

1 S.72

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Criminal procedures; extreme risk protection orders

6 Statement of purpose of bill as introduced: This bill proposes to require the
7 Court Administrator and the Agency of Human Services to report annual data
8 on the use of extreme risk protection orders, and to permit a health care
9 provider to notify a law enforcement officer when the health care provider
10 reasonably believes that a patient poses an extreme risk of causing harm to
11 himself or herself or another person by purchasing, possessing, or receiving a
12 dangerous weapon or by having a dangerous weapon within his or her custody
13 or control.

14 An act relating to extreme risk protection orders

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 13 V.S.A. § 4057 is amended to read:

17 § 4057. PROCEDURE

18 (a) Except as otherwise specified, proceedings commenced under this
19 subchapter shall be in accordance with the Vermont Rules for Family

1 Proceedings and shall be in addition to any other available civil or criminal
2 remedies.

3 * * *

4 (d)(1) For purposes of a petition filed pursuant to this subchapter, a health
5 care provider may notify a law enforcement officer when the provider believes
6 in good faith that disclosure of the information is necessary to prevent or lessen
7 a serious and imminent threat to the health or safety of a person or the public.

8 (2) As used in this subsection:

9 (A) "Health care provider" has the same meaning as in 18 V.S.A.
10 § 9432.

11 (B) "Necessary to prevent or lessen a serious and imminent threat to
12 the health or safety of a person or the public" includes circumstances when the
13 health care provider reasonably believes that the patient poses an extreme risk
14 of causing harm to himself or herself or another person by purchasing,
15 possessing, or receiving a dangerous weapon or by having a dangerous weapon
16 within his or her custody or control.

17 Sec. 2. 13 V.S.A. § 4062 is added to read:

18 § 4062. ANNUAL REPORTING; OFFICE OF COURT ADMINISTRATOR
19 AND AGENCY OF HUMAN SERVICES

20 (a) On or before September 1, 2019 and annually thereafter, the Court
21 Administrator, with the assistance of the Agency of Human Services, shall

1 report data on the use of extreme risk protection orders during the previous
2 year to the Senate and House Committees on Judiciary.

3 (b) The reports required by this section shall include the following data for
4 the previous year:

5 (1) the number of extreme risk protection order petitions filed and the
6 number of orders issued;

7 (2) geographical data indicating the county where the petition was filed;
8 and

9 (3) follow-up information describing what occurred in the matter after
10 the petition was issued, what happened to the respondent, and whether the
11 respondent was referred for and received mental health treatment.

12 (c) The Agency of Human Services shall include in the reports required by
13 this section an analysis of the impact of extreme risk prevention orders on
14 Vermont suicide rates, including any relevant data relied on or utilized by the
15 Agency for purposes of providing the information required by 2017 Acts and
16 Resolves No. 34, An act relating to evaluation of suicide profiles.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on passage.