

EXTREME RISK PROTECTION ORDER ACT (EXCERPT)

Act 38 of 2023

***** 691.1811.new THIS NEW SECTION IS EFFECTIVE 91 DAYS AFTER ADJOURNMENT OF THE 2023 REGULAR SESSION SINE DIE *****

691.1811.new Duties of the clerk of the court; notifications.

Sec. 11. (1) The clerk of a court that issues an extreme risk protection order shall do all of the following immediately after issuance and without requiring a proof of service on the restrained individual:

(a) Provide a true copy of the order to the law enforcement agency designated under section 9(1)(g).

(b) Provide the petitioner with at least 2 true copies of the order.

(c) If the restrained individual is identified in the complaint as an individual described in section 5(5), notify the individual's employer, if known, of the existence of the order. It is the intent of the legislature that the restrained individual's employer work with the restrained individual's union or bargaining representative under this subdivision to avoid the restrained individual losing the individual's employment or compensation and benefits while the extreme risk protection order is in effect.

(d) Notify the department of state police and the clerk of the restrained individual's county of residence of the existence of the order for purposes of performing their duties under 1927 PA 372, MCL 28.421 to 28.435.

(e) Inform the petitioner that the petitioner may take a true copy of the order to the law enforcement agency designated under section 9(1)(g) to be immediately provided to the Federal Bureau of Investigation and, unless a local entering authority is designated under section 9(1)(h), into the law enforcement information network.

(2) The clerk of the court that issued the extreme risk protection order shall immediately notify the law enforcement agency designated under section 9(1)(g) if any of the following occur:

(a) The clerk receives proof that the restrained individual has been served.

(b) The order is rescinded, modified, or extended.

(c) The order expires without being extended.

(3) A local entering authority designated under section 9(1)(h) shall enter the order into the law enforcement information network as provided by the C.J.I.S. policy council act.

History: 2023, Act 38, Eff. (sine die).

Popular name: Red flag law