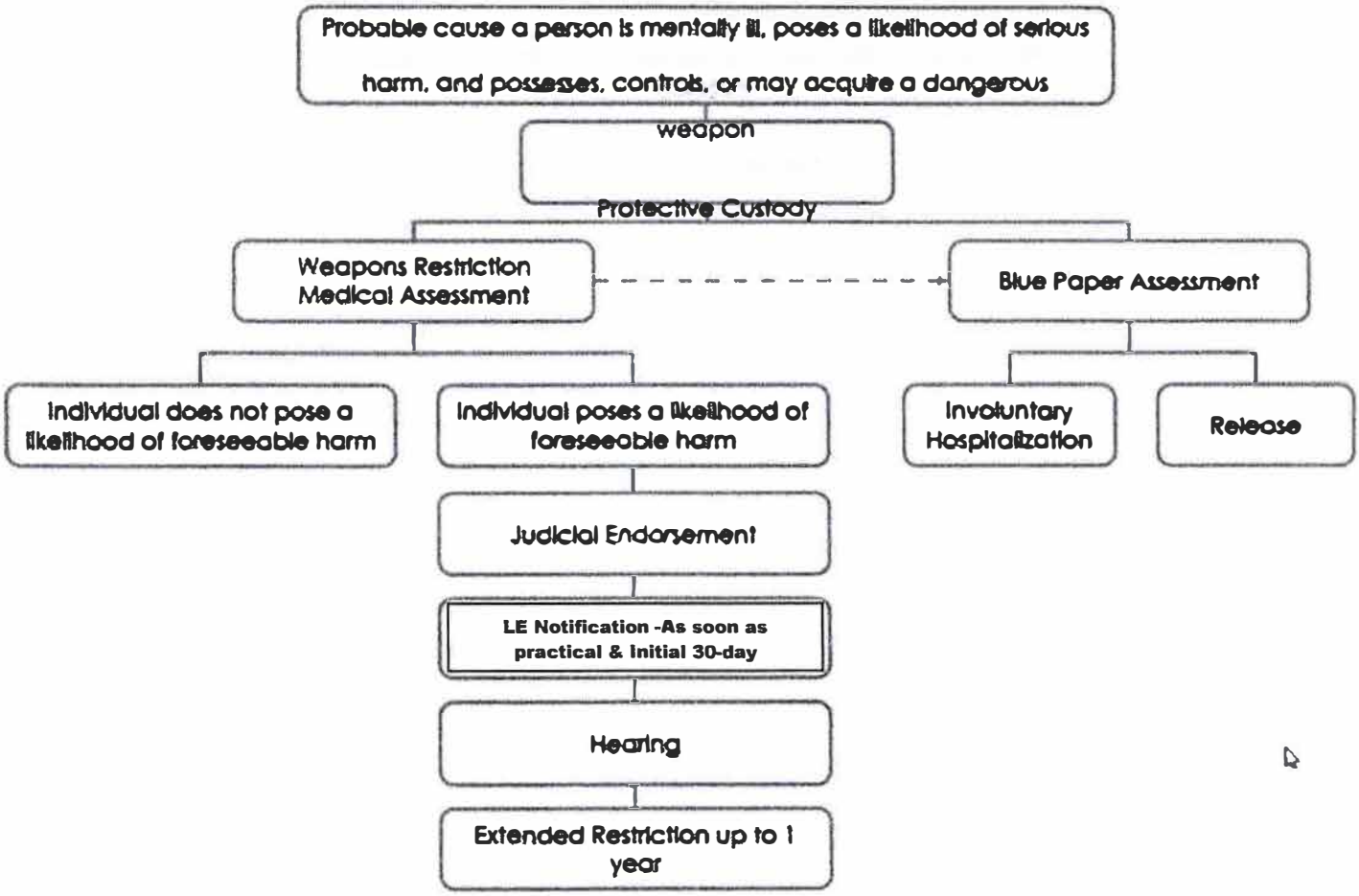
WEAPONS RESTRICTION ORDER PROCESS



Appendix #2

STATE OF MAINE

APPLICATION FOR WEAPONS RESTRICTION ORDER

34-B MRS § 3862-A

Name (First/Middle/Last:_____

AKA _____

Address_____

DOB (mm/dd/yyyy):_____Sex: _____ Telephone:_____

Race:_____Height:_____Weight:_____Hair:_____Eyes:_____

Scars, marks, tattoos _____

Driver's license #_____ Social Security #_____

Next of Kin/Designated Person: _____ Telephone: _____

Section 1. Application by Law Enforcement

A. Officer [Print name and rank] _____

Officer Contact Information_____

Agency and ORI _____

Agency Case #_____

B. On_____at_____, law enforcement took the person named above into protective custody pursuant to 34-B MRS § 3862 based on the probable cause outlined in Appendix 1 of this Application.

C. Location where person taken into custody: _____

D. I believe that the person named above possesses, controls or may acquire a dangerous weapon(s) based on the probable cause outlined in Appendix 1 of this Application.

E. Description and location of weapon(s), if known:

_____	_____
Signature of Officer	Date

Section 2. Assessment by Medical Practitioner

A. Medical Practitioner (Print name): _____
License (Select one): MD DO PA NP RN, CS Psych, PhD.
Practitioner Contact Information: _____
Physical Address: _____

B. My opinion is that _____ is a mentally ill person within the meaning of 34-B MRS § 3801(5) as a person having a psychiatric or other disease that substantially impairs that person's mental health or creates a substantial risk of suicide, including persons suffering effects from the use of drugs, narcotics, hallucinogens, or alcohol or other intoxicants. The patient is exhibiting the following symptoms (attach additional statement as needed):

_____

_____

_____

C. My opinion is that because of this illness, _____ poses a likelihood of foreseeable harm within the meaning of 34-B MRS § 3862-A(1)(G) as follows (check as applicable):

i) ☐ The individual presents a substantial risk in the foreseeable future of serious physical harm to self as manifested by recent threats of, or attempts at, suicide or serious self-inflicted harm.

ii) ☐ The individual presents a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct placing others in reasonable fear of serious physical harm.

D. The likelihood of foreseeable harm is based on the following recent behaviors or threats (attach additional statement as needed):

_____

_____

_____

E. Location of person at time of assessment _____

☐ Check if telemedicine

F. Referral for treatment or services

☐ Inpatient
- ☐ Voluntary Hospitalization
- ☐ Involuntary Hospitalization pursuant to 34-B MRS § 3863

☐ Outpatient

G. Other Medical Professionals consulted, if any (Name, License, Contact Info)

_____

_____

_____ _____
Signature of Medical Practitioner Date

Section 3. Judicial Endorsement

A. The law enforcement officer identified in Section 1 above has stated that _____ was taken into protective custody pursuant to 34-B M.R.S. § 3862, and that the officer has probable cause to believe that _____ possesses, controls, or is likely to acquire a dangerous weapon(s).

B. The medical practitioner identified in Section 2 above has found that _____ is a mentally ill person within the meaning of 34-B M.R.S. § 3801(5) and poses a likelihood of foreseeable harm within the meaning of 34-B M.R.S. § 3862-A.

C. Based on the above, and pursuant to 34-B MRS § 3862-A (4), I endorse this application and find that _____ is a restricted person pursuant to 34- B MRS § 3862-A(1)(K). This endorsement authorizes law enforcement to notify the restricted person as soon as practicable from the time of this endorsement (1) that the person is prohibited from possessing, controlling, acquiring, or attempting to acquire a dangerous weapon pending the outcome of a judicial hearing, (2) that the person must immediately and temporarily surrender any weapons possessed, controlled, or acquired by the person to a law enforcement officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing, and (3) that the person has a right to a judicial hearing within 30 days of notice.

_____ Superior Court Justice/District Court Judge/Justice of the Peace
(Printed Name of Judicial Officer)

_____ _____
(Signature) (Date and Time)

METRO Entering Agency must enter information in METRO upon judicial endorsement. Transmit the application with judicial endorsement to the District Court and the District Attorney's Office with jurisdiction over the location where the person was taken into protective custody.

METRO Entry made on _____ at _____ by _____
(Date) (Time)

Transmitted to DA's Office on _____ at _____ by _____
(Date) (Time)

Transmitted to District Court on _____ at _____ by _____
(Date) (Time)

STATE OF MAINE

APPLICATION FOR WEAPONS RESTRICTION ORDER

34-B MRS § 3862-A

OFFICER'S STATEMENT OF PROBABLE CAUSE

Based on the probable cause outlined below, I took _____

into protective custody on _____ at _____ in _____
(Date) (Time) (Municipality)

pursuant to 34-B MRS § 3862, and I believe that _____ possesses, controls, or may acquire a dangerous weapon(s).

[Include the information that gave rise to the probable cause determination for protective custody and the belief that the person possesses, controls, or may acquire a dangerous weapon(s), as well as a description of recent or recurring actions and behaviors. Attach the person's pertinent criminal history record information (convictions and non-convictions), as well as all available pertinent investigative record information. Also, include a description and location of dangerous weapons, if known.]

_____ _____

Signature of Officer Date

Appendix #3

STATE OF MAINE

WEAPONS RESTRICTION ORDER

34-B MRS § 3862-A

NOTICE OF SERVICE ON RESTRICTED PERSON

TO: _____

1. Law enforcement took you into protective custody.
2. A qualified medical practitioner found that you currently present a likelihood of foreseeable harm, and a judicial official endorsed that determination.
3. You may not possess, control, acquire, or attempt to possess, control, or acquire a firearm or other dangerous weapon until a court dissolves the restriction. You must surrender to law enforcement any firearms or other dangerous weapons currently in your possession or control. If you immediately comply with the surrender order, you are not subject to arrest or prosecution as a person prohibited from possessing or controlling dangerous weapons.
4. If you do not comply with the surrender order or if you possess, control, or acquire or attempt to possess, control, or acquire a dangerous weapon during the period of restriction, you are subject to arrest and prosecution as a person prohibited from possessing or controlling dangerous weapons.
5. You have a right to a court hearing within 30 days of this notice during which you may engage legal counsel, which a court may appoint if you are indigent.
6. Any firearms or other dangerous weapons you surrendered to law enforcement will be returned to you if the court dissolves the restrictions.

_____ _____ _____

(Printed Name of Officer Making Service) (Signature of Officer Making Service) (Date & Time of Service)

_____ Telephone: _____ _____

(Printed Name of Restricted Person) (Signature of Restricted Person)

METRO Entering Agency must enter information in METRO upon service of order.
Transmit Service of Order to the District Attorney's Office and the District Court with jurisdiction over the location where the restricted person was taken into protective custody.

METRO Entry made on_____(Date) at_____(Time) by_____

Transmitted to DA's Office on_____(Date) at_____(Time) by_____

Transmitted to District Court on_____(Date) at_____(Time) by_____