

HB 2134 -- EXTREME RISK ORDERS OF PROTECTION

SPONSOR: Lavender

This bill states that a court may issue an extreme risk protection order if the petition for such order:

- (1) Alleges that the respondent poses a significant danger of causing personal injury to self or others by having in custody or control, purchasing, possessing, or receiving a firearm, and is accompanied by an affidavit stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent;
- (2) Identifies the number, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, or control;
- (3) Identifies whether there is a pending lawsuit, complaint, petition, or other action between the parties to the petition under the laws of Missouri; and
- (4) Identifies if petitioner has actual knowledge that respondent carries a firearm as a condition of respondent's employment;

The court must hold a hearing within 14 days after the petition is filed.

An ex parte order of protection shall be entered by the court on the same day as the filing or the next day the court is in session if the petitioner proves, by a preponderance of the evidence, that an immediate and significant danger exists of the respondent causing personal injury to self or others by having in their custody or control, purchasing, possessing, or receiving a firearm. Once an ex parte order is issued, the court must order the respondent to surrender all firearms to the local law enforcement. The law enforcement agency must hold all surrendered firearms until a hearing is held on the petition for the extreme risk protection order.

A respondent to an extreme risk protection order may file a motion to modify or rescind the order. If the respondent proves by clear and convincing evidence that the extreme risk order of protection must be modified or rescinded, the court shall modify or rescind the extreme risk order of protection.

The petitioner may move to renew the extreme risk order of protection if there is probable cause that the respondent continues to pose a significant risk of personal injury to him or herself or

others by possessing a firearm. The order may be renewed for up to one year from the expiration of the order.