



Performance Note
HB0209 - Extreme Risk
Protective Order
Sponsor: Rep. Handy, Stephen G.



Performance Note Report

Author: Michael Drechsel

Agency: Judicial Council/State Court Administrator

Funding For:

New Services or Benefit

Public Benefit:

Purpose: Court process will be used: to establish the need to restrain a person from possessing any firearm or ammunition for a specified period of time if an individual is found to be "dangerous" or to pose a "serious risk"; and provides an avenue for a restricted person to request that an order be vacated.

Services: 1. Provide judicial resources for adjudicating requests for extreme risk protective orders and issuing related search warrants as necessary to effectuate granted protective orders. 2. Create forms for the affidavit and the petition for extreme risk protective order and have the forms approved by the Judicial Council and posted online. 3. Develop bench book instructions and train judges on the standards for issuing or vacating an extreme risk protective order. 4. Train court clerks and the Courts' Self-Help Center on how to provide non-legal assistance to petitioners. 5. Reprogram the Courts' IT systems to request, collect, and track data required by HB0209. 6. Prepare annual reports required by HB0209.

Expected Outcome: Petitioners will be able to file petitions with the Court seeking an ex-parte Extreme Risk Protective Order and the Court will determine whether to issue any orders that meet the standards outlined in statute.

Implementations and Resources: 1. Forms developed and published on the Court website within the first year of implementation. 2. Court Clerks and the Self-Help Center trained in how to help petitioners file petitions and affidavits within the first year of implementation. 3. Bench books updated and judges trained on standards of new protective orders within the first year of implementation. 4. Reprogram the Courts' IT systems to request, collect, and track the data required by HB0209, and train court personnel to enter in the required data within the first year of implementation. 5. Within the second year of implementation, begin analyzing the data elements required by HB0209, prepare the report required by HB0209, and submit it to the Legislature for review. 6. Conduct all necessary court hearings to meet the requirements of the statute. The Courts' will need its fiscal note funded as a primary resource to implement all of the above.

How: The services contemplated by the proposed legislation will cause the Courts to need additional funding as outlined in the Courts' fiscal note. It will also take time to implement many of these changes, so a delayed effective date appears to be necessary.

Performance Measures

Goal

Title: Implement the services as required by the proposed legislation.

Description: Consistent with the earlier information in this performance note, the Courts will work to implement the services required by the proposed legislation.

Collection Method: Once modifications are made to the Courts' IT systems, data will be collected and retained consistent with court data best practices.

	2019	2020	2021
Target	0.00	0.00	0.00
Baseline	0.00	0.00	0.00

By rule, performance notes are provided by the governmental entity that will supervise the new agency or administer the new program. Performance notes are not written by the Office of the Legislative Fiscal Analyst.