

Supreme Court of Vermont
Office of State Court Administrator

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TO: Senate and House Committees on Judiciary
FROM: Therese M. Corsones, State Court Administrator
RE: Report of Act 87 (S.4), An Act Relating to Procedures Involving Firearms
DATE: November 9, 2022

I. REQUEST FROM THE LEGISLATURE

Section 4 of Act 87, which was passed by the Legislature in the spring of 2022 and took effect on July 1, 2022, states as follows:

Sec. 4. 13 V.S.A. § 4062 is added to read: ANNUAL REPORTING; OFFICE OF COURT ADMINISTRATOR AND AGENCY OF HUMAN SERVICES

(a) On or before September 1, 2022 and annually thereafter, the Court Administrator, with the assistance of the Agency of Human Services, shall report data on the use of extreme risk protection orders during the previous year to the Senate and House Committees on Judiciary.

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

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

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

(3) follow-up information describing whether the order was renewed or terminated pursuant to section 4055 of this title and whether the subject of the order was charged with violating it under section 4058 of this title.

(c) The Agency of Human Services shall include in the reports required by this section an analysis of the impact of extreme risk prevention orders on

Vermont suicide rates, including any relevant data relied on or utilized by the Agency for purposes of providing the information required by 2017 Acts and Resolves No. 34, An act relating to evaluation of suicide profiles.

II. REPORT

The following report is for extreme risk protection orders in fiscal year 2022.

Numbers of Petitions and Orders.

Pursuant to (b)(1), a total of 18 extreme risk protection order petitions were filed in fiscal year 2022.

Pursuant to (b)(1), a total of 41 decisions on extreme risk protection order petitions were issued in fiscal year 2022. The reason for the higher number of orders than petitions is that most petitions have both a temporary and final order issued, and some cases have multiple renewed temporary orders before a final order is issued. Most of these decisions—38 out of the 41—involved the 18 petitions filed in fiscal year 2022. The remaining 3 orders involved 2 pending petitions that were filed before July 1, 2021. A breakdown of all the fiscal year 2022 orders is set forth below.

- 41 extreme risk protection decisions in fiscal year 2022, including:
 - 24 temporary orders granted;
 - 11 final orders granted (note: 2 of these final orders are for the same case due to defendant not being served with the original order);
 - 2 temporary orders denied; and
 - 4 final orders denied (note: 3 of the denied final orders related to 2 petitions filed before July 1, 2021).

Geographic Information.

Pursuant to (b)(2), the 18 extreme risk protection order petitions from fiscal year 2022 were filed in the following counties:

- 6 petitions in Addison;
- 2 petitions in Chittenden;
- 1 petition in Essex;
- 2 petitions in Orleans;
- 1 petition in Rutland; and
- 6 petitions in Washington.

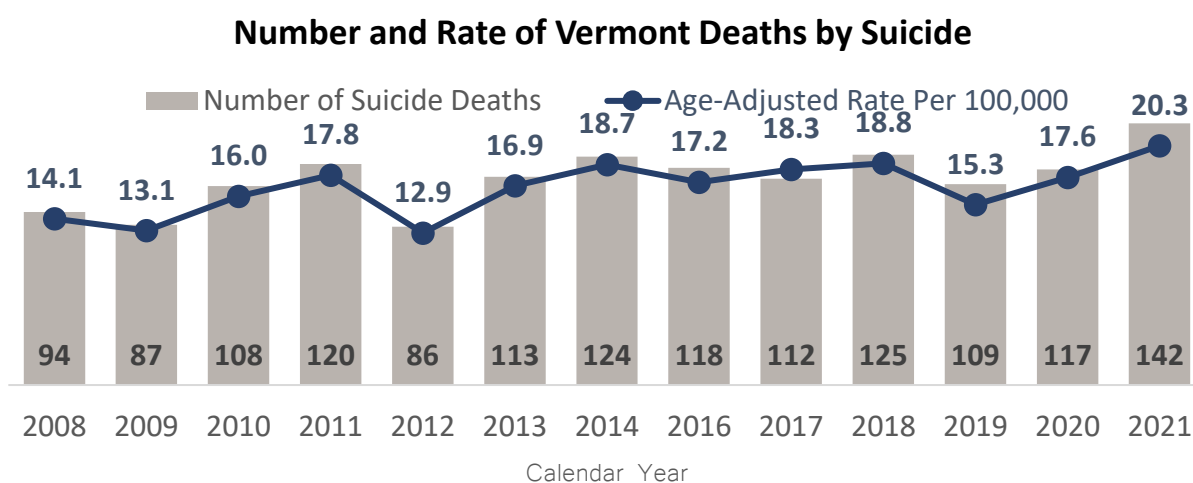
Renewals, Terminations, and Violations.

Pursuant to (b)(3), no orders were renewed or terminated pursuant to 13 V.S.A. § 4055 and no subjects of the orders were charged with violating an order under 13 V.S.A. § 4058.

Agency of Human Services Observations.

Pursuant to (c), the Vermont Judiciary conferred with the Agency of Human Services on the impact of extreme risk prevention orders on Vermont suicide rates. Although there is not currently enough data to determine whether the extreme risk protection orders are impacting Vermont’s overall suicide rate, the Agency of Human Services makes the following observations:

- 1. Extreme Risk Protection Orders.** At the time of this report, none of the respondents in the extreme risk prevention matters included in this report are known to have died by suicide. In addition, of the 18 petitions filed in fiscal year 2022, 5 had temporary and/or final orders granted where, according to the court’s findings, the respondent had “threatened or attempted suicide or serious bodily harm.” Each of those 5 petitions had at least one temporary order granted, 4 had final orders granted, and 1 had a final order denied. Because those orders resulted in firearms being removed from the respondent at the time the order was granted, it is possible that the extreme risk protection orders could have prevented those individuals from attempting suicide or serious bodily harm.
- 2. Overall Suicide Rate in Vermont.** In Vermont, suicide is the ninth leading cause of death overall and the second leading cause of death for people aged 15 to 34.¹ Suicide death rates are higher than, and increasing at a faster rate, than the national average.² In fiscal year 2022, 144 Vermonters died by suicide, none of whom had an extreme risk protection petition filed or order issued during that timeframe. The Agency of Human Services will continue to monitor the impact of extreme risk prevention petitions and orders on the overall rate of suicide.



Source: Vermont Vital Statistics, 2008 - 2021. 2021 data is preliminary and subject to change.

¹ Vermont Vital Statistics, 2021.

² Suicide Prevention Recommendations, 2020 Report to the Legislature In Accordance with Act 37 (2017), Section 1, An act relating to evaluation of suicide profiles, Agency of Human Services, Department of Health, 4 (Jan. 15, 2020), available at this [link](#).

Respectfully submitted,

Therese M. Corsones, State Court Administrator

cc: Caitlin Quinn, Public Health Analyst, Agency of Human Services