

# HOUSE . . . . . No. 4670

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## The Commonwealth of Massachusetts

The committee of conference on the disagreeing votes of the two branches with reference to the Senate amendment (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2549) of the House Bill relative to firearms (House, No. 4539), reports recommending passage of the accompanying bill (House, No. 4670).  
June 27, 2018.

Harold P. Naughton, Jr.	Cynthia Stone Creem
Marjorie Decker	Karen E. Spilka
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**HOUSE . . . . . No. 4670**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

An Act relative to firearms.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith the possession of firearms in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 121 of chapter 140 of the General Laws is hereby amended by  
2 striking out, in line 1, as appearing in the 2016 Official Edition the words “to 131Q” and  
3 inserting in place thereof the following words:- to 131Y.

4           SECTION 2. Said section 121 of said chapter 140 is hereby further amended by inserting  
5 after the definition of “Conviction”, as so appearing, the following definition:-

6           “Court”, as used in sections 131R to 131X, inclusive, the division of the district court  
7 department or the Boston municipal court department of the trial court having jurisdiction in the  
8 city or town in which the respondent resides.

9           SECTION 3. Said section 121 of said chapter 140 is hereby further amended, by inserting  
10 after the definition of “Deceptive weapon device”, as so appearing, the following 2 definitions:-

11 “Extreme risk protection order”, an order by the court ordering the immediate suspension  
12 and surrender of any license to carry firearms or firearm identification card which the respondent  
13 may hold and ordering the respondent to surrender all firearms, rifles, shotguns, machine guns,  
14 weapons or ammunition which he or she then controls, owns or possesses; provided, however,  
15 that an extreme risk protection order shall be in effect for up to 1 year from the date of issuance  
16 and may be renewed upon petition.

17 “Family or household member”, a person who: (i) is or was married to the respondent;  
18 (ii) is or was residing with the respondent in the same household; (iii) is or was related by blood  
19 or marriage to the respondent; (iv) has or is having a child in common with the respondent,  
20 regardless of whether they have ever married or lived together; (v) is or has been in a substantive  
21 dating relationship with the respondent; or (vi) is or has been engaged to the respondent.

22 SECTION 4. Said section 121 of said chapter 140 is hereby further amended by striking  
23 out, in line 44, as so appearing, the word “a” and inserting in place thereof the following words:-  
24 a stun gun or a.

25 SECTION 5. Said section 121 of said chapter 140 is hereby further amended by inserting  
26 after the definition of “Machine gun”, as amended by section 20 of chapter 110 of the acts of  
27 2017, the following 2 definitions:-

28 “Petition”, a request filed with the court by a petitioner for the issuance or renewal of an  
29 extreme risk protection order.

30 “Petitioner”, the family or household member, or the licensing authority of the  
31 municipality where the respondent resides, filing a petition.

32 SECTION 6. Said section 121 of said chapter 140 is hereby further amended by inserting  
33 after the definition of “Purchase”, as appearing in the 2016 Official Edition, the following  
34 definition:-

35 "Respondent", the person identified as the respondent in a petition against whom an  
36 extreme risk protection order is sought.

37 SECTION 7. Said section 121 of said chapter 140 is hereby further amended by inserting  
38 after the definition of “Shotgun”, as so appearing, the following 2 definitions:-

39 “Stun gun”, a portable device or weapon, regardless of whether it passes an electrical  
40 shock by means of a dart or projectile via a wire lead, from which an electrical current, impulse,  
41 wave or beam that is designed to incapacitate temporarily, injure or kill may be directed.

42 “Substantive dating relationship”, a relationship as determined by the court after  
43 consideration of the following factors: (i) the length of time of the relationship; (ii) the type of  
44 relationship; (iii) the frequency of interaction between the parties; and (iv) if the relationship has  
45 been terminated by either person, the length of time elapsed since the termination of the  
46 relationship.

47 SECTION 8. Section 123 of said chapter 140, as so appearing, is hereby amended by  
48 striking out, in line 506, the words “or (iii)” and inserting in place thereof the following words:-  
49 (iii) a stun gun, as defined in section 121; or (iv).

50 SECTION 9. Section 129B of said chapter 140, as so appearing, is hereby amended by  
51 striking out, in line 90, the first time it appears, the word “or”.

52 SECTION 10. Said section 129B of said chapter 140, as so appearing, is hereby further  
53 amended by inserting after the figure “18 U.S.C. 922(g)(8)”, in line 93, the following words:- ;  
54 or (C) an extreme risk protection order issued pursuant to sections 131R to 131X, inclusive, or a  
55 similar order issued by another jurisdiction.

56 SECTION 11. Section 131 of said chapter 140, is hereby amended by striking out, in line  
57 248, as so appearing, the first time it appears, the word “or”.

58 SECTION 12. Said section 131 of said chapter 140 is hereby further amended by  
59 inserting after the figure “18 U.S.C. 922(g)(8)”, in line 251, as so appearing, the following  
60 words:- ; or (C) an extreme risk protection order issued pursuant to sections 131R to 131X,  
61 inclusive, or a similar order issued by another jurisdiction.

62 SECTION 13. Said chapter 140 is hereby further amended by striking out section 131J  
63 and inserting in place thereof the following section:-

64 Section 131J. Sections 131<sup>3</sup>/<sub>4</sub>, 131K and 131P shall not apply to stun guns. The secretary  
65 of public safety and security shall promulgate regulations restricting access or use of stun guns  
66 by non-licensed persons and establishing minimum safety and quality standards, safe storage  
67 requirements, education and safety training requirements and law enforcement training on the  
68 appropriate use of stun guns, which shall require that any stun gun purchased or used by a law  
69 enforcement or public safety official include a mechanism for tracking the number of times the  
70 stun gun has been fired.

71 SECTION 14. Subsection (a) of section 131L of said chapter 140 is hereby amended by  
72 inserting after the first sentence, as appearing in the 2016 Official Edition, the following

73 sentence:- It shall be unlawful to store or keep any stun gun in any place unless such weapon is  
74 secured in a locked container accessible only to the owner or other lawfully authorized user.

75 SECTION 15. Said chapter 140 is hereby further amended by inserting after section  
76 131Q the following 8 sections:-

77 Section 131R. (a) A petitioner who believes that a person holding a license to carry  
78 firearms or a firearm identification card may pose a risk of causing bodily injury to self or others  
79 may, on a form furnished by the court and signed under the pains and penalties of perjury, file a  
80 petition in court.

81 (b) A petition filed pursuant to this section shall:

82 (i) state any relevant facts supporting the petition;

83 (ii) identify the reasons why the petitioner believes that the respondent poses a risk of  
84 causing bodily injury to self or others by having in the respondent's control, ownership or  
85 possession a firearm, rifle, shotgun, machine gun, weapon or ammunition;

86 (iii) identify the number, types, and locations of any firearms, rifles, shotguns, machine  
87 guns, weapons or ammunition the petitioner believes to be in the respondent's current control,  
88 ownership, or possession;

89 (iv) identify whether there is an abuse prevention order pursuant to chapter 209A, a  
90 harassment prevention order pursuant to chapter 258E or an order similar to an abuse prevention  
91 or harassment prevention order issued by another jurisdiction in effect against the respondent;  
92 and

93 (v) identify whether there is a pending lawsuit, complaint, petition, or other legal action  
94 between the parties to the petition.

95 (c) No fees for filing or service of process may be charged by a court or any public  
96 agency to a petitioner filing a petition pursuant to this section.

97 (d) The petitioner's residential address, residential telephone number and workplace  
98 name, address and telephone number, contained within the records of the court related to a  
99 petition shall be confidential and withheld from public inspection, except by order of the court;  
100 provided, however, that the petitioner's residential address and workplace address shall appear  
101 on the court order and shall be accessible to the respondent and the respondent's attorney unless  
102 the petitioner specifically requests, and the court orders, that this information be withheld from  
103 the order. All confidential portions of the records shall be accessible at all reasonable times to the  
104 petitioner and petitioner's attorney, the licensing authority of the municipality where the  
105 respondent resides and to law enforcement officers, if such access is necessary in the  
106 performance of their official duties. Such confidential portions of the court records shall not be  
107 deemed to be public records under the provisions of clause twenty-sixth of section 7 of chapter 4.

108 (e) The court may order that any information in the petition or case record be impounded  
109 in accordance with court rule.

110 (f) Upon receipt of a petition under this section and if the petitioner is a family or  
111 household member as defined in section 121, the clerk of the court shall provide to the petitioner  
112 and respondent informational resources about: (i) crisis intervention; (ii) mental health; (iii)  
113 substance use disorders; (iv) counseling services; and (v) the process to apply for a temporary  
114 commitment under section 12 of chapter 123.

115           Section 131S. (a) The court shall, within 10 days of receipt of a petition pursuant to  
116 section 131R, conduct a hearing on the petition. Upon receipt of the petition, the court shall  
117 issue a summons with the date, time and location of the hearing. The court shall direct a law  
118 enforcement officer to personally serve a copy of the petition and the summons on the  
119 respondent, or if personal service by a law enforcement officer is not possible, the court may,  
120 after a hearing, order that service be made by some other identified means reasonably calculated  
121 to reach the respondent. Service shall be made not less than 7 days prior to the hearing.

122           (b) Notwithstanding the provisions of subsection (a), the court shall, within 2 days of  
123 receipt of a petition made pursuant to section 131R, conduct a hearing on the petition if the  
124 respondent files an affidavit that a firearm, rifle, shotgun, machine gun, weapon or ammunition is  
125 required in the performance of the respondent's employment.

126           (c) If after the hearing pursuant to subsection (a) or subsection (b), the court finds by a  
127 preponderance of the evidence that the respondent poses a risk of causing bodily injury to self or  
128 others by having in the respondent's control, ownership or possession a firearm, rifle, shotgun,  
129 machine gun, weapon or ammunition, the court shall grant the petition. If the respondent does  
130 not appear at the hearing pursuant to subsection (a) or subsection (b), the court shall grant the  
131 petition upon a determination that the petitioner has demonstrated by a preponderance of the  
132 evidence that the respondent poses such a risk.

133           (d) Upon granting a petition, the court shall issue an extreme risk protection order and  
134 shall order the respondent to surrender any licenses to carry firearms, firearms identification  
135 cards and all firearms, rifles, shotguns, machine guns, weapons and ammunition which the  
136 respondent then controls, owns or possesses, to the licensing authority of the municipality where

137 the respondent resides. The court shall enter written findings as to the basis of its order within 24  
138 hours of granting the order. The court may modify, suspend or terminate its order at any  
139 subsequent time upon motion by either party; provided, however, that due notice shall be given  
140 to the respondent and petitioner, and the court shall hold a hearing on said motion. When the  
141 petitioner's address is confidential to the respondent as provided in subsection (d) of section  
142 131R and the respondent has filed a motion to modify the court's order, the court shall be  
143 responsible for notifying the petitioner. In no event shall the court disclose any such confidential  
144 address.

145 Not less than 30 calendar days prior to the expiration of an extreme risk protection order,  
146 the court shall notify the petitioner at the best known address of the scheduled expiration of the  
147 order and that the petitioner may file a petition to renew the order pursuant to section 131R.

148 (e) Upon issuing an extreme risk protection order the clerk-magistrate of the court shall  
149 transmit 2 certified copies of the order and 1 copy of the petition and summons forthwith to the  
150 licensing authority of the municipality where the respondent resides which, unless otherwise  
151 ordered by the court, shall serve a copy of the order and petition upon the respondent. Licensing  
152 authorities shall establish adequate procedures to ensure that, when effecting service upon a  
153 respondent, a law enforcement officer shall, to the extent practicable: (i) fully inform the  
154 respondent of the contents and terms of the order and the available penalties for any violation of  
155 an order; and (ii) provide the respondent with informational resources, including, but not limited  
156 to, a list of services relating to crisis intervention, mental health, substance use disorders and  
157 counseling, and a list of interpreters, as necessary, located within or near the court's jurisdiction.  
158 The chief justice of the trial court, in consultation with the executive office of public safety and

159 security, and the department of mental health, shall annually update the informational resource  
160 guides required under this section.

161 Each extreme risk protection order issued by the court shall contain the following  
162 statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

163 (f) Upon receipt of service of an extreme risk protection order, the licensing authority of  
164 the municipality where the respondent resides shall immediately suspend the respondent's  
165 license to carry firearms or a firearm identification card and shall immediately notify the  
166 respondent of said suspension.

167 Upon receipt of service of an extreme risk protection order the respondent shall  
168 immediately surrender their license to carry firearms or a firearm identification card and all  
169 firearms, rifles, shotguns, machine guns, weapons or ammunition in their control, ownership or  
170 possession to the local licensing authority serving the order, in accordance with section 129D;  
171 provided, however, that nothing in this section or in said section 129D shall allow the respondent  
172 to: (i) transfer any firearms, rifles, shotguns, machine guns, weapons or ammunition required to  
173 be surrendered, or surrendered, by the respondent to anyone other than a licensed dealer; or (ii)  
174 maintain control, ownership or possession of any firearms, rifles, shotguns, machine guns,  
175 weapons or ammunition during the pendency of any appeal of an extreme risk protection order;  
176 provided, however, that while the surrender of ownership pursuant to an extreme risk protection  
177 order shall require the immediate surrender of any license to carry firearms or a firearm  
178 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition in  
179 the respondent's control or possession, it shall not require the surrender of permanent ownership  
180 rights; and provided further that, notwithstanding section 129D, if the licensing authority cannot

181 reasonably ascertain a lawful owner of firearms, rifles, shotguns, machine guns, weapons or  
182 ammunition surrendered pursuant to extreme risk protection order within 180 days of the  
183 expiration or termination of the extreme risk protection order, the licensing authority may, in its  
184 discretion, trade or dispose of surplus, donated, abandoned or junk firearms, rifles, shotguns,  
185 machine guns, weapons or ammunition to properly licensed distributors or firearms dealers and  
186 the proceeds of such sale or transfer shall be remitted or credited to the municipality in which the  
187 licensing authority presides to be used for violence reduction or suicide prevention. Any  
188 violation of this subsection shall be punishable by a fine of not more than \$5,000, or by  
189 imprisonment for not more than 2 ½ years in a house of correction, or by both such fine and  
190 imprisonment.

191 (g) Upon receipt of a license to carry firearms or a firearm identification card and any  
192 firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered by a respondent  
193 pursuant to subsection (f), the licensing authority taking possession of the license to carry  
194 firearms or a firearm identification card, and firearms, rifles, shotguns, machine guns, weapons  
195 or ammunition shall issue a receipt identifying any license to carry firearms or a firearm  
196 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition  
197 surrendered by the respondent and shall provide a copy of the receipt to the respondent. The  
198 licensing authority to which the respondent surrendered a license to carry firearms or a firearm  
199 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition  
200 shall, within 48 hours of the surrender, file the receipt with the court.

201 (h) If a person other than the respondent claims title to any firearms, rifles, shotguns,  
202 machine guns, weapons or ammunition required to be surrendered, or surrendered, pursuant to  
203 this section, and is determined by the licensing authority to be the lawful owner of the firearms,

204 rifles, shotguns, machine guns, weapons or ammunition, the firearms, rifles, shotguns, machine  
205 guns, weapons or ammunition shall be returned to said person; provided, however, that: (i) the  
206 firearms, rifles, shotguns, machine guns, weapons or ammunition are removed from the  
207 respondent's control, ownership, or possession and the lawful owner agrees to store the firearms,  
208 rifles, shotguns, machine guns, weapons or ammunition in a manner such that the respondent  
209 does not have access to, or control of, the firearms, rifles, shotguns, machine guns, weapons or  
210 ammunition; and (ii) the firearms, rifles, shotguns, machine guns, weapons or ammunition are  
211 not otherwise unlawfully possessed by the owner. Any violation of this subsection shall be  
212 punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2 ½ years in  
213 a house of correction, or by both such fine and imprisonment.

214 (i) Upon the expiration or termination of an extreme risk protection order, a licensing  
215 authority holding any firearms, rifles, shotguns, machine guns, weapons or ammunition that have  
216 been surrendered pursuant to this section shall return any license to carry firearms or firearm  
217 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition  
218 requested by a respondent only after the licensing authority of the municipality in which the  
219 respondent resides confirms that the respondent is suitable for a license to carry firearms or a  
220 firearm identification card and to control, own or possess firearms, rifles, shotguns, machine  
221 guns, weapons or ammunition under federal and state law.

222 Not less than 7 days prior to expiration of an extreme risk protection order, a licensing  
223 authority holding any firearms, rifles, shotguns, machine guns, weapons or ammunition that have  
224 been surrendered pursuant to this section shall notify the petitioner of the expiration of the  
225 extreme risk protection order and the return of a license to carry firearms or firearm

226 identification card and the return of any firearms, rifles, shotguns, machine guns, weapons or  
227 ammunition to the respondent.

228           As soon as reasonably practicable after receiving notice of the termination of an extreme  
229 risk protection order by the court, a licensing authority holding any firearms, rifles, shotguns,  
230 machine guns, weapons or ammunition that have been surrendered pursuant to this section shall  
231 notify the petitioner of the termination of the extreme risk protection order and the return of a  
232 license to carry firearms or firearm identification card and the return of any firearms, rifles,  
233 shotguns, machine guns, weapons or ammunition to the respondent.

234           (j) A respondent who has surrendered a license to carry firearms or firearm identification  
235 card and all firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensing  
236 authority and who does not wish to have the license to carry firearms or firearm identification  
237 card or firearms, rifles, shotguns, machine guns, weapons or ammunition returned or who is no  
238 longer eligible to control, own or possess firearms, rifles, shotguns, machine guns, weapons or  
239 ammunition pursuant to this chapter or federal law, may sell or transfer title of the firearms,  
240 rifles, shotguns, machine guns, weapons or ammunition to a licensed firearms dealer; provided,  
241 however, that the respondent shall not take physical possession of the firearms, rifles, shotguns,  
242 machine guns, weapons or ammunition. The licensing authority may transfer possession of the  
243 firearms, rifles, shotguns, machine guns, weapons or ammunition to a licensed dealer upon said  
244 dealer providing the licensing authority with written proof of the sale or transfer of title of the  
245 firearms, rifles, shotguns, machine guns, weapons or ammunition from the respondent to the  
246 dealer.

247 (k) If the licensing authority cannot reasonably ascertain the lawful owner of any  
248 firearms, rifles, shotguns, machine guns, weapons or ammunition surrendered pursuant to this  
249 section within 180 days of expiration or termination of the order to surrender the firearms, rifles,  
250 shotguns, machine guns, weapons or ammunition the licensing authority may dispose of the  
251 firearms, rifles, shotguns, machine guns, weapons or ammunition pursuant to section 129D.

252 Section 131T. (a) Upon the filing of a petition pursuant to section 131R, the court may  
253 issue an emergency extreme risk protection order without notice to the respondent and prior to  
254 the hearing required pursuant to subsection (a) of section 131S if the court finds reasonable  
255 cause to conclude that the respondent poses a risk of causing bodily injury to self or others by  
256 being in possession of a license to carry firearms or a firearm identification card or having in his  
257 control, ownership or possession a firearm, rifle, shotgun, machine gun, weapon or ammunition.

258 Upon issuance of an emergency extreme risk protection order pursuant to this section, the  
259 clerk magistrate of the court shall notify the respondent pursuant to subsection (e) of section  
260 131S. An order issued under this subsection shall expire 10 days after its issuance unless a  
261 hearing is scheduled pursuant to subsection (a) or (b) of section 131S or at the conclusion of a  
262 hearing held pursuant to said subsection (a) or (b) of said section 131S unless a permanent order  
263 is issued by the court pursuant to subsection (d) of said section 131S.

264 (b) When the court is closed for business, a justice of the court may grant an emergency  
265 extreme risk protection order if the court finds reasonable cause to conclude that the respondent  
266 poses a risk of causing bodily injury to self or others by being in possession of a license to carry  
267 firearms or firearm identification card or by having in his control, ownership or possession of a  
268 firearm, rifle, shotgun, machine gun, weapon or ammunition. In the discretion of the justice, such

269 relief may be granted and communicated by telephone to the licensing authority of the  
270 municipality where the respondent resides, which shall record such order on a form of order  
271 promulgated for such use by the chief justice of the trial court and shall deliver a copy of such  
272 order on the next court business day to the clerk-magistrate of the court. If relief has been  
273 granted without the filing of a petition pursuant to section 131R, the petitioner shall appear in  
274 court on the next available court business day to file a petition. Any order issued under this  
275 subsection shall expire at the conclusion of the next court business day after the order was issued  
276 unless a petitioner has filed a petition with the court pursuant to section 131R and the court has  
277 issued an emergency extreme risk protection order pursuant to subsection (a).

278 (c) Upon receipt of service of an extreme risk protection order pursuant to this section,  
279 the respondent shall immediately surrender their license to carry firearms or firearm  
280 identification card and all firearms, rifles, shotguns, machine guns, weapons or ammunition to  
281 the local licensing authority serving the order as provided in subsection (f) of section 131S.

282 Section 131U. (a) On the same day that an extreme risk protection order is issued  
283 pursuant to section 131S or section 131T, the clerk magistrate of the court shall forward a copy  
284 of such order to: (i) the licensing authority; (ii) the commissioner of probation; (iii) the  
285 department of criminal justice information services who shall transmit the report, pursuant to  
286 paragraph (h) of section 167A of chapter 6, to the attorney general of the United States to be  
287 included in the National Instant Criminal Background Check System; and (iv) any other federal  
288 or state computer-based systems used by law enforcement or others to identify prohibited  
289 purchasers of firearms. Upon the expiration or termination of an extreme risk protection order  
290 issued pursuant to section 131S or section 131T, the clerk magistrate of the court shall notify (i)  
291 the licensing authority; (ii) the commissioner of probation; (iii) the department of criminal justice

292 information services who shall transmit the report, pursuant to paragraph (h) of section 167A of  
293 chapter 6, to the attorney general of the United States to be included in the National Instant  
294 Criminal Background Check System; and (iv) any other federal or state computer-based systems  
295 used by law enforcement or others to identify prohibited purchasers of firearms that the order has  
296 been terminated or has expired.

297         Section 131V. (a) Any person who files a petition for an extreme risk protection order,  
298 knowing the information in the petition to be materially false or with an intent to harass the  
299 respondent, shall be punished by a fine of no less than \$2,500 and no more than \$5,000 or by  
300 imprisonment for no more than 2 ½ years in the house of correction or by both such fine and  
301 imprisonment.

302         Section 131W. The chief justice of the trial court, in consultation with the chief justice of  
303 the district court and the chief justice of the Boston municipal court, shall promulgate rules,  
304 regulations and policies and shall develop and prepare instructions, brochures, petitions, forms  
305 and other material required for the administration and enforcement of sections 131R to 131X,  
306 inclusive, which shall be in such form and language to permit a petitioner to prepare and file a  
307 petition pro se.

308         Section 131X. (a) Sections 131R to 131Y, inclusive, shall not affect the ability of a law  
309 enforcement officer to remove firearms, rifles, shotguns, machine guns, weapons or ammunition  
310 from any person or conduct any search and seizure for firearms, rifles, shotguns, machine guns,  
311 weapons or ammunition pursuant to other lawful authority.

312 (b) Nothing in sections 131R to 131Y, inclusive, shall supersede or limit a licensing  
313 authority's ability to suspend or revoke a license that the licensing authority has issued pursuant  
314 to other lawful authority.

315 (c) Sections 131R to 131Y, inclusive, shall not impose any duty on a family or household  
316 member to file a petition and no family or household member shall be held criminally or civilly  
317 liable for failure to petition.

318 (d) The supreme judicial court and the appeals court shall have concurrent jurisdiction to  
319 review any proceedings had, determinations made, and orders or judgments entered in the court  
320 pursuant to section 131S or section 131T. The supreme judicial court or the appeals court,  
321 subject to the provisions of section 13 of chapter 211A may by rule vary the procedure  
322 authorized or required for such review upon a finding that the review by the court will thereby be  
323 made more simple, speedy and effective.

324 Section 131Z. The court shall annually, on or before December 31, issue a report on the  
325 use of extreme risk protective orders. The report shall be submitted to the executive office of  
326 public safety and security; the chairs of the joint committee on public safety and homeland  
327 security; the chairs of the joint committee on the judiciary; the chairs of the joint committee on  
328 mental health substance use and recovery; and clerks of the senate and the house of  
329 representatives. The report shall include but shall not be limited to the following information:

330 (1) the number of extreme risk protective order petitions filed;

331 (2) the number of extreme risk protective order petitions that lead to a respondent's  
332 surrender pursuant to section 131S;

333 (3) the number of extreme risk protective order petitions that are heard but not granted;

334 (4) the number of emergency extreme risk protective order petitions filed;

335 (5) the number of emergency extreme risk protective order petitions that lead to a

336 respondent's surrender pursuant to 131T;

337 (6) the number of emergency extreme risk protective order petitions that are heard but not

338 granted;

339 (7) the number of extreme risk protective order or emergency extreme risk protective

340 order petitions filed that are deemed to be fraudulent;

341 (8) the race and ethnicity of the petitioner and respondent;

342 (9) the gender and gender identity of the petitioner and respondent;

343 (10) the data on the duration of extreme risk protection orders.

344 (11) The number of instances in which an order has been terminated or otherwise

345 modified prior to its original expiration date; and

346 (12) The number of instances in which a fine has been assessed for a filed petition that

347 was deemed to be fraudulent.

348 SECTION 16. Notwithstanding any general or special law to the contrary, the department

349 of mental health shall develop county based informational resources about crisis intervention,

350 mental health, substance use disorders, counseling services, interpreter services, the process to

351 apply for temporary commitment under section 12 of chapter 123 of the General Laws and other

352 relevant resources that serve each county. The department shall provide said county based

353 informational resources to the chief justice of the trial court who shall distribute the  
354 informational resources to each district and municipal court in the Commonwealth for  
355 distribution pursuant to subsection (f) of section 131R of the chapter 140 of the General Laws.  
356 The department of mental health shall develop county based informational resources required  
357 pursuant to this section within 45 days of the effective date of this act.

358           SECTION 17. Notwithstanding any general or special law to the contrary, the chief  
359 justice of the trial court shall promulgate rules, regulations and policies and shall develop and  
360 prepare instructions, brochures, petitions, forms and other material required pursuant to section  
361 131X of chapter 140 of the General Laws within 45 days of the effective date of this act.

362           SECTION 18. Sections 1, 2, 3, 5, 6, 9, 10, 11, 12, 15, 16 and 17 shall take effect 45 days  
363 after passage.