**  
426 **statement: "You have the sole responsibility to avoid or refrain from violating this**  
427 **order's provisions. Only the court can change the order and only upon written**  
428 **request."; and**

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

431 **(2) Any clerk of a court may create a community resource list of crisis**  
432 **intervention, mental health, substance abuse, interpreter, counseling, and other relevant**  
433 **resources serving the county in which the court is located. The court may make the**  
434 **community resource list available as part of or in addition to the informational**  
435 **brochures described in subdivision (1) of this subsection.**

436 **(3) The office of the state courts administrator shall distribute a master copy of**  
437 **the petition and order forms, instructions, and informational brochures to the clerks of**  
438 **court. Distribution of all documents shall, at a minimum, be in an electronic format or**  
439 **formats accessible to all courts and clerks of court in the state.**

440 **(4) Within ninety days after receipt of the master copy from the office of the**  
441 **state courts administrator, the clerk of the court shall make available the standardized**  
442 **forms, instructions, and informational brochures required by this subsection.**

443 **(5) The office of the state courts administrator shall update the instructions,**  
444 **brochures, standard petition and risk protection order forms, and court staff handbook**  
445 **as necessary, including when changes in the law make an update necessary.**

✓