

§2246. Termination and renewal motions

1. Motion to terminate. A motion to terminate an extreme risk protection order issued pursuant to section 2244 is subject to the provisions of this subsection.

A. The respondent may file a motion to terminate an extreme risk protection order issued pursuant to section 2244 or an order renewed under subsection 2. A motion to terminate may not be filed more than once during the effective period of the order. [IB 2025, c. 1, §6 (NEW).]

B. The motion to terminate an extreme risk protection order and notice of a hearing on the motion must be served on the petitioner pursuant to section 2247. [IB 2025, c. 1, §6 (NEW).]

C. The court shall grant a motion to terminate an extreme risk protection order if it finds by clear and convincing evidence that the respondent no longer poses a significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon. [IB 2025, c. 1, §6 (NEW).]

D. An order on a motion to terminate an extreme risk protection order must state the reason for the denial or granting of the motion. [IB 2025, c. 1, §6 (NEW).]

E. The court shall provide forms to a party filing a motion to terminate an extreme risk protection order. The form provided by the court must be uniform throughout the State. [IB 2025, c. 1, §6 (NEW).]

[IB 2025, c. 1, §6 (NEW).]

2. Motion to renew. A motion to renew an extreme risk protection order issued pursuant to section 2244 is subject to the provisions of this subsection.

A. A petitioner may file a motion to renew an extreme risk protection order issued pursuant to section 2244 or renewed pursuant to this subsection for an additional period of up to one year. The motion must be accompanied by an affidavit and must be filed not more than 30 days and not less than 14 days before the expiration date of the order. The motion and affidavit must comply with the requirements of section 2244, subsection 1. [IB 2025, c. 1, §6 (NEW).]

B. The court shall hold a hearing within 14 days after a motion to renew an extreme risk protection order under paragraph A is filed. Notice of the hearing must be served pursuant to section 2247. The court may extend an extreme risk protection order at the time of expiration, upon motion of the petitioner, for additional time as the court determines necessary to hold a hearing on a motion to renew. [IB 2025, c. 1, §6 (NEW).]

C. The court may grant relief only after notice to the respondent and an opportunity for a hearing. The court may grant the motion and renew an extreme risk protection order for an additional period of up to one year if it finds by a preponderance of the evidence that the respondent continues to pose a significant danger of causing physical injury to the respondent or to another person by purchasing, possessing or receiving a dangerous weapon or by having or attempting to have custody or control of a dangerous weapon. An order on a motion to renew must comply with the requirements of section 2244, subsection 3. [IB 2025, c. 1, §6 (NEW).]

D. The court shall provide forms to a party filing a motion to renew an extreme risk protection order. The form provided by the court must be uniform throughout the State. [IB 2025, c. 1, §6 (NEW).]

[IB 2025, c. 1, §6 (NEW).]

SECTION HISTORY

IB 2025, c. 1, §6 (NEW).

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