

**From:** Thibault, Rory  
**Sent:** Thursday, March 23, 2023 9:30 AM  
**To:** Peninah Hodin  
**Cc:** Martin LaLonde  
**Subject:** H.230

Good Morning -

Concerning the proposed amendment - substituting the reference to family members with law enforcement, the Department of State's Attorneys & Sheriffs notes the following:

The existing procedure and process entails law enforcement involvement. A state's attorney or deputy files an extreme risk protection order with the court based upon a law enforcement affidavit, premised either on the direct observations of an officer, or much more frequently information reported by individuals familiar with the respondent (family members, household members, school officials, etc.).

The existing system operates in a similar manner to emergency arrests, lodgings, or emergency custody orders where an outside agency produces the affidavits and information necessary for court action, a state's attorney or deputy reviews and then directly files or authorizes contact with a judicial officer for action. Ultimately, a statutory provision authorizing direct filing by law enforcement would not significantly change the existing system and, generally, law enforcement would be likely to involve a state's attorney in the process given our on-call system.

The Department continues to support the provisions of H.230 that allow for initiation of a petition by family and current household members. We assess this as a reasonable and appropriate means of enhancing access to protective orders by individuals with firsthand knowledge of the extreme risk present.

Very respectfully,  
Rory Thibault