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Judicial Branch testimony in favor of LD 2032, An Act to Amend the Extreme Risk Protection Order Procedure:

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. I would like to provide some brief testimony in support of Judicial Branch bill, LD 2032.

When the "Yellow Flag" Extreme Risk Protection Order statute, 34-B MRS § 3862-A, was updated in 2024, it removed the requirement that a prosecutor be the one to file the Petition and related paperwork with the Court. The amendment did not specifically add in another responsible party to make the filing but it is often a law enforcement officer who does so. In current law, the only specific requirement is that law enforcement provide the court with the proof of service after the Petition is endorsed and served on the restricted person.

The Court has asked law enforcement to include the endorsed Petition and attached paperwork at the time they make the notification, but very often this does not occur. As a result, the Court must make multiple calls to request a copy of these Petitions which are necessary for compliance with the statute regarding notice to parties and scheduling hearing dates. This bill will amend the law to create a clear statutory obligation to include this paperwork with the proof of service, consistent with current Court directives.

Thank you for your time.