

HOUSE BILL 1302

E4

(8lr0310)

ENROLLED BILL

— Judiciary/Judicial Proceedings —

Introduced by Delegates Valentino-Smith, Dumais, Atterbeary, Barve, Frush, Gutierrez, Jones, R. Lewis, Pena-Melnyk, Sanchez, Tarlau, and ~~A. Washington~~ A. Washington, Moon, Korman, Stein, Wilkins, Gilchrist, Jackson, Beidle, Hettleman, Frick, Lierman, Lam, P. Young, Ciliberti, A. Miller, and B. Barnes

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 ~~Family Violence – Seizure of Lethal Weapons – Lethal Violence Protective Order~~
3 Public Safety – Extreme Risk Prevention Protective Orders

4 ~~FOR the purpose of authorizing certain persons to seek an ex parte lethal violence~~
5 ~~protective order by filing a certain petition; specifying the contents of the petition;~~
6 ~~requiring that certain records provided in a certain petition or considered as evidence~~
7 ~~in a proceeding under this Act be protected from public disclosure under certain~~
8 ~~circumstances; requiring a court to set a certain hearing within a certain period of~~
9 ~~time under certain circumstances; requiring a certain notice to be served by a law~~
10 ~~enforcement officer or in accordance with the Maryland Rules; requiring a court to~~
11 ~~issue or deny a petition for an ex parte lethal violence protective order on the same~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



~~day that the petition is filed; requiring a court to consider certain evidence in determining whether to issue an ex parte lethal violence protective order; requiring a court to issue an ex parte lethal violence protective order under certain circumstances; requiring an ex parte lethal violence protective order to contain certain information; requiring an ex parte lethal violence protective order to be served by a law enforcement officer or in accordance with the Maryland Rules; requiring a court to hold a certain hearing subsequent to the issuance of an ex parte lethal violence protective order within a certain period of time; requiring a court to consider certain information at a hearing for a 1-year lethal violence protective order; requiring a court to issue a 1-year lethal violence protective order under certain circumstances; requiring a 1-year lethal violence protective order to contain certain information; requiring a 1-year lethal violence protective order to be served by a law enforcement officer or in accordance with the Maryland Rules; authorizing a respondent to request a hearing to terminate a 1-year lethal violence protective order within a certain period of time; requiring the court to schedule a certain hearing in accordance with certain requirements; requiring a court to terminate a 1-year lethal violence protective order under certain circumstances; authorizing an individual to request an extension of a 1-year lethal violence protective order within a certain period of time; authorizing a court to extend a 1-year lethal violence protective order under certain circumstances; specifying the duration of a certain extended lethal violence protective order; providing procedures for the surrender, seizure, and storage of certain items in connection with a lethal violence protective order; authorizing a law enforcement officer to seize certain firearms and ammunition under certain circumstances; authorizing a court to issue a warrant to search for certain firearms and ammunition under certain circumstances; authorizing a law enforcement agency holding firearms or ammunition in connection with a lethal violence protective order to charge a certain fee; providing for the return, sale, or destruction of firearms and ammunition after the termination of a lethal violence protective order under certain circumstances; providing that filing a petition for a lethal violence protective order under certain circumstances is a misdemeanor; providing that violating a lethal violence protective order under certain circumstances is a misdemeanor and establishing a certain penalty; providing that this Act does not affect certain other authority of a law enforcement officer; providing that this Act does not impose criminal or civil liability on certain persons under certain circumstances; defining certain terms; and generally relating to lethal violence protective orders.~~

~~FOR the purpose of authorizing certain individuals to file a certain petition for an extreme risk prevention order with a certain court or law enforcement agency under certain circumstances; specifying the contents of a petition; requiring certain health records and information to be protected from public disclosure to a certain extent; establishing that a petitioner who, in good faith, files a petition under this Act is not civilly or criminally liable for filing the petition; authorizing a certain duty judge to enter a certain interim extreme risk prevention order under certain circumstances; requiring an interim extreme risk prevention order to order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for a certain period of time; specifying the required contents of an interim extreme risk prevention order; requiring a~~

~~temporary extreme risk prevention order hearing to be held on a certain day; requiring a circuit court or District Court duty judge to take certain actions when issuing an interim extreme risk prevention order; requiring a law enforcement officer to take certain actions; specifying the effective period of an interim extreme risk prevention order; authorizing a judge to enter a temporary extreme risk prevention order under certain circumstances; requiring a temporary extreme risk prevention order to order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for a certain period of time; requiring a certain respondent to be served with a temporary extreme risk prevention order at a certain place or in a certain manner under certain circumstances; providing that there shall be no cost to the petitioner for service of a temporary extreme risk prevention order; providing for the effective period of a temporary extreme risk prevention order; authorizing a judge to extend a temporary extreme risk prevention order for a certain amount of time for a certain purpose; authorizing a judge to proceed with a final extreme risk prevention order hearing instead of a temporary extreme risk prevention order hearing under certain circumstances; establishing that a respondent shall have the opportunity to be heard on the question of whether the judge should issue a final extreme risk prevention order; requiring a temporary extreme risk prevention order to state the date and time of the final extreme risk prevention order hearing; requiring a final extreme risk prevention order hearing to be held at a certain time with certain exceptions; specifying the required contents of a temporary extreme risk prevention order; authorizing a judge to proceed with a final extreme risk prevention order hearing and enter a certain final extreme risk prevention order under certain circumstances; requiring a court to review certain records before granting, denying, or modifying a final extreme risk prevention order; requiring a copy of a final extreme risk prevention order to be served on certain persons at a certain time or in a certain manner; specifying the effective period of a final extreme risk prevention order; requiring a law enforcement officer to take certain actions if a respondent surrenders a firearm under this Act; authorizing a respondent to retake possession of a certain firearm at the expiration of an interim, temporary, or final extreme risk prevention order, with certain exceptions; authorizing a respondent to transport a firearm under certain circumstances; authorizing a court to issue a search warrant for the removal of a firearm from a certain location under certain circumstances; establishing that a final extreme risk prevention order may be modified or rescinded at a certain time under certain circumstances; authorizing a judge to extend the term of a final extreme risk prevention order for a certain amount of time under certain circumstances; requiring the court to hold a hearing within a certain period of time on a certain motion to extend the term of a final extreme risk prevention order; requiring the court to keep the terms of a final extreme risk prevention order in full force and effect until a certain hearing on a certain motion under certain circumstances; specifying procedures for appeal of the grant or denial of a petition for an extreme risk prevention order; prohibiting a person from failing to comply with the relief granted in an interim, temporary, or final extreme risk prevention order; establishing certain penalties; requiring a law enforcement officer to arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of a certain interim, temporary, or final~~

~~extreme risk prevention order; defining certain terms; and generally relating to extreme risk prevention orders.~~

FOR the purpose of authorizing certain individuals to file a certain petition for an extreme risk protective order with a certain court or a District Court commissioner under certain circumstances; specifying the contents of a petition; providing for the confidentiality of certain court records relating to a petition; granting certain civil and criminal immunity to a petitioner who, in good faith, files a petition; authorizing a District Court commissioner to enter a certain interim extreme risk protection order under certain circumstances; requiring a commissioner to consider certain factors when determining whether to enter an interim extreme risk protective order; specifying the required contents of an interim extreme risk protective order; requiring a commissioner to refer a respondent to law enforcement for a determination of whether the respondent should be taken for an emergency evaluation under certain circumstances; requiring a temporary extreme risk protective order hearing to be held on a certain day; requiring a commissioner to take certain actions when issuing an interim extreme risk protective order; requiring a law enforcement officer to take certain actions; specifying the effective period of an interim extreme risk protective order; authorizing a judge to enter a temporary extreme risk protective order under certain circumstances; specifying the required contents of a temporary extreme risk protective order; requiring a judge to consider certain factors when determining whether to enter a temporary extreme risk protective order; requiring a judge to refer a certain respondent for emergency evaluation under certain circumstances; requiring a certain respondent to be served with a temporary extreme risk protective order at a certain place or in a certain manner under certain circumstances; providing that there shall be no cost to the petitioner for service of a temporary extreme risk protective order; providing for the effective period of a temporary extreme risk protective order; authorizing a judge to extend a temporary extreme risk protective order for a certain amount of time for a certain purpose; authorizing a judge to proceed with a final extreme risk protective order hearing instead of a temporary extreme risk protective order hearing under certain circumstances; establishing that a respondent shall have the opportunity to be heard on the question of whether the judge should issue a final extreme risk protective order; requiring a final extreme risk protective order hearing to be held at a certain time with certain exceptions; authorizing a judge to proceed with a final extreme risk protective order hearing and enter a certain final extreme risk protective order under certain circumstances; authorizing a court to review certain records before granting, denying, or modifying a final extreme risk protective order; requiring a copy of a final extreme risk protective order to be served on certain persons at a certain time or in a certain manner; specifying the effective period of a final extreme risk protective order; establishing that a final extreme risk protective order may be modified or rescinded at a certain time under certain circumstances; authorizing a judge to extend the term of a final extreme risk protective order for a certain amount of time under certain circumstances; requiring the court to hold a hearing within a certain period of time on a certain motion to extend the term of a final extreme risk protective order; requiring the court to keep the terms of a final extreme risk protective order in full force and effect until a certain hearing on a certain motion under certain circumstances; authorizing a court, on application of a certain law enforcement officer, to issue a search warrant for the removal of certain firearms

under certain circumstances; specifying procedures for appeal of the grant or denial of a petition for an extreme risk protective order; establishing certain requirements and procedures for surrendering or seizing firearms and ammunition in accordance with an extreme risk protective order; establishing certain requirements and procedures for recovering, transferring, and disposing of firearms and ammunition seized or surrendered in accordance with an extreme risk protective order; prohibiting a person from failing to comply with an extreme risk protective order; establishing certain penalties; requiring a law enforcement officer to arrest with or without a warrant and take into custody a person who the officer has probable cause to believe is in violation of a certain extreme risk protective order; providing that a certain privilege does not exist in a certain extreme risk protective order proceeding under certain circumstances; providing for the interpretation of certain provisions of this Act; defining certain terms; making the provisions of this Act severable; and generally relating to extreme risk protective orders.

~~BY adding to~~

~~Article – Family Law~~

~~Section 4-533 through 4-542 to be under the new part “Part V. Lethal Violence Protective Order”~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2017 Supplement)~~

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 9-109(d)(7) and (8), 9-109.1(d)(6) and (7), and 9-121(d)(6) and (7)

Annotated Code of Maryland

(2013 Replacement Volume and 2017 Supplement)

BY adding to

Article – Courts and Judicial Proceedings

Section 9-109(d)(9), 9-109.1(d)(8), and 9-121(d)(8)

Annotated Code of Maryland

(2013 Replacement Volume and 2017 Supplement)

~~BY adding to~~

~~Article – Public Safety~~

~~Section 5-601 through ~~5-609~~ 5-610 to be under the new subtitle “Subtitle 6. Extreme Risk ~~Prevention~~ Protective Orders”~~

~~Annotated Code of Maryland~~

~~(2011 Replacement Volume and 2017 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

~~Article – Family Law~~

~~4-531. RESERVED.~~

1 ~~4-532. RESERVED.~~

2 ~~PART V. LETHAL VIOLENCE PROTECTIVE ORDER.~~

3 ~~4-533.~~

4 ~~(A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS~~
5 ~~INDICATED.~~

6 ~~(B) "EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER" MEANS AN ORDER~~
7 ~~ISSUED BY A COURT UNDER § 4-535 OF THIS SUBTITLE, PROHIBITING THE~~
8 ~~RESPONDENT FROM HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL OR~~
9 ~~FROM OWNING, PURCHASING, POSSESSING, OR RECEIVING ANY FIREARMS OR~~
10 ~~AMMUNITION UNTIL THE COURT SCHEDULED HEARING FOR A 1-YEAR LETHAL~~
11 ~~VIOLENCE PROTECTIVE ORDER.~~

12 ~~(C) "FAMILY MEMBER" INCLUDES:~~

13 ~~(1) ANY PERSON RELATED TO THE RESPONDENT BY BLOOD,~~
14 ~~MARRIAGE, OR ADOPTION;~~

15 ~~(2) A CURRENT DATING PARTNER OF THE RESPONDENT;~~

16 ~~(3) A FORMER DATING PARTNER OF THE RESPONDENT SEPARATED BY~~
17 ~~1 YEAR OR LESS;~~

18 ~~(4) ANY PERSON WHO RESIDES WITH THE RESPONDENT;~~

19 ~~(5) ANY PERSON WHO HAS RESIDED WITH THE RESPONDENT WITHIN~~
20 ~~1 YEAR BEFORE THE FILING OF A PETITION UNDER THIS SUBTITLE; OR~~

21 ~~(6) A CURRENT OR FORMER LEGAL GUARDIAN FOR THE~~
22 ~~RESPONDENT.~~

23 ~~(D) "1-YEAR LETHAL VIOLENCE PROTECTIVE ORDER" MEANS AN ORDER~~
24 ~~ISSUED BY A COURT UNDER § 4-536 OF THIS SUBTITLE, PROHIBITING THE~~
25 ~~RESPONDENT FROM HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL OR~~
26 ~~FROM OWNING, PURCHASING, POSSESSING, OR RECEIVING ANY FIREARMS OR~~
27 ~~AMMUNITION FOR A PERIOD OF 1 YEAR.~~

28 ~~(E) "PETITIONER" MEANS A LAW ENFORCEMENT OFFICER OR A FAMILY~~
29 ~~MEMBER WHO FILES A PETITION UNDER § 4-534 OF THIS SUBTITLE.~~

1 ~~(F) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION IS FILED~~
2 ~~UNDER § 4-534 OF THIS SUBTITLE.~~

3 ~~4-534.~~

4 ~~(A) A PETITIONER MAY SEEK AN EX PARTE LETHAL VIOLENCE PROTECTIVE~~
5 ~~ORDER BY FILING WITH THE COURT A PETITION THAT ALLEGES, BASED ON~~
6 ~~PERSONAL KNOWLEDGE, THAT THE RESPONDENT POSES AN IMMEDIATE AND~~
7 ~~PRESENT DANGER OF CAUSING INJURY TO HIMSELF OR HERSELF OR TO OTHERS BY~~
8 ~~HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL OR BY OWNING,~~
9 ~~PURCHASING, POSSESSING, OR RECEIVING A FIREARM OR AMMUNITION.~~

10 ~~(B) THE PETITION SHALL SET FORTH THE GROUNDS FOR ISSUANCE OF THE~~
11 ~~ORDER AND DESCRIBE THE NUMBER, TYPES, AND LOCATIONS OF ANY FIREARMS OR~~
12 ~~AMMUNITION BELIEVED BY THE PETITIONER TO BE CURRENTLY POSSESSED OR~~
13 ~~CONTROLLED BY THE RESPONDENT.~~

14 ~~(C) ALL HEALTH RECORDS AND OTHER HEALTH INFORMATION PROVIDED~~
15 ~~IN A PETITION OR CONSIDERED AS EVIDENCE IN A PROCEEDING UNDER THIS PART~~
16 ~~SHALL BE PROTECTED FROM PUBLIC DISCLOSURE TO THE EXTENT THAT THE~~
17 ~~INFORMATION IDENTIFIES A RESPONDENT OR PETITIONER.~~

18 ~~(D) (1) A COURT SHALL SET A HEARING ON A 1-YEAR LETHAL VIOLENCE~~
19 ~~PROTECTIVE ORDER NOT LATER THAN 14 DAYS AFTER RECEIPT OF A PETITION,~~
20 ~~REGARDLESS OF WHETHER THE COURT ISSUES AN EX PARTE LETHAL VIOLENCE~~
21 ~~PROTECTIVE ORDER UNDER § 4-535 OF THIS SUBTITLE.~~

22 ~~(2) IF THE COURT ISSUES AN EX PARTE LETHAL VIOLENCE~~
23 ~~PROTECTIVE ORDER UNDER § 4-535 OF THIS SUBTITLE, NOTICE OF THE HEARING~~
24 ~~SHALL BE SERVED ON THE RESPONDENT AT THE SAME TIME AS THE EX PARTE~~
25 ~~ORDER.~~

26 ~~(3) NOTICE OF THE HEARING SHALL BE PERSONALLY SERVED ON THE~~
27 ~~RESPONDENT BY A LAW ENFORCEMENT OFFICER OR, IF PERSONAL SERVICE BY A~~
28 ~~LAW ENFORCEMENT OFFICER IS NOT PRACTICABLE, IN ACCORDANCE WITH THE~~
29 ~~MARYLAND RULES.~~

30 ~~4-535.~~

31 ~~(A) A COURT SHALL ISSUE OR DENY A PETITION FOR AN EX PARTE LETHAL~~
32 ~~VIOLENCE PROTECTIVE ORDER FILED UNDER § 4-534 OF THIS SUBTITLE ON THE~~
33 ~~SAME DAY THAT THE PETITION IS FILED.~~

1 ~~(B) IN DETERMINING WHETHER TO ISSUE AN EX PARTE LETHAL VIOLENCE~~
2 ~~PROTECTIVE ORDER, THE COURT SHALL CONSIDER ALL RELEVANT EVIDENCE~~
3 ~~PRESENTED BY THE PETITIONER, AND MAY ALSO CONSIDER EVIDENCE PERTAINING~~
4 ~~TO THE RESPONDENT'S:~~

5 ~~(1) UNLAWFUL, RECKLESS, OR NEGLIGENT USE, DISPLAY, STORAGE,~~
6 ~~POSSESSION, OR BRANDISHING OF A FIREARM;~~

7 ~~(2) ACT OR THREAT OF VIOLENCE AGAINST HIMSELF OR HERSELF OR~~
8 ~~AGAINST ANOTHER, WHETHER OR NOT THE THREAT OF VIOLENCE INVOLVED A~~
9 ~~FIREARM;~~

10 ~~(3) VIOLATION OF ANY OTHER PROTECTIVE ORDER IN THE STATE OR~~
11 ~~IN ANOTHER STATE;~~

12 ~~(4) ABUSE OF CONTROLLED SUBSTANCES OR ALCOHOL OR ANY~~
13 ~~CONVICTION FOR A CRIMINAL OFFENSE THAT INVOLVED CONTROLLED SUBSTANCES~~
14 ~~OR ALCOHOL; AND~~

15 ~~(5) RECENT ACQUISITION OF A FIREARM, AMMUNITION, OR ANOTHER~~
16 ~~DEADLY WEAPON.~~

17 ~~(C) THE COURT SHALL ALSO CONSIDER THE TIME THAT HAS ELAPSED SINCE~~
18 ~~ANY EVENTS DESCRIBED IN SUBSECTION (B) OF THIS SECTION OCCURRED.~~

19 ~~(D) IF THE COURT FINDS REASONABLE CAUSE TO BELIEVE THAT THE~~
20 ~~RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING INJURY TO~~
21 ~~HIMSELF OR HERSELF OR TO ANOTHER BY HAVING IN THE RESPONDENT'S CUSTODY~~
22 ~~OR CONTROL OR BY OWNING, PURCHASING, POSSESSING, OR RECEIVING A FIREARM~~
23 ~~OR AMMUNITION, THE COURT SHALL ISSUE AN EX PARTE LETHAL VIOLENCE~~
24 ~~PROTECTIVE ORDER.~~

25 ~~(E) AN EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER SHALL INCLUDE:~~

26 ~~(1) A STATEMENT THAT THE RESPONDENT MAY NOT HAVE IN THE~~
27 ~~RESPONDENT'S CUSTODY OR CONTROL OR OWN, PURCHASE, POSSESS, RECEIVE, OR~~
28 ~~ATTEMPT TO PURCHASE OR RECEIVE A FIREARM OR AMMUNITION WHILE THE~~
29 ~~ORDER IS IN EFFECT;~~

30 ~~(2) A DESCRIPTION OF THE REQUIREMENTS FOR RELINQUISHMENT~~
31 ~~OF FIREARMS AND AMMUNITION UNDER § 4-538 OF THIS SUBTITLE;~~

32 ~~(3) A STATEMENT OF THE GROUNDS ASSERTED FOR THE ORDER;~~

1 ~~(4) A NOTICE OF THE HEARING REQUIRED UNDER § 4-534(D) OF THIS~~
2 ~~SUBTITLE TO DETERMINE WHETHER TO ISSUE A 1-YEAR LETHAL VIOLENCE~~
3 ~~PROTECTIVE ORDER, INCLUDING THE ADDRESS OF THE COURT AND THE DATE AND~~
4 ~~TIME THE HEARING IS SCHEDULED;~~

5 ~~(5) A STATEMENT THAT AT THE HEARING THE COURT MAY EXTEND~~
6 ~~THE ORDER FOR UP TO 1 YEAR; AND~~

7 ~~(6) A STATEMENT THAT THE RESPONDENT MAY SEEK THE ADVICE OF~~
8 ~~AN ATTORNEY AS TO ANY MATTER RELATED TO THE ORDER, AND THAT THE~~
9 ~~ATTORNEY SHOULD BE CONSULTED PROMPTLY SO THAT THE ATTORNEY MAY ASSIST~~
10 ~~THE RESPONDENT.~~

11 ~~(F) AN EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER SHALL BE~~
12 ~~PERSONALLY SERVED ON THE RESPONDENT BY A LAW ENFORCEMENT OFFICER OR,~~
13 ~~IF PERSONAL SERVICE BY A LAW ENFORCEMENT OFFICER IS NOT PRACTICABLE, IN~~
14 ~~ACCORDANCE WITH THE MARYLAND RULES.~~

15 ~~(G) (1) THE COURT SHALL SCHEDULE A HEARING WITHIN 14 DAYS AFTER~~
16 ~~THE ISSUANCE OF AN EX PARTE LETHAL VIOLENCE PROTECTIVE ORDER TO~~
17 ~~DETERMINE WHETHER A 1-YEAR LETHAL VIOLENCE PROTECTIVE ORDER SHALL BE~~
18 ~~ISSUED.~~

19 ~~(2) A RESPONDENT MAY SEEK TO RESCHEDULE THE HEARING ON A~~
20 ~~DATE NOT LATER THAN 30 DAYS AFTER THE INITIAL SCHEDULED HEARING.~~

21 ~~(3) THE COURT SHALL DISMISS ANY EX PARTE LETHAL VIOLENCE~~
22 ~~PROTECTIVE ORDER IN EFFECT AGAINST THE RESPONDENT AT THE SUBSEQUENT~~
23 ~~HEARING.~~

24 ~~4-536.~~

25 ~~(A) AT A HEARING TO DETERMINE WHETHER TO ISSUE A 1-YEAR LETHAL~~
26 ~~VIOLENCE PROTECTIVE ORDER UNDER THIS SECTION, THE COURT SHALL CONSIDER~~
27 ~~ALL RELEVANT EVIDENCE PRESENTED BY THE PETITIONER AND MAY ALSO~~
28 ~~CONSIDER OTHER RELEVANT EVIDENCE, INCLUDING THE FACTORS DESCRIBED IN §~~
29 ~~4-535(B) OF THIS SUBTITLE.~~

30 ~~(B) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT THE~~
31 ~~RESPONDENT POSES A SIGNIFICANT DANGER OF INJURY TO HIMSELF OR HERSELF~~
32 ~~OR TO OTHERS BY HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL OR BY~~
33 ~~OWNING, PURCHASING, POSSESSING, OR RECEIVING A FIREARM OR AMMUNITION,~~
34 ~~THE COURT SHALL ISSUE A 1-YEAR LETHAL VIOLENCE PROTECTIVE ORDER.~~

1 ~~(C) A 1 YEAR LETHAL VIOLENCE PROTECTIVE ORDER ISSUED UNDER THIS~~
2 ~~SECTION SHALL INCLUDE:~~

3 ~~(1) A STATEMENT THAT THE RESPONDENT MAY NOT HAVE IN THE~~
4 ~~RESPONDENT'S CUSTODY OR CONTROL OR OWN, POSSESS, PURCHASE, OR RECEIVE,~~
5 ~~OR ATTEMPT TO PURCHASE OR RECEIVE, A FIREARM OR AMMUNITION WHILE THE~~
6 ~~ORDER IS IN EFFECT;~~

7 ~~(2) A DESCRIPTION OF THE REQUIREMENTS FOR RELINQUISHMENT~~
8 ~~OF FIREARMS AND AMMUNITION UNDER § 4-538 OF THIS SUBTITLE;~~

9 ~~(3) A STATEMENT OF THE GROUNDS SUPPORTING THE ISSUANCE OF~~
10 ~~THE ORDER;~~

11 ~~(4) THE DATE AND TIME THE ORDER EXPIRES;~~

12 ~~(5) THE ADDRESS OF THE COURT THAT ISSUED THE ORDER;~~

13 ~~(6) A STATEMENT THAT THE RESPONDENT SHALL HAVE THE RIGHT TO~~
14 ~~REQUEST ONE HEARING TO TERMINATE THE ORDER WITHIN THE FIRST 6 MONTHS~~
15 ~~AFTER THE ORDER'S EFFECTIVE DATE, OR AFTER THE FIRST 6 MONTHS OF A~~
16 ~~RENEWED ORDER'S EFFECTIVE DATE; AND~~

17 ~~(7) A STATEMENT THAT THE RESPONDENT MAY SEEK THE ADVICE OF~~
18 ~~AN ATTORNEY AS TO ANY MATTER RELATED TO THE ORDER.~~

19 ~~(D) IF THE RESPONDENT FAILS TO APPEAR AT THE HEARING, A 1 YEAR~~
20 ~~LETHAL VIOLENCE PROTECTIVE ORDER ISSUED UNDER THIS SECTION SHALL BE~~
21 ~~PERSONALLY SERVED ON THE RESPONDENT BY A LAW ENFORCEMENT OFFICER OR,~~
22 ~~IF PERSONAL SERVICE BY A LAW ENFORCEMENT OFFICER IS NOT PRACTICABLE, IN~~
23 ~~ACCORDANCE WITH THE MARYLAND RULES.~~

24 ~~4-537.~~

25 ~~(A) (1) A RESPONDENT TO A 1 YEAR LETHAL VIOLENCE PROTECTIVE~~
26 ~~ORDER ISSUED UNDER § 4-536 OF THIS SUBTITLE MAY SUBMIT ONE WRITTEN~~
27 ~~REQUEST WITHIN THE FIRST 6 MONTHS AFTER THE ORDER'S EFFECTIVE DATE FOR~~
28 ~~A HEARING TO TERMINATE THE ORDER.~~

29 ~~(2) (i) ON RECEIPT OF THE REQUEST FOR TERMINATION, THE~~
30 ~~COURT SHALL SET A DATE FOR A HEARING.~~

31 ~~(ii) NOTICE OF THE REQUEST SHALL BE SERVED ON THE~~
32 ~~PETITIONER IN ACCORDANCE WITH THE MARYLAND RULES.~~

1 ~~(III) THE HEARING MAY NOT BE SCHEDULED EARLIER THAN 14~~
2 ~~DAYS AFTER THE DATE OF SERVICE OF THE REQUEST ON THE PETITIONER.~~

3 ~~(3) AT THE HEARING, IF THE COURT FINDS BY CLEAR AND~~
4 ~~CONVINCING EVIDENCE THAT THE RESPONDENT DOES NOT POSE A SIGNIFICANT~~
5 ~~DANGER OF CAUSING INJURY TO HIMSELF OR HERSELF OR TO OTHERS BY HAVING~~
6 ~~IN THE RESPONDENT'S CUSTODY OR CONTROL OR BY OWNING, PURCHASING,~~
7 ~~POSSESSING, OR RECEIVING A FIREARM OR AMMUNITION, THE COURT SHALL~~
8 ~~TERMINATE THE ORDER.~~

9 ~~(4) THE RESPONDENT BEARS THE BURDEN OF PROVING THAT THE~~
10 ~~RESPONDENT DOES NOT POSE A DANGER UNDER THE PROVISIONS OF PARAGRAPH~~
11 ~~(3) OF THIS SUBSECTION.~~

12 ~~(B) (1) A PETITIONER MAY REQUEST AN EXTENSION OF A 1-YEAR LETHAL~~
13 ~~VIOLENCE PROTECTIVE ORDER AT ANY TIME WITHIN 3 MONTHS BEFORE THE~~
14 ~~EXPIRATION DATE OF THE ORDER.~~

15 ~~(2) A COURT MAY, AFTER NOTICE AND A HEARING, EXTEND A~~
16 ~~1-YEAR LETHAL VIOLENCE PROTECTIVE ORDER ISSUED UNDER THIS PART IF THE~~
17 ~~COURT FINDS, BY CLEAR AND CONVINCING EVIDENCE, THAT THE RESPONDENT~~
18 ~~CONTINUES TO POSE A SIGNIFICANT DANGER OF CAUSING INJURY TO HIMSELF OR~~
19 ~~HERSELF OR TO ANOTHER BY HAVING IN THE RESPONDENT'S CUSTODY OR CONTROL~~
20 ~~OR BY OWNING, PURCHASING, POSSESSING, OR RECEIVING A FIREARM OR~~
21 ~~AMMUNITION.~~

22 ~~(3) IN DETERMINING WHETHER TO EXTEND A 1-YEAR LETHAL~~
23 ~~VIOLENCE PROTECTIVE ORDER ISSUED UNDER THIS PART, THE COURT SHALL~~
24 ~~CONSIDER ALL RELEVANT EVIDENCE PRESENTED BY THE PETITIONER, AND MAY~~
25 ~~ALSO CONSIDER OTHER RELEVANT EVIDENCE, INCLUDING THE FACTORS~~
26 ~~DESCRIBED IN § 4-535(B) OF THIS SUBTITLE.~~

27 ~~(4) A 1-YEAR LETHAL VIOLENCE PROTECTIVE ORDER EXTENDED IN~~
28 ~~ACCORDANCE WITH THIS SECTION SHALL EXPIRE AFTER 1 YEAR, SUBJECT TO~~
29 ~~TERMINATION BY ORDER OF THE COURT AT A HEARING HELD IN ACCORDANCE WITH~~
30 ~~SUBSECTION (A) OF THIS SECTION AND FURTHER EXTENSION BY ORDER OF THE~~
31 ~~COURT IN ACCORDANCE WITH THIS SUBSECTION.~~

32 ~~4-538.~~

33 ~~(A) ON THE ISSUANCE OF AN EX PARTE OR 1-YEAR LETHAL VIOLENCE~~
34 ~~PROTECTIVE ORDER, THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER~~
35 ~~TO THE LOCAL LAW ENFORCEMENT AGENCY ALL FIREARMS AND AMMUNITION~~

~~1 OWNED OR POSSESSED BY THE RESPONDENT OR IN THE RESPONDENT'S CUSTODY
2 OR CONTROL.~~

~~3 (B) (1) A LAW ENFORCEMENT OFFICER SERVING A LETHAL VIOLENCE
4 PROTECTIVE ORDER SHALL REQUEST THAT ALL FIREARMS AND AMMUNITION
5 OWNED OR POSSESSED BY THE RESPONDENT OR IN THE RESPONDENT'S CUSTODY
6 OR CONTROL BE IMMEDIATELY SURRENDERED AND SHALL TAKE POSSESSION OF
7 ALL FIREARMS AND AMMUNITION THAT ARE SURRENDERED, IN PLAIN SIGHT, OR
8 DISCOVERED IN ACCORDANCE WITH A LAWFUL SEARCH.~~

~~9 (2) IF PERSONAL SERVICE BY A LAW ENFORCEMENT OFFICER IS NOT
10 PRACTICABLE, AND THE RESPONDENT IS SERVED IN ACCORDANCE WITH THE
11 MARYLAND RULES, THE RESPONDENT SHALL SURRENDER THE FIREARMS AND
12 AMMUNITION IN A SAFE MANNER TO THE CONTROL OF A LOCAL LAW ENFORCEMENT
13 OFFICER WITHIN 48 HOURS AFTER SERVICE OF THE ORDER.~~

~~14 (C) (1) AT THE TIME OF SURRENDER OR SEIZURE OF FIREARMS, A LAW
15 ENFORCEMENT OFFICER TAKING POSSESSION OF A FIREARM OR AMMUNITION IN
16 ACCORDANCE WITH A LETHAL VIOLENCE PROTECTIVE ORDER SHALL ISSUE A
17 RECEIPT IDENTIFYING ALL FIREARMS AND AMMUNITION THAT HAVE BEEN
18 SURRENDERED OR SEIZED AND PROVIDE A COPY OF THE RECEIPT TO THE
19 RESPONDENT.~~

~~20 (2) NOT LATER THAN 72 HOURS AFTER SERVICE OF THE ORDER, THE
21 LAW ENFORCEMENT OFFICER SHALL FILE THE ORIGINAL RECEIPT WITH THE COURT
22 THAT ISSUED THE LETHAL VIOLENCE PROTECTIVE ORDER AND RETAIN A COPY OF
23 THE RECEIPT.~~

~~24 (D) A COURT THAT HAS PROBABLE CAUSE TO BELIEVE A RESPONDENT TO A
25 LETHAL VIOLENCE PROTECTIVE ORDER HAS IN THE RESPONDENT'S CUSTODY OR
26 CONTROL OR OWNS OR POSSESSES FIREARMS OR AMMUNITION THAT THE
27 RESPONDENT HAS FAILED TO SURRENDER IN ACCORDANCE WITH THIS SECTION, OR
28 HAS RECEIVED OR PURCHASED A FIREARM OR AMMUNITION WHILE SUBJECT TO THE
29 ORDER, SHALL ISSUE A WARRANT DESCRIBING THE FIREARM OR AMMUNITION AND
30 AUTHORIZING A SEARCH OF ANY LOCATION WHERE THE FIREARM OR AMMUNITION
31 IS REASONABLY BELIEVED TO BE AND THE SEIZURE OF ANY FIREARMS OR
32 AMMUNITION DISCOVERED IN ACCORDANCE WITH SUCH A SEARCH.~~

~~33 (E) A LAW ENFORCEMENT AGENCY MAY CHARGE THE RESPONDENT A FEE
34 NOT TO EXCEED THE REASONABLE AND ACTUAL COSTS INCURRED BY THE LAW
35 ENFORCEMENT AGENCY FOR STORING A FIREARM OR AMMUNITION SURRENDERED
36 OR SEIZED UNDER THIS SECTION FOR THE DURATION OF THE LETHAL VIOLENCE
37 PROTECTIVE ORDER AND ANY ADDITIONAL TIME NECESSARY UNDER § 4-539 OF
38 THIS SUBTITLE.~~

1 ~~4-539.~~

2 ~~(A) (1) IF A LETHAL VIOLENCE PROTECTIVE ORDER IS TERMINATED OR~~
3 ~~EXPIRES AND IS NOT EXTENDED, A LAW ENFORCEMENT AGENCY HOLDING ANY~~
4 ~~FIREARM OR AMMUNITION THAT HAS BEEN SURRENDERED OR SEIZED IN~~
5 ~~ACCORDANCE WITH THE ORDER SHALL NOTIFY THE RESPONDENT THAT THE~~
6 ~~RESPONDENT MAY REQUEST THE RETURN OF THE FIREARM OR AMMUNITION.~~

7 ~~(2) A LAW ENFORCEMENT AGENCY SHALL RETURN ANY~~
8 ~~SURRENDERED OR SEIZED FIREARM OR AMMUNITION REQUESTED BY A~~
9 ~~RESPONDENT ONLY AFTER CONFIRMING:~~

10 ~~(I) THROUGH A BACKGROUND CHECK, THAT THE RESPONDENT~~
11 ~~IS CURRENTLY ELIGIBLE TO OWN OR POSSESS FIREARMS AND AMMUNITION; AND~~

12 ~~(II) THE RESPONDENT HAS PAID THE FULL AMOUNT DUE UNDER~~
13 ~~§ 4-538(E) OF THIS SUBTITLE.~~

14 ~~(B) (1) A RESPONDENT WHO HAS SURRENDERED ANY FIREARM OR~~
15 ~~AMMUNITION TO A LAW ENFORCEMENT AGENCY AND WHO DOES NOT WISH TO HAVE~~
16 ~~THE FIREARM OR AMMUNITION RETURNED OR WHO IS NO LONGER ELIGIBLE TO OWN~~
17 ~~OR POSSESS FIREARMS OR AMMUNITION MAY:~~

18 ~~(I) SELL OR TRANSFER TITLE OF THE FIREARM OR~~
19 ~~AMMUNITION TO A LICENSED FIREARMS DEALER; OR~~

20 ~~(II) REQUEST THE DESTRUCTION OF THE FIREARMS OR~~
21 ~~AMMUNITION.~~

22 ~~(2) THE LAW ENFORCEMENT AGENCY SHALL TRANSFER POSSESSION~~
23 ~~OF THE FIREARM OR AMMUNITION TO A LICENSED FIREARMS DEALER ONLY AFTER~~
24 ~~THE DEALER HAS DISPLAYED WRITTEN PROOF OF TRANSFER OF THE FIREARM OR~~
25 ~~AMMUNITION FROM THE RESPONDENT TO THE DEALER AND THE LAW~~
26 ~~ENFORCEMENT AGENCY HAS VERIFIED THE TRANSFER WITH THE RESPONDENT.~~

27 ~~(3) ON REQUEST OF THE RESPONDENT, A LAW ENFORCEMENT~~
28 ~~AGENCY MAY DESTROY ANY FIREARMS OR AMMUNITION HELD IN ACCORDANCE WITH~~
29 ~~A LETHAL VIOLENCE PROTECTIVE ORDER UNDER THIS PART.~~

30 ~~(C) IF A PERSON OTHER THAN THE RESPONDENT CLAIMS TITLE TO ANY~~
31 ~~FIREARM OR AMMUNITION SURRENDERED OR SEIZED IN ACCORDANCE WITH A~~
32 ~~LETHAL VIOLENCE PROTECTIVE ORDER, AND THE PERSON IS DETERMINED BY THE~~
33 ~~LAW ENFORCEMENT AGENCY TO BE THE LAWFUL OWNER OF THE FIREARM OR~~

1 ~~AMMUNITION, THE LAW ENFORCEMENT AGENCY SHALL RETURN THE FIREARM OR~~
2 ~~AMMUNITION TO THAT PERSON.~~

3 ~~(D) (1) A LAW ENFORCEMENT AGENCY HOLDING ANY FIREARM OR~~
4 ~~AMMUNITION SURRENDERED OR SEIZED IN ACCORDANCE WITH A LETHAL VIOLENCE~~
5 ~~PROTECTIVE ORDER MAY DISPOSE OF THE FIREARM OR AMMUNITION NOT EARLIER~~
6 ~~THAN 6 MONTHS AFTER THE DATE OF PROPER NOTICE TO THE RESPONDENT OF THE~~
7 ~~INTENT TO DISPOSE OF THE FIREARM OR AMMUNITION, UNLESS THE FIREARM OR~~
8 ~~AMMUNITION HAS BEEN CLAIMED BY THE LAWFUL OWNER.~~

9 ~~(2) IF THE FIREARM OR AMMUNITION REMAINS UNCLAIMED AFTER 6~~
10 ~~MONTHS FROM THE DATE OF NOTICE, NO PARTY SHALL HAVE THE RIGHT TO ASSERT~~
11 ~~OWNERSHIP OF THE FIREARM OR AMMUNITION AND THE LAW ENFORCEMENT~~
12 ~~AGENCY MAY SELL, TRANSFER, OR DESTROY THE FIREARM OR AMMUNITION.~~

13 ~~4-540.~~

14 ~~(A) A PERSON WHO FILES A PETITION FOR A LETHAL VIOLENCE~~
15 ~~PROTECTIVE ORDER, KNOWING THE INFORMATION IN THE PETITION TO BE~~
16 ~~MATERIALLY FALSE OR WITH AN INTENT TO HARASS THE RESPONDENT, IS GUILTY~~
17 ~~OF A MISDEMEANOR.~~

18 ~~(B) A PERSON WHO HAS IN THE PERSON'S CUSTODY OR CONTROL OR WHO~~
19 ~~OWNS, PURCHASES, POSSESSES, OR RECEIVES A FIREARM OR AMMUNITION WITH~~
20 ~~KNOWLEDGE THAT THE PERSON IS PROHIBITED FROM DOING SO BY A LETHAL~~
21 ~~VIOLENCE PROTECTIVE ORDER IS GUILTY OF A MISDEMEANOR AND ON CONVICTION~~
22 ~~SHALL BE PROHIBITED FROM HAVING IN THE PERSON'S CUSTODY OR CONTROL OR~~
23 ~~OWNING, PURCHASING, POSSESSING, RECEIVING, OR ATTEMPTING TO PURCHASE OR~~
24 ~~RECEIVE A FIREARM OR AMMUNITION FOR A PERIOD OF 5 YEARS FROM THE DATE~~
25 ~~OF CONVICTION.~~

26 ~~4-541.~~

27 ~~THIS PART MAY NOT BE CONSTRUED TO AFFECT THE AUTHORITY OF A LAW~~
28 ~~ENFORCEMENT OFFICER TO REMOVE FIREARMS OR AMMUNITION FROM ANY~~
29 ~~PERSON IN ACCORDANCE WITH ANY OTHER LAW.~~

30 ~~4-542.~~

31 ~~THIS PART MAY NOT BE CONSTRUED TO IMPOSE CRIMINAL OR CIVIL LIABILITY~~
32 ~~ON ANY PERSON WHO DOES NOT PETITION FOR A LETHAL VIOLENCE PROTECTIVE~~
33 ~~ORDER UNDER THIS PART.~~

34 Article - Courts and Judicial Proceedings

1 9-109.

2 (d) There is no privilege if:

3 (7) In a criminal proceeding against a patient or former patient alleging
4 that the patient or former patient has harassed or threatened or committed another criminal
5 act against the psychiatrist or licensed psychologist, the disclosure is necessary to prove the
6 charge; [or]

7 (8) In a peace order proceeding under Title 3, Subtitle 15 of this article in
8 which the psychiatrist or licensed psychologist is a petitioner and a patient or former patient
9 is a respondent, the disclosure is necessary to obtain relief; OR

10 (9) IN AN EXTREME RISK PROTECTIVE ORDER PROCEEDING UNDER
11 TITLE 5, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE IN WHICH THE PSYCHIATRIST
12 OR LICENSED PSYCHOLOGIST IS A PETITIONER AND A PATIENT OR FORMER PATIENT
13 IS A RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.

14 9-109.1.

15 (d) There is no privilege if:

16 (6) In a criminal proceeding against a client or former client alleging that
17 the client or former client has harassed or threatened or committed another criminal act
18 against the psychiatric-mental health nursing specialist or the professional counselor, the
19 disclosure is necessary to prove the charge; [or]

20 (7) In a peace order proceeding under Title 3, Subtitle 15 of this article in
21 which the psychiatric-mental health nursing specialist or professional counselor is a
22 petitioner and a client or former client is a respondent, the disclosure is necessary to obtain
23 relief; OR

24 (8) IN AN EXTREME RISK PROTECTIVE ORDER PROCEEDING UNDER
25 TITLE 5, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE IN WHICH THE
26 PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST OR PROFESSIONAL
27 COUNSELOR IS A PETITIONER AND A CLIENT OR FORMER CLIENT IS A RESPONDENT,
28 THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.

29 9-121.

30 (d) There is no privilege if:

31 (6) In a criminal proceeding against a client or former client alleging that
32 the client or former client has harassed or threatened or committed another criminal act

1 against the licensed certified social worker, the disclosure is necessary to prove the charge;
 2 [or]

3 (7) In a peace order proceeding under Title 3, Subtitle 15 of this article in
 4 which the licensed certified social worker is a petitioner and a client or former client is a
 5 respondent, the disclosure is necessary to obtain relief; OR

6 (8) IN AN EXTREME RISK PROTECTIVE ORDER PROCEEDING UNDER
 7 TITLE 5, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE IN WHICH THE LICENSED
 8 CERTIFIED SOCIAL WORKER IS A PETITIONER AND A CLIENT OR FORMER CLIENT IS A
 9 RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.

10 Article – Public Safety

11 SUBTITLE 6. EXTREME RISK ~~PREVENTION~~ PROTECTIVE ORDERS.

12 ~~5-601.~~

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 14 INDICATED.

15 (B) “FIREARM” HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.

16 (C) (1) “PETITIONER” MEANS AN INDIVIDUAL WHO FILES A PETITION FOR
 17 AN EXTREME RISK PREVENTION ORDER UNDER THIS SUBTITLE.

18 (2) “PETITIONER” INCLUDES:

19 (I) A PHYSICIAN, PSYCHOLOGIST, CLINICAL SOCIAL WORKER,
 20 LICENSED CLINICAL PROFESSIONAL COUNSELOR, CLINICAL NURSE SPECIALIST IN
 21 PSYCHIATRIC AND MENTAL HEALTH NURSING, PSYCHIATRIC NURSE PRACTITIONER,
 22 LICENSED CLINICAL MARRIAGE OR FAMILY THERAPIST, OR HEALTH OFFICER OR
 23 DESIGNEE OF A HEALTH OFFICER WHO HAS EXAMINED THE INDIVIDUAL;

24 (II) A LAW ENFORCEMENT OFFICER; OR

25 (III) ANY OTHER INTERESTED PERSON.

26 (D) “RESPONDENT” MEANS A PERSON AGAINST WHOM A PETITION FOR AN
 27 EXTREME RISK PREVENTION ORDER IS FILED.

28 ~~5-602.~~

29 (A) A PETITION FOR AN EXTREME RISK PREVENTION ORDER SHALL:

1 ~~(1) BE SIGNED AND SWORN TO BY THE PETITIONER UNDER THE~~
2 ~~PENALTY OF PERJURY;~~

3 ~~(2) INCLUDE ANY INFORMATION KNOWN TO THE PETITIONER THAT:~~

4 ~~(I) THE RESPONDENT POSES AN IMMEDIATE AND PRESENT~~
5 ~~DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR~~
6 ~~ANOTHER BY POSSESSING A FIREARM; AND~~

7 ~~(II) THE EXTREME RISK PREVENTION ORDER IS NECESSARY TO~~
8 ~~PREVENT PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER;~~

9 ~~(3) SET FORTH SPECIFIC FACTS IN SUPPORT OF THE INFORMATION~~
10 ~~DESCRIBED IN ITEM (2) OF THIS SUBSECTION;~~

11 ~~(4) EXPLAIN THE BASIS FOR THE PETITIONER'S KNOWLEDGE OF THE~~
12 ~~SUPPORTING FACTS, INCLUDING A DESCRIPTION OF THE BEHAVIOR AND~~
13 ~~STATEMENTS OF THE RESPONDENT OR ANY OTHER INFORMATION THAT LED THE~~
14 ~~PETITIONER TO BELIEVE THAT THE RESPONDENT PRESENTS AN IMMEDIATE AND~~
15 ~~PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT OR~~
16 ~~OTHERS;~~

17 ~~(5) DESCRIBE THE NUMBER, TYPES, AND LOCATION OF ANY KNOWN~~
18 ~~FIREARMS BELIEVED TO BE POSSESSED BY THE RESPONDENT;~~

19 ~~(6) INCLUDE, TO THE EXTENT DISCLOSURE IS NOT OTHERWISE~~
20 ~~PROHIBITED, HEALTH RECORDS OR OTHER HEALTH INFORMATION CONCERNING~~
21 ~~THE RESPONDENT; AND~~

22 ~~(7) INCLUDE ANY SUPPORTING DOCUMENTS OR INFORMATION~~
23 ~~REGARDING:~~

24 ~~(I) ANY UNLAWFUL, RECKLESS, OR NEGLIGENT USE, DISPLAY,~~
25 ~~STORAGE, POSSESSION, OR BRANDISHING OF A FIREARM BY THE RESPONDENT;~~

26 ~~(II) ANY ACT OR THREAT OF VIOLENCE THE RESPONDENT MADE~~
27 ~~AGAINST THE RESPONDENT OR AGAINST ANOTHER, WHETHER OR NOT THE THREAT~~
28 ~~OF VIOLENCE INVOLVED A FIREARM;~~

29 ~~(III) ANY VIOLATION BY THE RESPONDENT OF A PROTECTIVE~~
30 ~~ORDER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE; AND~~

~~(IV) ANY ABUSE OF A CONTROLLED DANGEROUS SUBSTANCE OR ALCOHOL BY THE RESPONDENT, INCLUDING ANY CONVICTION FOR A CRIMINAL OFFENSE INVOLVING A CONTROLLED DANGEROUS SUBSTANCE OR ALCOHOL.~~

~~(B) A PETITIONER SEEKING AN EXTREME RISK PREVENTION ORDER UNDER THIS SUBTITLE MAY FILE A PETITION WITH:~~

~~(1) THE DISTRICT COURT;~~

~~(2) A CIRCUIT COURT; OR~~

~~(3) WHEN NEITHER THE OFFICE OF THE CLERK OF THE CIRCUIT COURT NOR THE OFFICE OF THE DISTRICT COURT CLERK IS OPEN FOR BUSINESS, A LAW ENFORCEMENT AGENCY FOR PRESENTATION TO A CIRCUIT COURT OR DISTRICT COURT DUTY JUDGE.~~

~~(C) ALL HEALTH RECORDS AND OTHER HEALTH INFORMATION PROVIDED IN A PETITION OR CONSIDERED AS EVIDENCE IN A PROCEEDING UNDER THIS SUBTITLE SHALL BE PROTECTED FROM PUBLIC DISCLOSURE TO THE EXTENT THAT THE INFORMATION IDENTIFIES A RESPONDENT OR A PETITIONER.~~

~~(D) A PETITIONER WHO, IN GOOD FAITH, FILES A PETITION UNDER THIS SUBTITLE IS NOT CIVILLY OR CRIMINALLY LIABLE FOR FILING THE PETITION.~~

~~5-603.~~

~~(A) (1) ON REVIEW OF A PETITION PRESENTED BY A LAW ENFORCEMENT AGENCY UNDER § 5-602(B)(3) OF THIS SUBTITLE, A CIRCUIT COURT OR DISTRICT COURT DUTY JUDGE MAY ENTER AN INTERIM EXTREME RISK PREVENTION ORDER TO PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE JUDGE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT:~~

~~(I) THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM; AND~~

~~(II) AN INTERIM EXTREME RISK PREVENTION ORDER IS NECESSARY TO PREVENT PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER.~~

~~(2) THE INTERIM EXTREME RISK PREVENTION ORDER SHALL ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION AND TO REFRAIN FROM POSSESSION~~

~~1 OF ANY FIREARM FOR THE DURATION OF THE INTERIM EXTREME RISK PREVENTION~~
~~2 ORDER.~~

~~3 (B) (1) (i) AN INTERIM EXTREME RISK PREVENTION ORDER SHALL~~
~~4 STATE THE DATE, TIME, AND LOCATION FOR A TEMPORARY EXTREME RISK~~
~~5 PREVENTION ORDER HEARING AND A TENTATIVE DATE, TIME, AND LOCATION FOR A~~
~~6 FINAL EXTREME RISK PREVENTION ORDER HEARING.~~

~~7 (ii) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,~~
~~8 OR UNLESS THE JUDGE CONTINUES THE HEARING FOR GOOD CAUSE, A TEMPORARY~~
~~9 EXTREME RISK PREVENTION ORDER HEARING SHALL BE HELD ON THE FIRST OR~~
~~10 SECOND DAY ON WHICH A CIRCUIT COURT OR DISTRICT COURT JUDGE IS SITTING~~
~~11 AFTER ISSUANCE OF THE INTERIM EXTREME RISK PREVENTION ORDER.~~

~~12 (2) AN INTERIM EXTREME RISK PREVENTION ORDER SHALL INCLUDE~~
~~13 IN AT LEAST 10 POINT BOLD TYPE:~~

~~14 (i) NOTICE TO THE RESPONDENT THAT:~~

~~15 1. THE RESPONDENT MUST GIVE THE COURT WRITTEN~~
~~16 NOTICE OF EACH CHANGE OF ADDRESS;~~

~~17 2. IF THE RESPONDENT FAILS TO APPEAR AT THE~~
~~18 TEMPORARY EXTREME RISK PREVENTION ORDER HEARING OR ANY LATER HEARING,~~
~~19 THE RESPONDENT MAY BE SERVED WITH ANY ORDERS OR NOTICES IN THE CASE BY~~
~~20 FIRST CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS;~~

~~21 3. THE DATE, TIME, AND LOCATION OF THE FINAL~~
~~22 EXTREME RISK PREVENTION ORDER HEARING IS TENTATIVE ONLY AND SUBJECT TO~~
~~23 CHANGE; AND~~

~~24 4. IF THE RESPONDENT DOES NOT ATTEND THE~~
~~25 TEMPORARY EXTREME RISK PREVENTION ORDER HEARING, THE RESPONDENT MAY~~
~~26 CALL THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OR THE OFFICE OF THE~~
~~27 DISTRICT COURT CLERK AT THE NUMBER PROVIDED IN THE ORDER TO FIND OUT~~
~~28 THE ACTUAL DATE, TIME, AND LOCATION OF ANY FINAL EXTREME RISK PREVENTION~~
~~29 ORDER HEARING;~~

~~30 (ii) A STATEMENT SPECIFYING THE CONTENTS AND DURATION~~
~~31 OF A TEMPORARY EXTREME RISK PREVENTION ORDER;~~

~~32 (iii) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT~~
~~33 THE HEARING, A JUDGE MAY ISSUE A TEMPORARY EXTREME RISK PREVENTION~~

~~ORDER PROHIBITING THE RESPONDENT FROM POSSESSING A FIREARM OR MAY DENY THE PETITION, WHETHER OR NOT THE RESPONDENT IS IN COURT;~~

~~(IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN INTERIM EXTREME RISK PREVENTION ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER SHALL ARREST THE RESPONDENT, WITH OR WITHOUT A WARRANT, AND TAKE THE RESPONDENT INTO CUSTODY IF THE OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT HAS VIOLATED A PROVISION OF THE INTERIM EXTREME RISK PREVENTION ORDER; AND~~

~~(V) THE PHONE NUMBER OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OR THE OFFICE OF THE DISTRICT COURT CLERK.~~

~~(C) WHENEVER A DUTY JUDGE ISSUES AN INTERIM EXTREME RISK PREVENTION ORDER, THE JUDGE SHALL:~~

~~(1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM EXTREME RISK PREVENTION ORDER TO THE APPROPRIATE LAW ENFORCEMENT AGENCY FOR SERVICE ON THE RESPONDENT; AND~~

~~(2) BEFORE THE HEARING SCHEDULED FOR THE TEMPORARY EXTREME RISK PREVENTION ORDER, TRANSFER THE CASE FILE TO THE CLERK OF COURT.~~

~~(D) A LAW ENFORCEMENT OFFICER SHALL:~~

~~(1) IMMEDIATELY ON RECEIPT OF AN INTERIM EXTREME RISK PREVENTION ORDER, SERVE IT ON THE RESPONDENT NAMED IN THE ORDER;~~

~~(2) MAKE A RETURN OF SERVICE TO THE CLERK OF COURT; AND~~

~~(3) WITHIN 2 HOURS AFTER SERVICE OF THE ORDER ON THE RESPONDENT, ELECTRONICALLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE SERVICE USING AN ELECTRONIC SYSTEM APPROVED AND PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

~~(E) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN INTERIM EXTREME RISK PREVENTION ORDER SHALL BE EFFECTIVE UNTIL THE EARLIER OF:~~

~~(I) THE TEMPORARY EXTREME RISK PREVENTION ORDER HEARING UNDER § 5-604 OF THIS SUBTITLE; OR~~

~~(H) THE END OF THE SECOND BUSINESS DAY THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OR THE OFFICE OF THE DISTRICT COURT CLERK IS OPEN FOLLOWING THE ISSUANCE OF THE INTERIM EXTREME RISK PREVENTION ORDER.~~

~~(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE INTERIM EXTREME RISK PREVENTION ORDER IS DUE TO EXPIRE, THE INTERIM EXTREME RISK PREVENTION ORDER SHALL BE EFFECTIVE UNTIL THE NEXT DAY ON WHICH THE COURT IS OPEN, AT WHICH TIME THE COURT SHALL HOLD A TEMPORARY EXTREME RISK PREVENTION ORDER HEARING.~~

~~5-604.~~

~~(A) (1) AFTER A HEARING ON A PETITION, WHETHER EX PARTE OR OTHERWISE, A JUDGE MAY ENTER A TEMPORARY EXTREME RISK PREVENTION ORDER TO PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE JUDGE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT:~~

~~(i) THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM; AND~~

~~(ii) A TEMPORARY EXTREME RISK PREVENTION ORDER IS NECESSARY TO PREVENT PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER.~~

~~(2) THE TEMPORARY EXTREME RISK PREVENTION ORDER SHALL ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE RESPONDENT'S POSSESSION AND TO REFRAIN FROM POSSESSION OF ANY FIREARM FOR THE DURATION OF THE TEMPORARY EXTREME RISK PREVENTION ORDER.~~

~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A LAW ENFORCEMENT OFFICER SHALL:~~

~~(i) IMMEDIATELY SERVE THE TEMPORARY EXTREME RISK PREVENTION ORDER ON THE RESPONDENT UNDER THIS SECTION; AND~~

~~(ii) WITHIN 2 HOURS AFTER SERVICE OF THE ORDER ON THE RESPONDENT, ELECTRONICALLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE SERVICE USING AN ELECTRONIC SYSTEM APPROVED AND PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.~~

1 ~~(2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM~~
2 ~~EXTREME RISK PREVENTION ORDER UNDER § 5-603 OF THIS SUBTITLE SHALL BE~~
3 ~~SERVED WITH THE TEMPORARY EXTREME RISK PREVENTION ORDER IN OPEN COURT~~
4 ~~OR, IF THE RESPONDENT IS NOT PRESENT AT THE TEMPORARY EXTREME RISK~~
5 ~~PREVENTION ORDER HEARING, BY FIRST CLASS MAIL AT THE RESPONDENT'S LAST~~
6 ~~KNOWN ADDRESS.~~

7 ~~(3) THERE SHALL BE NO COST TO THE PETITIONER FOR SERVICE OF~~
8 ~~THE TEMPORARY EXTREME RISK PREVENTION ORDER.~~

9 ~~(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE~~
10 ~~TEMPORARY EXTREME RISK PREVENTION ORDER SHALL BE EFFECTIVE FOR NOT~~
11 ~~MORE THAN 7 DAYS AFTER SERVICE OF THE ORDER.~~

12 ~~(2) THE JUDGE MAY EXTEND THE TEMPORARY EXTREME RISK~~
13 ~~PREVENTION ORDER AS NEEDED, BUT NOT TO EXCEED 6 MONTHS, TO EFFECTUATE~~
14 ~~SERVICE OF THE ORDER WHERE NECESSARY TO PROVIDE PROTECTION OR FOR~~
15 ~~OTHER GOOD CAUSE.~~

16 ~~(3) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE TEMPORARY~~
17 ~~EXTREME RISK PREVENTION ORDER IS DUE TO EXPIRE, THE TEMPORARY EXTREME~~
18 ~~RISK PREVENTION ORDER SHALL BE EFFECTIVE UNTIL THE SECOND DAY ON WHICH~~
19 ~~THE COURT IS OPEN, BY WHICH TIME THE COURT SHALL HOLD A FINAL EXTREME~~
20 ~~RISK PREVENTION ORDER HEARING.~~

21 ~~(D) THE JUDGE MAY PROCEED WITH A FINAL EXTREME RISK PREVENTION~~
22 ~~ORDER HEARING INSTEAD OF A TEMPORARY EXTREME RISK PREVENTION ORDER~~
23 ~~HEARING IF:~~

24 ~~(1) (I) THE RESPONDENT APPEARS AT THE HEARING;~~

25 ~~(II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM~~
26 ~~EXTREME RISK PREVENTION ORDER; OR~~

27 ~~(III) THE COURT OTHERWISE HAS PERSONAL JURISDICTION~~
28 ~~OVER THE RESPONDENT; AND~~

29 ~~(2) THE PETITIONER AND THE RESPONDENT EXPRESSLY CONSENT TO~~
30 ~~WAIVE THE TEMPORARY EXTREME RISK PREVENTION ORDER HEARING.~~

31 ~~5-605.~~

1 ~~(A) A RESPONDENT UNDER § 5-604 OF THIS SUBTITLE SHALL HAVE AN~~
2 ~~OPPORTUNITY TO BE HEARD ON THE QUESTION OF WHETHER THE JUDGE SHOULD~~
3 ~~ISSUE A FINAL EXTREME RISK PREVENTION ORDER.~~

4 ~~(B) (1) (i) THE TEMPORARY EXTREME RISK PREVENTION ORDER~~
5 ~~SHALL STATE THE DATE AND TIME OF THE FINAL EXTREME RISK PREVENTION~~
6 ~~ORDER HEARING.~~

7 ~~(ii) EXCEPT AS PROVIDED IN § 5-604(C) OF THIS SUBTITLE OR~~
8 ~~UNLESS CONTINUED FOR GOOD CAUSE, THE FINAL EXTREME RISK PREVENTION~~
9 ~~ORDER HEARING SHALL BE HELD NOT LATER THAN 7 DAYS AFTER THE TEMPORARY~~
10 ~~EXTREME RISK PREVENTION ORDER IS SERVED ON THE RESPONDENT.~~

11 ~~(2) THE TEMPORARY EXTREME RISK PREVENTION ORDER SHALL~~
12 ~~INCLUDE NOTICE TO THE RESPONDENT:~~

13 ~~(i) IN AT LEAST 10 POINT BOLD TYPE, THAT IF THE~~
14 ~~RESPONDENT FAILS TO APPEAR AT THE FINAL EXTREME RISK PREVENTION ORDER~~
15 ~~HEARING, THE RESPONDENT MAY BE SERVED BY FIRST CLASS MAIL AT THE~~
16 ~~RESPONDENT'S LAST KNOWN ADDRESS WITH THE FINAL EXTREME RISK~~
17 ~~PREVENTION ORDER AND ALL OTHER NOTICES CONCERNING THE FINAL EXTREME~~
18 ~~RISK PREVENTION ORDER;~~

19 ~~(ii) OF THE CONTENTS OF A FINAL EXTREME RISK PREVENTION~~
20 ~~ORDER;~~

21 ~~(iii) THAT THE FINAL EXTREME RISK PREVENTION ORDER~~
22 ~~SHALL BE EFFECTIVE FOR THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 1~~
23 ~~YEAR, UNLESS THE JUDGE EXTENDS THE TERM OF THE ORDER UNDER § 5-607(A)(2)~~
24 ~~OF THIS SUBTITLE; AND~~

25 ~~(iv) IN AT LEAST 10 POINT BOLD TYPE, THAT THE RESPONDENT~~
26 ~~MUST NOTIFY THE COURT IN WRITING OF ANY CHANGE OF ADDRESS.~~

27 ~~(C) IF THE RESPONDENT APPEARS BEFORE THE COURT AT A FINAL~~
28 ~~EXTREME RISK PREVENTION ORDER HEARING OR HAS BEEN SERVED WITH AN~~
29 ~~INTERIM OR TEMPORARY EXTREME RISK PREVENTION ORDER OR IF THE COURT~~
30 ~~OTHERWISE HAS PERSONAL JURISDICTION OVER THE RESPONDENT, THE JUDGE:~~

31 ~~(1) MAY PROCEED WITH THE FINAL EXTREME RISK PREVENTION~~
32 ~~ORDER HEARING; AND~~

33 ~~(2) MAY ENTER A FINAL EXTREME RISK PREVENTION ORDER TO~~
34 ~~ORDER THE RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES~~

~~1 ANY FIREARM IN THE RESPONDENT'S POSSESSION AND TO REFRAIN FROM~~
~~2 POSSESSION OF ANY FIREARM FOR THE DURATION OF THE FINAL EXTREME RISK~~
~~3 PREVENTION ORDER IF THE JUDGE FINDS BY CLEAR AND CONVINCING EVIDENCE~~
~~4 THAT:~~

~~5 (I) THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE~~
~~6 RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL~~
~~7 INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A~~
~~8 FIREARM; AND~~

~~9 (II) A FINAL EXTREME RISK PREVENTION ORDER IS NECESSARY~~
~~10 TO PREVENT PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR~~
~~11 ANOTHER.~~

~~12 (D) (1) BEFORE GRANTING, DENYING, OR MODIFYING A FINAL EXTREME~~
~~13 RISK PREVENTION ORDER UNDER THIS SECTION, THE COURT SHALL REVIEW ALL~~
~~14 OPEN AND SHIELDED COURT RECORDS INVOLVING THE PETITIONER AND THE~~
~~15 RESPONDENT, INCLUDING RECORDS OF PROCEEDINGS UNDER:~~

~~16 (I) THE CRIMINAL LAW ARTICLE;~~

~~17 (II) TITLE 3, SUBTITLE 15 OF THE COURTS ARTICLE;~~

~~18 (III) TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;~~

~~19 (IV) TITLE 10, SUBTITLE 6 OF THE HEALTH GENERAL~~
~~20 ARTICLE; AND~~

~~21 (V) THIS ARTICLE.~~

~~22 (2) THE COURT'S FAILURE TO REVIEW RECORDS UNDER THIS~~
~~23 SUBSECTION DOES NOT AFFECT THE VALIDITY OF AN ORDER ISSUED UNDER THIS~~
~~24 SECTION.~~

~~25 (E) (1) A COPY OF THE FINAL EXTREME RISK PREVENTION ORDER SHALL~~
~~26 BE SERVED ON THE PETITIONER, THE RESPONDENT, THE APPROPRIATE LAW~~
~~27 ENFORCEMENT AGENCY, AND ANY OTHER PERSON THE JUDGE DETERMINES IS~~
~~28 APPROPRIATE IN OPEN COURT OR, IF THE PERSON IS NOT PRESENT AT THE FINAL~~
~~29 EXTREME RISK PREVENTION ORDER HEARING, BY FIRST CLASS MAIL TO THE~~
~~30 PERSON'S LAST KNOWN ADDRESS.~~

~~31 (2) (I) A COPY OF THE FINAL EXTREME RISK PREVENTION ORDER~~
~~32 SERVED ON THE RESPONDENT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS~~

~~SUBSECTION CONSTITUTES ACTUAL NOTICE TO THE RESPONDENT OF THE CONTENTS OF THE FINAL EXTREME RISK PREVENTION ORDER.~~

~~(H) SERVICE IS COMPLETE ON MAILING.~~

~~(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL RELIEF GRANTED IN A FINAL EXTREME RISK PREVENTION ORDER SHALL BE EFFECTIVE FOR THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 1 YEAR.~~

~~(2) A SUBSEQUENT CIRCUIT COURT ORDER PERTAINING TO ANY OF THE PROVISIONS INCLUDED IN THE FINAL EXTREME RISK PREVENTION ORDER SHALL SUPERSEDE THOSE PROVISIONS IN THE FINAL EXTREME RISK PREVENTION ORDER.~~

~~5-606.~~

~~(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:~~

~~(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND~~

~~(2) TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE IF ONE IS AVAILABLE AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE EXTREME RISK PREVENTION ORDER IS IN EFFECT.~~

~~(B) (1) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF AN INTERIM EXTREME RISK PREVENTION ORDER UNLESS:~~

~~(i) THE RESPONDENT IS ORDERED TO SURRENDER THE FIREARM IN A TEMPORARY EXTREME RISK PREVENTION ORDER ISSUED UNDER § 5-604 OF THIS SUBTITLE OR A FINAL EXTREME RISK PREVENTION ORDER ISSUED UNDER § 5-605 OF THIS SUBTITLE; OR~~

~~(ii) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.~~

~~(2) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF A TEMPORARY EXTREME RISK PREVENTION ORDER UNLESS:~~

~~(i) THE RESPONDENT IS ORDERED TO SURRENDER THE FIREARM IN A FINAL EXTREME RISK PREVENTION ORDER ISSUED UNDER § 5-605 OF THIS SUBTITLE; OR~~

1 ~~(H) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED~~
2 ~~TO OWN OR POSSESS THE FIREARM.~~

3 ~~(3) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT~~
4 ~~THE EXPIRATION OF A FINAL EXTREME RISK PREVENTION ORDER UNLESS:~~

5 ~~(I) THE EXTREME RISK PREVENTION ORDER IS EXTENDED~~
6 ~~UNDER § 5-607(A)(2) OF THIS SUBTITLE; OR~~

7 ~~(H) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED~~
8 ~~TO OWN OR POSSESS THE FIREARM.~~

9 ~~(C) NOTWITHSTANDING ANY OTHER LAW, A RESPONDENT MAY TRANSPORT~~
10 ~~A FIREARM IF:~~

11 ~~(1) THE RESPONDENT IS CARRYING AN EXTREME RISK PREVENTION~~
12 ~~ORDER REQUIRING THE SURRENDER OF THE FIREARM;~~

13 ~~(2) THE FIREARM IS UNLOADED;~~

14 ~~(3) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT,~~
15 ~~BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED IN~~
16 ~~ACCORDANCE WITH THE PROTECTIVE ORDER; AND~~

17 ~~(4) THE RESPONDENT TRANSPORTS THE FIREARM DIRECTLY TO THE~~
18 ~~LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.~~

19 ~~(D) IN ACCORDANCE WITH THE PROVISIONS OF § 1-203 OF THE CRIMINAL~~
20 ~~PROCEDURE ARTICLE, ON APPLICATION BY A STATE'S ATTORNEY OR A LAW~~
21 ~~ENFORCEMENT OFFICER WITH PROBABLE CAUSE TO BELIEVE THAT A RESPONDENT~~
22 ~~WHO IS SUBJECT TO AN EXTREME RISK PREVENTION ORDER POSSESSES A FIREARM~~
23 ~~AND FAILED TO SURRENDER THE FIREARM IN ACCORDANCE WITH THE ORDER, A~~
24 ~~COURT MAY ISSUE A SEARCH WARRANT FOR THE REMOVAL OF THE FIREARM AT ANY~~
25 ~~LOCATION IDENTIFIED IN THE APPLICATION FOR THE WARRANT.~~

26 ~~5-607.~~

27 ~~(A) (1) A FINAL EXTREME RISK PREVENTION ORDER MAY BE MODIFIED~~
28 ~~OR RESCINDED DURING THE TERM OF THE EXTREME RISK PREVENTION ORDER~~
29 ~~AFTER:~~

30 ~~(I) GIVING NOTICE TO ALL AFFECTED PERSONS AND THE~~
31 ~~RESPONDENT; AND~~

1 ~~(H) A HEARING.~~

2 ~~(2) FOR GOOD CAUSE SHOWN, A JUDGE MAY EXTEND THE TERM OF A~~
3 ~~FINAL EXTREME RISK PREVENTION ORDER FOR 6 MONTHS BEYOND THE PERIOD~~
4 ~~SPECIFIED IN § 5-605(F) OF THIS SUBTITLE AFTER:~~

5 ~~(I) GIVING NOTICE TO ALL AFFECTED PERSONS AND THE~~
6 ~~RESPONDENT; AND~~

7 ~~(H) A HEARING.~~

8 ~~(3) (I) IF, DURING THE TERM OF A FINAL EXTREME RISK~~
9 ~~PREVENTION ORDER, A PETITIONER FILES A MOTION TO EXTEND THE TERM OF THE~~
10 ~~ORDER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A~~
11 ~~HEARING ON THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS FILED.~~

12 ~~(H) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER THE~~
13 ~~ORIGINAL EXPIRATION DATE OF THE FINAL EXTREME RISK PREVENTION ORDER,~~
14 ~~THE COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN~~
15 ~~FULL FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.~~

16 ~~(B) (1) IF A DISTRICT COURT JUDGE GRANTS OR DENIES A PETITION~~
17 ~~FILED UNDER THIS SUBTITLE, A RESPONDENT OR A PETITIONER MAY APPEAL TO~~
18 ~~THE CIRCUIT COURT FOR THE COUNTY WHERE THE DISTRICT COURT IS LOCATED.~~

19 ~~(2) AN APPEAL TAKEN UNDER THIS SUBSECTION TO THE CIRCUIT~~
20 ~~COURT SHALL BE HEARD DE NOVO IN THE CIRCUIT COURT.~~

21 ~~(3) (I) IF AN APPEAL IS FILED UNDER THIS SUBSECTION, THE~~
22 ~~DISTRICT COURT JUDGMENT SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY A~~
23 ~~JUDGMENT OF THE CIRCUIT COURT.~~

24 ~~(H) UNLESS THE CIRCUIT COURT ORDERS OTHERWISE,~~
25 ~~MODIFICATION OR ENFORCEMENT OF THE DISTRICT COURT ORDER SHALL BE BY~~
26 ~~THE DISTRICT COURT.~~

27 ~~5-608.~~

28 ~~(A) AN INTERIM EXTREME RISK PREVENTION ORDER, TEMPORARY~~
29 ~~EXTREME RISK PREVENTION ORDER, AND FINAL EXTREME RISK PREVENTION~~
30 ~~ORDER ISSUED UNDER THIS SUBTITLE SHALL STATE THAT A VIOLATION OF THE~~
31 ~~ORDER MAY RESULT IN:~~

32 ~~(1) CRIMINAL PROSECUTION; AND~~

1 ~~(2) IMPRISONMENT OR FINE OR BOTH.~~

2 ~~(B) A TEMPORARY EXTREME RISK PREVENTION ORDER AND FINAL~~
3 ~~EXTREME RISK PREVENTION ORDER ISSUED UNDER THIS SUBTITLE SHALL STATE~~
4 ~~THAT A VIOLATION OF THE ORDER MAY RESULT IN A FINDING OF CONTEMPT.~~

5 ~~5-609.~~

6 ~~(A) A PERSON WHO FAILS TO COMPLY WITH THE PROVISIONS OF AN~~
7 ~~INTERIM EXTREME RISK PREVENTION ORDER, A TEMPORARY EXTREME RISK~~
8 ~~PREVENTION ORDER, OR A FINAL EXTREME RISK PREVENTION ORDER UNDER THIS~~
9 ~~SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:~~

10 ~~(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000 OR~~
11 ~~IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH; AND~~

12 ~~(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING~~
13 ~~\$2,500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.~~

14 ~~(B) A LAW ENFORCEMENT OFFICER SHALL ARREST WITH OR WITHOUT A~~
15 ~~WARRANT AND TAKE INTO CUSTODY A PERSON WHO THE OFFICER HAS PROBABLE~~
16 ~~CAUSE TO BELIEVE IS IN VIOLATION OF AN INTERIM, TEMPORARY, OR FINAL~~
17 ~~EXTREME RISK PREVENTION ORDER IN EFFECT AT THE TIME OF THE VIOLATION.~~

18 ~~5-601.~~

19 ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
20 ~~INDICATED.~~

21 ~~(B) "AMMUNITION" HAS THE MEANING STATED IN § 5-133.1 OF THIS TITLE.~~

22 ~~(C) "EXTREME RISK PROTECTIVE ORDER" MEANS A CIVIL INTERIM,~~
23 ~~TEMPORARY, OR FINAL PROTECTIVE ORDER ISSUED IN ACCORDANCE WITH THIS~~
24 ~~SUBTITLE.~~

25 ~~(D) "FIREARM" HAS THE MEANING STATED IN § 5-101 OF THIS TITLE.~~

26 ~~(E) (1) "PETITIONER" MEANS AN INDIVIDUAL WHO FILES A PETITION FOR~~
27 ~~AN EXTREME RISK PROTECTIVE ORDER UNDER THIS SUBTITLE.~~

28 ~~(2) "PETITIONER" INCLUDES:~~

1 (I) A PHYSICIAN, PSYCHOLOGIST, CLINICAL SOCIAL WORKER,
2 LICENSED CLINICAL PROFESSIONAL COUNSELOR, CLINICAL NURSE SPECIALIST IN
3 PSYCHIATRIC AND MENTAL HEALTH NURSING, PSYCHIATRIC NURSE PRACTITIONER,
4 LICENSED CLINICAL MARRIAGE OR FAMILY THERAPIST, OR HEALTH OFFICER OR
5 DESIGNEE OF A HEALTH OFFICER WHO HAS EXAMINED THE INDIVIDUAL;

6 (II) A LAW ENFORCEMENT OFFICER;

7 (III) THE SPOUSE OF THE RESPONDENT;

8 (IV) A COHABITANT OF THE RESPONDENT;

9 (V) A PERSON RELATED TO THE RESPONDENT BY BLOOD,
10 MARRIAGE, OR ADOPTION;

11 (VI) AN INDIVIDUAL WHO HAS A CHILD IN COMMON WITH THE
12 RESPONDENT;

13 (VII) A CURRENT DATING OR INTIMATE PARTNER OF THE
14 RESPONDENT; OR

15 (VIII) A CURRENT OR FORMER LEGAL GUARDIAN OF THE
16 RESPONDENT.

17 (F) "RESPONDENT" MEANS A PERSON AGAINST WHOM A PETITION FOR AN
18 EXTREME RISK PROTECTIVE ORDER IS FILED.

19 5-602.

20 (A) (1) A PETITION FOR AN EXTREME RISK PROTECTIVE ORDER SHALL:

21 (I) BE SIGNED AND SWORN TO BY THE PETITIONER UNDER THE
22 PENALTY OF PERJURY;

23 (II) INCLUDE ANY INFORMATION KNOWN TO THE PETITIONER
24 THAT THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING
25 PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY
26 POSSESSING A FIREARM;

27 (III) SET FORTH SPECIFIC FACTS IN SUPPORT OF THE
28 INFORMATION DESCRIBED IN ITEM (II) OF THIS PARAGRAPH;

29 (IV) EXPLAIN THE BASIS FOR THE PETITIONER'S KNOWLEDGE OF
30 THE SUPPORTING FACTS, INCLUDING A DESCRIPTION OF THE BEHAVIOR AND

1 STATEMENTS OF THE RESPONDENT OR ANY OTHER INFORMATION THAT LED THE
2 PETITIONER TO BELIEVE THAT THE RESPONDENT PRESENTS AN IMMEDIATE AND
3 PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT OR OTHERS;

4 (V) DESCRIBE THE NUMBER, TYPES, AND LOCATION OF ANY
5 KNOWN FIREARMS BELIEVED TO BE POSSESSED BY THE RESPONDENT; AND

6 (VI) INCLUDE ANY SUPPORTING DOCUMENTS OR INFORMATION
7 REGARDING:

8 1. ANY UNLAWFUL, RECKLESS, OR NEGLIGENT USE,
9 DISPLAY, STORAGE, POSSESSION, OR BRANDISHING OF A FIREARM BY THE
10 RESPONDENT;

11 2. ANY ACT OR THREAT OF VIOLENCE THE RESPONDENT
12 MADE AGAINST THE RESPONDENT OR AGAINST ANOTHER, WHETHER OR NOT THE
13 THREAT OF VIOLENCE INVOLVED A FIREARM;

14 3. ANY VIOLATION BY THE RESPONDENT OF A
15 PROTECTIVE ORDER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;

16 4. ANY VIOLATION BY THE RESPONDENT OF A PEACE
17 ORDER UNDER TITLE 3, SUBTITLE 15 OF THE COURTS ARTICLE; AND

18 5. ANY ABUSE OF A CONTROLLED DANGEROUS
19 SUBSTANCE OR ALCOHOL BY THE RESPONDENT, INCLUDING ANY CONVICTION FOR A
20 CRIMINAL OFFENSE INVOLVING A CONTROLLED DANGEROUS SUBSTANCE OR
21 ALCOHOL.

22 (2) A PETITION FOR AN EXTREME RISK PROTECTIVE ORDER MAY
23 INCLUDE, TO THE EXTENT DISCLOSURE IS NOT OTHERWISE PROHIBITED, HEALTH
24 RECORDS OR OTHER HEALTH INFORMATION CONCERNING THE RESPONDENT.

25 (B) A PETITIONER SEEKING AN EXTREME RISK PROTECTIVE ORDER UNDER
26 THIS SUBTITLE MAY FILE A PETITION WITH:

27 (1) THE DISTRICT COURT; OR

28 (2) WHEN THE OFFICE OF THE DISTRICT COURT CLERK IS CLOSED, A
29 DISTRICT COURT COMMISSIONER.

30 (C) (1) ALL COURT RECORDS RELATING TO A PETITION FOR AN EXTREME
31 RISK PROTECTIVE ORDER MADE UNDER THIS SUBTITLE ARE CONFIDENTIAL AND THE

1 CONTENTS MAY NOT BE DIVULGED, BY SUBPOENA OR OTHERWISE, EXCEPT BY ORDER
2 OF THE COURT ON GOOD CAUSE SHOWN.

3 (2) THIS SUBSECTION DOES NOT PROHIBIT REVIEW OF A COURT
4 RECORD RELATING TO A PETITION BY:

5 (I) PERSONNEL OF THE COURT;

6 (II) THE RESPONDENT OR COUNSEL FOR THE RESPONDENT;

7 (III) AUTHORIZED PERSONNEL OF THE MARYLAND
8 DEPARTMENT OF HEALTH;

9 (IV) AUTHORIZED PERSONNEL OF A LOCAL CORE SERVICE
10 AGENCY OR LOCAL BEHAVIORAL HEALTH AUTHORITY;

11 (V) A LAW ENFORCEMENT AGENCY; OR

12 (VI) A PERSON AUTHORIZED BY A COURT ORDER ON GOOD CAUSE
13 SHOWN.

14 (D) A PETITIONER WHO, IN GOOD FAITH, FILES A PETITION UNDER THIS
15 SUBTITLE IS NOT CIVILLY OR CRIMINALLY LIABLE FOR FILING THE PETITION.

16 (E) NOTHING IN THIS SUBTITLE MAY BE INTERPRETED TO REQUIRE A
17 HEALTH CARE PROVIDER TO DISCLOSE HEALTH RECORDS OR OTHER HEALTH
18 INFORMATION CONCERNING A RESPONDENT EXCEPT:

19 (1) IN ACCORDANCE WITH A SUBPOENA DIRECTING DELIVERY OF THE
20 RECORDS OR INFORMATION TO THE COURT UNDER SEAL; OR

21 (2) BY ORDER OF THE COURT.

22 5-603.

23 (A) (1) WHEN A PETITION IS FILED WITH A DISTRICT COURT
24 COMMISSIONER UNDER § 5-602(B)(2) OF THIS SUBTITLE, THE COMMISSIONER MAY
25 ENTER AN INTERIM EXTREME RISK PROTECTIVE ORDER TO PROHIBIT THE
26 RESPONDENT FROM POSSESSING A FIREARM IF THE COMMISSIONER FINDS THAT
27 THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT POSES AN
28 IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE
29 RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM.

1 **(2) IN DETERMINING WHETHER TO ENTER AN INTERIM EXTREME RISK**
2 **PROTECTIVE ORDER UNDER THIS SECTION, THE COMMISSIONER SHALL CONSIDER:**

3 **(I) ALL RELEVANT EVIDENCE PRESENTED BY THE PETITIONER;**
4 **AND**

5 **(II) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE ANY OF**
6 **THE EVENTS DESCRIBED IN THE PETITION.**

7 **(3) THE INTERIM EXTREME RISK PROTECTIVE ORDER SHALL:**

8 **(I) ORDER THE RESPONDENT TO SURRENDER TO LAW**
9 **ENFORCEMENT AUTHORITIES ANY FIREARM AND AMMUNITION IN THE**
10 **RESPONDENT'S POSSESSION; AND**

11 **(II) PROHIBIT THE RESPONDENT FROM PURCHASING OR**
12 **POSSESSING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE INTERIM**
13 **EXTREME RISK PROTECTIVE ORDER.**

14 **(4) IF, BASED ON THE PETITION, THE COMMISSIONER FINDS**
15 **PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT MEETS THE REQUIREMENTS**
16 **FOR EMERGENCY EVALUATION UNDER TITLE 10, SUBTITLE 6 OF THE HEALTH –**
17 **GENERAL ARTICLE, THE COMMISSIONER SHALL REFER THE RESPONDENT TO LAW**
18 **ENFORCEMENT FOR A DETERMINATION OF WHETHER THE RESPONDENT SHOULD BE**
19 **TAKEN FOR AN EMERGENCY EVALUATION.**

20 **(B) (1) (I) AN INTERIM EXTREME RISK PROTECTIVE ORDER SHALL**
21 **STATE THE DATE, TIME, AND LOCATION FOR A TEMPORARY EXTREME RISK**
22 **PROTECTIVE ORDER HEARING AND A TENTATIVE DATE, TIME, AND LOCATION FOR A**
23 **FINAL EXTREME RISK PROTECTIVE ORDER HEARING.**

24 **(II) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION,**
25 **OR UNLESS THE JUDGE CONTINUES THE HEARING FOR GOOD CAUSE, A TEMPORARY**
26 **EXTREME RISK PROTECTIVE ORDER HEARING SHALL BE HELD ON THE FIRST OR**
27 **SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING AFTER ISSUANCE OF**
28 **THE INTERIM EXTREME RISK PROTECTIVE ORDER.**

29 **(2) AN INTERIM EXTREME RISK PROTECTIVE ORDER SHALL INCLUDE**
30 **IN AT LEAST 10 POINT BOLD TYPE:**

31 **(I) NOTICE TO THE RESPONDENT THAT:**

32 **1. THE RESPONDENT MUST GIVE THE COURT WRITTEN**
33 **NOTICE OF EACH CHANGE OF ADDRESS;**

1 2. IF THE RESPONDENT FAILS TO APPEAR AT THE
2 TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING OR ANY LATER HEARING,
3 THE RESPONDENT MAY BE SERVED WITH ANY ORDERS OR NOTICES IN THE CASE BY
4 FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS;

5 3. THE DATE, TIME, AND LOCATION OF THE FINAL
6 EXTREME RISK PROTECTIVE ORDER HEARING IS TENTATIVE ONLY AND SUBJECT TO
7 CHANGE;

8 4. IF THE RESPONDENT DOES NOT ATTEND THE
9 TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING, THE RESPONDENT MAY
10 CALL THE OFFICE OF THE DISTRICT COURT CLERK AT THE NUMBER PROVIDED IN
11 THE ORDER TO FIND OUT THE ACTUAL DATE, TIME, AND LOCATION OF ANY FINAL
12 EXTREME RISK PROTECTIVE ORDER HEARING; AND

13 5. IF THE RESPONDENT FAILS TO APPEAR AT THE FINAL
14 EXTREME RISK PROTECTIVE ORDER HEARING, A FINAL EXTREME RISK PROTECTIVE
15 ORDER MAY BE ENTERED IN THE RESPONDENT'S ABSENCE AND SERVED ON THE
16 RESPONDENT BY FIRST-CLASS MAIL;

17 (II) A STATEMENT THAT THE RESPONDENT MAY CONSULT AN
18 ATTORNEY REGARDING ANY MATTER RELATED TO THE ORDER, AND THAT AN
19 ATTORNEY SHOULD BE CONTACTED PROMPTLY SO THAT THE ATTORNEY MAY ASSIST
20 THE RESPONDENT;

21 (III) A STATEMENT SPECIFYING THE CONTENTS AND DURATION
22 OF A TEMPORARY EXTREME RISK PROTECTIVE ORDER;

23 (IV) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT
24 THE HEARING, A JUDGE MAY ISSUE A TEMPORARY EXTREME RISK PROTECTIVE
25 ORDER PROHIBITING THE RESPONDENT FROM POSSESSING A FIREARM OR MAY DENY
26 THE PETITION, WHETHER OR NOT THE RESPONDENT IS IN COURT;

27 (V) NOTICE OF:

28 1. THE REQUIREMENTS FOR SURRENDERING FIREARMS
29 AND AMMUNITION IN THE RESPONDENT'S POSSESSION TO LAW ENFORCEMENT
30 AUTHORITIES; AND

31 2. THE PROCESS FOR RECLAIMING FIREARMS AND
32 AMMUNITION ON THE EXPIRATION OR TERMINATION OF THE ORDER;

1 (VI) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN
2 INTERIM EXTREME RISK PROTECTIVE ORDER IS A CRIME AND THAT A LAW
3 ENFORCEMENT OFFICER WILL ARREST THE RESPONDENT, WITH OR WITHOUT A
4 WARRANT, AND TAKE THE RESPONDENT INTO CUSTODY IF THE OFFICER HAS
5 PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT HAS VIOLATED A PROVISION
6 OF THE INTERIM EXTREME RISK PROTECTIVE ORDER; AND

7 (VII) THE PHONE NUMBER OF THE OFFICE OF THE DISTRICT
8 COURT CLERK.

9 (C) WHENEVER A COMMISSIONER ISSUES AN INTERIM EXTREME RISK
10 PROTECTIVE ORDER, THE COMMISSIONER SHALL:

11 (1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM
12 EXTREME RISK PROTECTIVE ORDER TO THE APPROPRIATE LAW ENFORCEMENT
13 AGENCY FOR SERVICE ON THE RESPONDENT; AND

14 (2) BEFORE THE HEARING SCHEDULED FOR THE TEMPORARY
15 EXTREME RISK PROTECTIVE ORDER, TRANSFER THE CASE FILE TO THE CLERK OF
16 COURT.

17 (D) A LAW ENFORCEMENT OFFICER SHALL:

18 (1) IMMEDIATELY ON RECEIPT OF AN INTERIM EXTREME RISK
19 PROTECTIVE ORDER, SERVE IT ON THE RESPONDENT NAMED IN THE ORDER;

20 (2) MAKE A RETURN OF SERVICE TO THE CLERK OF COURT; AND

21 (3) WITHIN 2 HOURS AFTER SERVICE OF THE ORDER ON THE
22 RESPONDENT, ELECTRONICALLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND
23 CORRECTIONAL SERVICES OF THE SERVICE USING AN ELECTRONIC SYSTEM
24 APPROVED AND PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY AND
25 CORRECTIONAL SERVICES.

26 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
27 AN INTERIM EXTREME RISK PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE
28 EARLIER OF:

29 (I) THE TEMPORARY EXTREME RISK PROTECTIVE ORDER
30 HEARING UNDER § 5-604 OF THIS SUBTITLE; OR

31 (II) THE END OF THE SECOND BUSINESS DAY THE OFFICE OF
32 THE DISTRICT COURT CLERK IS OPEN FOLLOWING THE ISSUANCE OF THE INTERIM
33 EXTREME RISK PROTECTIVE ORDER.

1 **(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE INTERIM**
2 **EXTREME RISK PROTECTIVE ORDER IS DUE TO EXPIRE, THE INTERIM EXTREME RISK**
3 **PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE NEXT DAY ON WHICH THE**
4 **COURT IS OPEN, AT WHICH TIME THE COURT SHALL HOLD A TEMPORARY EXTREME**
5 **RISK PROTECTIVE ORDER HEARING.**

6 **5-604.**

7 **(A) (1) AFTER A HEARING ON A PETITION, WHETHER EX PARTE OR**
8 **OTHERWISE, A JUDGE MAY ENTER A TEMPORARY EXTREME RISK PROTECTIVE ORDER**
9 **TO PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE JUDGE FINDS**
10 **THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT**
11 **POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE**
12 **RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM.**

13 **(2) IN DETERMINING WHETHER TO ENTER A TEMPORARY EXTREME**
14 **RISK PROTECTIVE ORDER UNDER THIS SECTION, THE JUDGE SHALL CONSIDER:**

15 **(I) ALL RELEVANT EVIDENCE PRESENTED BY THE PETITIONER;**
16 **AND**

17 **(II) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE ANY OF**
18 **THE EVENTS DESCRIBED IN THE PETITION.**

19 **(3) THE TEMPORARY EXTREME RISK PROTECTIVE ORDER SHALL:**

20 **(I) ORDER THE RESPONDENT TO SURRENDER TO LAW**
21 **ENFORCEMENT AUTHORITIES ANY FIREARM AND AMMUNITION IN THE**
22 **RESPONDENT'S POSSESSION; AND**

23 **(II) PROHIBIT THE RESPONDENT FROM PURCHASING OR**
24 **POSSESSING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE TEMPORARY**
25 **EXTREME RISK PROTECTIVE ORDER.**

26 **(4) IF THE JUDGE FINDS PROBABLE CAUSE TO BELIEVE THAT THE**
27 **RESPONDENT MEETS THE REQUIREMENTS FOR EMERGENCY EVALUATION UNDER**
28 **TITLE 10, SUBTITLE 6 OF THE HEALTH – GENERAL ARTICLE, THE JUDGE SHALL**
29 **REFER THE RESPONDENT FOR EMERGENCY EVALUATION.**

30 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
31 **LAW ENFORCEMENT OFFICER SHALL:**

1 (I) IMMEDIATELY SERVE THE TEMPORARY EXTREME RISK
2 PROTECTIVE ORDER ON THE RESPONDENT UNDER THIS SECTION; AND

3 (II) WITHIN 2 HOURS AFTER SERVICE OF THE ORDER ON THE
4 RESPONDENT, ELECTRONICALLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND
5 CORRECTIONAL SERVICES OF THE SERVICE USING AN ELECTRONIC SYSTEM
6 APPROVED AND PROVIDED BY THE DEPARTMENT OF PUBLIC SAFETY AND
7 CORRECTIONAL SERVICES.

8 (2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM
9 EXTREME RISK PROTECTIVE ORDER UNDER § 5-603 OF THIS SUBTITLE SHALL BE
10 SERVED WITH THE TEMPORARY EXTREME RISK PROTECTIVE ORDER IN OPEN COURT
11 OR, IF THE RESPONDENT IS NOT PRESENT AT THE TEMPORARY EXTREME RISK
12 PROTECTIVE ORDER HEARING, BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST
13 KNOWN ADDRESS.

14 (3) THERE SHALL BE NO COST TO THE PETITIONER FOR SERVICE OF
15 THE TEMPORARY EXTREME RISK PROTECTIVE ORDER.

16 (C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
17 TEMPORARY EXTREME RISK PROTECTIVE ORDER SHALL BE EFFECTIVE FOR NOT
18 MORE THAN 7 DAYS AFTER SERVICE OF THE ORDER.

19 (2) THE JUDGE MAY EXTEND THE TEMPORARY EXTREME RISK
20 PROTECTIVE ORDER AS NEEDED, BUT NOT TO EXCEED 6 MONTHS, TO EFFECTUATE
21 SERVICE OF THE ORDER WHERE NECESSARY TO PROVIDE PROTECTION OR FOR
22 OTHER GOOD CAUSE.

23 (3) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE TEMPORARY
24 EXTREME RISK PROTECTIVE ORDER IS DUE TO EXPIRE, THE TEMPORARY EXTREME
25 RISK PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE SECOND DAY ON WHICH
26 THE COURT IS OPEN, BY WHICH TIME THE COURT SHALL HOLD A FINAL EXTREME
27 RISK PROTECTIVE ORDER HEARING.

28 (D) THE JUDGE MAY PROCEED WITH A FINAL EXTREME RISK PROTECTIVE
29 ORDER HEARING INSTEAD OF A TEMPORARY EXTREME RISK PROTECTIVE ORDER
30 HEARING IF:

31 (1) (I) THE RESPONDENT APPEARS AT THE HEARING;

32 (II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM
33 EXTREME RISK PROTECTIVE ORDER; OR

1 (III) THE COURT OTHERWISE HAS PERSONAL JURISDICTION
2 OVER THE RESPONDENT; AND

3 (2) THE PETITIONER AND THE RESPONDENT EXPRESSLY CONSENT TO
4 WAIVE THE TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING.

5 5-605.

6 (A) A RESPONDENT UNDER § 5-604 OF THIS SUBTITLE SHALL HAVE AN
7 OPPORTUNITY TO BE HEARD ON THE QUESTION OF WHETHER THE JUDGE SHOULD
8 ISSUE A FINAL EXTREME RISK PROTECTIVE ORDER.

9 (B) (1) (I) THE TEMPORARY EXTREME RISK PROTECTIVE ORDER SHALL
10 STATE THE DATE AND TIME OF THE FINAL EXTREME RISK PROTECTIVE ORDER
11 HEARING.

12 (II) EXCEPT AS PROVIDED IN § 5-604(C) OF THIS SUBTITLE AND
13 SUBPARAGRAPH (III) OF THIS PARAGRAPH, OR UNLESS CONTINUED FOR GOOD
14 CAUSE, THE FINAL EXTREME RISK PROTECTIVE ORDER HEARING SHALL BE HELD NOT
15 LATER THAN 7 DAYS AFTER THE TEMPORARY EXTREME RISK PROTECTIVE ORDER IS
16 SERVED ON THE RESPONDENT.

17 (III) ON REQUEST OF THE RESPONDENT, A FINAL EXTREME RISK
18 PROTECTIVE ORDER HEARING MAY BE RESCHEDULED FOR A DATE NOT LATER THAN
19 30 DAYS AFTER THE DATE ON WHICH THE HEARING WAS INITIALLY SCHEDULED.

20 (2) THE TEMPORARY EXTREME RISK PROTECTIVE ORDER SHALL
21 INCLUDE NOTICE TO THE RESPONDENT:

22 (I) IN AT LEAST 10 POINT BOLD TYPE, THAT IF THE
23 RESPONDENT FAILS TO APPEAR AT THE FINAL EXTREME RISK PROTECTIVE ORDER
24 HEARING, A FINAL EXTREME RISK PROTECTIVE ORDER MAY BE ENTERED IN THE
25 RESPONDENT'S ABSENCE AND THE RESPONDENT MAY BE SERVED BY FIRST-CLASS
26 MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS WITH THE FINAL EXTREME RISK
27 PROTECTIVE ORDER AND ALL OTHER NOTICES CONCERNING THE FINAL EXTREME
28 RISK PROTECTIVE ORDER;

29 (II) OF THE CONTENTS OF A FINAL EXTREME RISK PROTECTIVE
30 ORDER;

31 (III) THAT THE FINAL EXTREME RISK PROTECTIVE ORDER SHALL
32 BE EFFECTIVE FOR THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 1 YEAR,
33 UNLESS THE JUDGE EXTENDS THE TERM OF THE ORDER UNDER § 5-606(A)(2) OF
34 THIS SUBTITLE;

1 (IV) THAT THE RESPONDENT MAY CONSULT AN ATTORNEY
2 REGARDING ANY MATTER RELATED TO THE ORDER, AND THAT AN ATTORNEY SHOULD
3 BE CONTACTED PROMPTLY SO THAT THE ATTORNEY MAY ASSIST THE RESPONDENT;

4 (V) OF THE REQUIREMENTS FOR SURRENDERING FIREARMS
5 AND AMMUNITION IN THE RESPONDENT'S POSSESSION TO LAW ENFORCEMENT
6 AUTHORITIES;

7 (VI) OF THE PROCESS FOR RECLAIMING FIREARMS AND
8 AMMUNITION ON THE EXPIRATION OR TERMINATION OF THE ORDER; AND

9 (VII) IN AT LEAST 10 POINT BOLD TYPE, THAT THE RESPONDENT
10 MUST NOTIFY THE COURT IN WRITING OF ANY CHANGE OF ADDRESS.

11 (C) (1) IF THE RESPONDENT APPEARS BEFORE THE COURT AT A FINAL
12 EXTREME RISK PROTECTIVE ORDER HEARING OR HAS BEEN SERVED WITH AN
13 INTERIM OR TEMPORARY EXTREME RISK PROTECTIVE ORDER OR IF THE COURT
14 OTHERWISE HAS PERSONAL JURISDICTION OVER THE RESPONDENT, THE JUDGE:

15 (I) MAY PROCEED WITH THE FINAL EXTREME RISK PROTECTIVE
16 ORDER HEARING; AND

17 (II) MAY ENTER A FINAL EXTREME RISK PROTECTIVE ORDER TO
18 PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE JUDGE FINDS BY
19 CLEAR AND CONVINCING EVIDENCE THAT THE RESPONDENT POSES A DANGER OF
20 CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER
21 BY POSSESSING A FIREARM.

22 (2) IN DETERMINING WHETHER TO ENTER A FINAL EXTREME RISK
23 PROTECTIVE ORDER UNDER THIS SECTION, THE JUDGE SHALL CONSIDER:

24 (I) ALL RELEVANT EVIDENCE PRESENTED BY THE PETITIONER
25 AND RESPONDENT; AND

26 (II) THE AMOUNT OF TIME THAT HAS ELAPSED SINCE ANY OF
27 THE EVENTS DESCRIBED IN THE PETITION.

28 (3) THE FINAL EXTREME RISK PROTECTIVE ORDER SHALL:

29 (I) ORDER THE RESPONDENT TO SURRENDER TO LAW
30 ENFORCEMENT AUTHORITIES ANY FIREARM AND AMMUNITION IN THE
31 RESPONDENT'S POSSESSION; AND

1 (II) PROHIBIT THE RESPONDENT FROM PURCHASING OR
2 POSSESSING ANY FIREARM OR AMMUNITION FOR THE DURATION OF THE INTERIM
3 EXTREME RISK PROTECTIVE ORDER.

4 (4) IF THE JUDGE FINDS PROBABLE CAUSE TO BELIEVE THAT THE
5 RESPONDENT MEETS THE REQUIREMENTS FOR EMERGENCY EVALUATION UNDER
6 TITLE 10, SUBTITLE 6 OF THE HEALTH – GENERAL ARTICLE, THE JUDGE MAY REFER
7 THE RESPONDENT FOR EMERGENCY EVALUATION.

8 (D) (1) BEFORE GRANTING, DENYING, OR MODIFYING A FINAL EXTREME
9 RISK PROTECTIVE ORDER UNDER THIS SECTION, THE COURT MAY REVIEW ALL
10 RELEVANT OPEN AND SHIELDED COURT RECORDS INVOLVING THE PETITIONER AND
11 THE RESPONDENT, INCLUDING RECORDS OF PROCEEDINGS UNDER:

12 (I) THE CRIMINAL LAW ARTICLE;

13 (II) TITLE 3, SUBTITLE 15 OF THE COURTS ARTICLE;

14 (III) TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;

15 (IV) TITLE 10, SUBTITLE 6 OF THE HEALTH – GENERAL
16 ARTICLE; AND

17 (V) THIS ARTICLE.

18 (2) THE COURT’S FAILURE TO REVIEW RECORDS UNDER THIS
19 SUBSECTION DOES NOT AFFECT THE VALIDITY OF AN ORDER ISSUED UNDER THIS
20 SECTION.

21 (E) (1) A COPY OF THE FINAL EXTREME RISK PROTECTIVE ORDER SHALL
22 BE SERVED ON THE PETITIONER, THE RESPONDENT, THE APPROPRIATE LAW
23 ENFORCEMENT AGENCY, AND ANY OTHER PERSON THE JUDGE DETERMINES IS
24 APPROPRIATE IN OPEN COURT OR, IF THE PERSON IS NOT PRESENT AT THE FINAL
25 EXTREME RISK PROTECTIVE ORDER HEARING, BY FIRST-CLASS MAIL TO THE
26 PERSON’S LAST KNOWN ADDRESS.

27 (2) (I) A COPY OF THE FINAL EXTREME RISK PROTECTIVE ORDER
28 SERVED ON THE RESPONDENT IN ACCORDANCE WITH PARAGRAPH (1) OF THIS
29 SUBSECTION CONSTITUTES ACTUAL NOTICE TO THE RESPONDENT OF THE
30 CONTENTS OF THE FINAL EXTREME RISK PROTECTIVE ORDER.

31 (II) SERVICE IS COMPLETE ON MAILING.

1 **(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
2 **ALL RELIEF GRANTED IN A FINAL EXTREME RISK PROTECTIVE ORDER SHALL BE**
3 **EFFECTIVE FOR THE PERIOD STATED IN THE ORDER, NOT TO EXCEED 1 YEAR.**

4 **(2) A SUBSEQUENT CIRCUIT COURT ORDER PERTAINING TO ANY OF**
5 **THE PROVISIONS INCLUDED IN THE FINAL EXTREME RISK PROTECTIVE ORDER**
6 **SHALL SUPERSEDE THOSE PROVISIONS IN THE FINAL EXTREME RISK PROTECTIVE**
7 **ORDER.**

8 **5-606.**

9 **(A) (1) A FINAL EXTREME RISK PROTECTIVE ORDER MAY BE MODIFIED OR**
10 **RESCINDED DURING THE TERM OF THE EXTREME RISK PROTECTIVE ORDER AFTER:**

11 **(I) GIVING NOTICE TO ALL AFFECTED PERSONS AND THE**
12 **RESPONDENT; AND**

13 **(II) A HEARING.**

14 **(2) FOR GOOD CAUSE SHOWN, A JUDGE MAY EXTEND THE TERM OF A**
15 **FINAL EXTREME RISK PROTECTIVE ORDER FOR 6 MONTHS BEYOND THE PERIOD**
16 **SPECIFIED IN § 5-605(F) OF THIS SUBTITLE AFTER:**

17 **(I) GIVING NOTICE TO ALL AFFECTED PERSONS AND THE**
18 **RESPONDENT; AND**

19 **(II) A HEARING.**

20 **(3) (I) IF, DURING THE TERM OF A FINAL EXTREME RISK**
21 **PROTECTIVE ORDER, A PETITIONER FILES A MOTION TO EXTEND THE TERM OF THE**
22 **ORDER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT SHALL HOLD A**
23 **HEARING ON THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS FILED.**

24 **(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER THE**
25 **ORIGINAL EXPIRATION DATE OF THE FINAL EXTREME RISK PROTECTIVE ORDER, THE**
26 **COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS OF THE ORDER IN FULL**
27 **FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.**

28 **(B) (1) IF A DISTRICT COURT JUDGE GRANTS OR DENIES A PETITION**
29 **FILED UNDER THIS SUBTITLE, A RESPONDENT OR A PETITIONER MAY APPEAL TO THE**
30 **CIRCUIT COURT FOR THE COUNTY IN WHICH THE DISTRICT COURT IS LOCATED.**

1 **(2) AN APPEAL TAKEN UNDER THIS SUBSECTION TO THE CIRCUIT**
2 **COURT SHALL BE HEARD DE NOVO IN THE CIRCUIT COURT NOT LATER THAN 60 DAYS**
3 **AFTER THE DATE THE APPEAL IS FILED.**

4 **(3) (I) IF AN APPEAL IS FILED UNDER THIS SUBSECTION, THE**
5 **DISTRICT COURT JUDGMENT SHALL REMAIN IN EFFECT UNTIL SUPERSEDED BY A**
6 **JUDGMENT OF THE CIRCUIT COURT.**

7 **(II) UNLESS THE CIRCUIT COURT ORDERS OTHERWISE,**
8 **MODIFICATION OR ENFORCEMENT OF THE DISTRICT COURT ORDER SHALL BE BY**
9 **THE DISTRICT COURT.**

10 **5-607.**

11 **IN ACCORDANCE WITH THE PROVISIONS OF § 1-203 OF THE CRIMINAL**
12 **PROCEDURE ARTICLE, ON APPLICATION BY A STATE'S ATTORNEY OR A LAW**
13 **ENFORCEMENT OFFICER WITH PROBABLE CAUSE TO BELIEVE THAT A RESPONDENT**
14 **WHO IS SUBJECT TO AN EXTREME RISK PROTECTIVE ORDER POSSESSES A FIREARM**
15 **AND FAILED TO SURRENDER THE FIREARM IN ACCORDANCE WITH THE ORDER, A**
16 **COURT MAY ISSUE A SEARCH WARRANT FOR THE REMOVAL OF THE FIREARM AT ANY**
17 **LOCATION IDENTIFIED IN THE APPLICATION FOR THE WARRANT.**

18 **5-608.**

19 **(A) (1) A LAW ENFORCEMENT OFFICER WHO TAKES POSSESSION OF A**
20 **FIREARM OR AMMUNITION IN ACCORDANCE WITH AN EXTREME RISK PROTECTIVE**
21 **ORDER SHALL, AT THE TIME THE FIREARM OR AMMUNITION IS SURRENDERED OR**
22 **SEIZED:**

23 **(I) ISSUE A RECEIPT IDENTIFYING, BY MAKE, MODEL, AND**
24 **SERIAL NUMBER, ALL FIREARMS AND AMMUNITION THAT HAVE BEEN SURRENDERED**
25 **OR SEIZED;**

26 **(II) PROVIDE A COPY OF THE RECEIPT TO THE RESPONDENT;**

27 **(III) RETAIN A COPY OF THE RECEIPT; AND**

28 **(IV) PROVIDE INFORMATION TO THE RESPONDENT ON THE**
29 **PROCESS FOR RETAKING POSSESSION OF THE FIREARMS AND AMMUNITION ON THE**
30 **EXPIRATION OR TERMINATION OF THE ORDER.**

31 **(2) A LAW ENFORCEMENT AGENCY SHALL TRANSPORT AND STORE**
32 **ANY FIREARM SURRENDERED OR SEIZED IN ACCORDANCE WITH AN EXTREME RISK**
33 **PROTECTIVE ORDER:**

1 **(I) IN A PROTECTIVE CASE, IF ONE IS AVAILABLE; AND**

2 **(II) IN A MANNER INTENDED TO PREVENT DAMAGE TO THE**
3 **FIREARM DURING THE TIME THE EXTREME RISK PROTECTIVE ORDER IS IN EFFECT.**

4 **(3) A LAW ENFORCEMENT AGENCY MAY NOT PLACE ANY MARK ON A**
5 **SEIZED OR SURRENDERED FIREARM FOR IDENTIFICATION OR OTHER PURPOSES.**

6 **(B) (1) ON EXPIRATION OR TERMINATION OF AN EXTREME RISK**
7 **PROTECTIVE ORDER, A LAW ENFORCEMENT AGENCY THAT HOLDS ANY FIREARM OR**
8 **AMMUNITION SURRENDERED OR SEIZED IN ACCORDANCE WITH THE EXPIRED OR**
9 **TERMINATED ORDER SHALL NOTIFY THE RESPONDENT THAT THE RESPONDENT MAY**
10 **REQUEST THE RETURN OF THE FIREARM OR AMMUNITION.**

11 **(2) A LAW ENFORCEMENT AGENCY SHALL RETURN A FIREARM OR**
12 **AMMUNITION TO A RESPONDENT ONLY AFTER THE LAW ENFORCEMENT AGENCY**
13 **VERIFIES THAT THE RESPONDENT IS NOT OTHERWISE PROHIBITED FROM**
14 **POSSESSING THE FIREARM OR AMMUNITION.**

15 **(3) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON REQUEST**
16 **OF THE RESPONDENT, A LAW ENFORCEMENT AGENCY SHALL RETURN ALL FIREARMS**
17 **AND AMMUNITION BELONGING TO THE RESPONDENT NOT LATER THAN:**

18 **(I) 14 DAYS AFTER THE EXPIRATION OF AN INTERIM OR**
19 **TEMPORARY EXTREME RISK PROTECTIVE ORDER;**

20 **(II) 14 DAYS AFTER A COURT TERMINATES A FINAL EXTREME**
21 **RISK PROTECTIVE ORDER; OR**

22 **(III) 48 HOURS AFTER THE EXPIRATION OF A FINAL EXTREME**
23 **RISK PROTECTIVE ORDER.**

24 **(C) (1) A RESPONDENT WHO DOES NOT WISH TO RECOVER A FIREARM OR**
25 **AMMUNITION SEIZED OR SURRENDERED IN ACCORDANCE WITH AN EXTREME RISK**
26 **PROTECTIVE ORDER, OR WHO IS PROHIBITED FROM POSSESSING FIREARMS OR**
27 **AMMUNITION UNDER THIS TITLE, MAY:**

28 **(I) SELL OR TRANSFER TITLE TO THE FIREARM OR AMMUNITION**
29 **TO:**

30 **1. A LICENSED FIREARMS DEALER; OR**

1 **2. ANOTHER PERSON WHO IS NOT PROHIBITED FROM**
2 **POSSESSING THE FIREARM OR AMMUNITION UNDER STATE OR FEDERAL LAW AND**
3 **WHO DOES NOT LIVE IN THE SAME RESIDENCE AS THE RESPONDENT; OR**

4 **(II) REQUEST THE DESTRUCTION OF THE FIREARM OR**
5 **AMMUNITION.**

6 **(2) A LAW ENFORCEMENT AGENCY SHALL TRANSFER POSSESSION OF**
7 **A FIREARM OR AMMUNITION TO A LICENSED FIREARMS DEALER OR A PERSON**
8 **DESCRIBED IN PARAGRAPH (1)(I)2 OF THIS SUBSECTION ONLY AFTER:**

9 **(I) THE LICENSED FIREARMS DEALER OR OTHER PERSON**
10 **PROVIDES WRITTEN PROOF THAT THE RESPONDENT HAS AGREED TO TRANSFER THE**
11 **FIREARM OR AMMUNITION TO THE DEALER OR PERSON; AND**

12 **(II) THE LAW ENFORCEMENT AGENCY VERIFIES THE**
13 **AGREEMENT WITH THE RESPONDENT.**

14 **(3) ON REQUEST OF THE RESPONDENT, A LAW ENFORCEMENT**
15 **AGENCY MAY DESTROY FIREARMS OR AMMUNITION SEIZED OR SURRENDERED IN**
16 **ACCORDANCE WITH AN EXTREME RISK PROTECTIVE ORDER.**

17 **(D) IF AN INDIVIDUAL OTHER THAN THE RESPONDENT CLAIMS OWNERSHIP**
18 **OF A FIREARM OR AMMUNITION SEIZED OR SURRENDERED IN ACCORDANCE WITH AN**
19 **EXTREME RISK PROTECTIVE ORDER, THE LAW ENFORCEMENT AGENCY SHALL**
20 **RETURN THE FIREARM OR AMMUNITION TO THE INDIVIDUAL IF:**

21 **(1) THE INDIVIDUAL PROVIDES PROOF OF OWNERSHIP OF THE**
22 **FIREARM OR AMMUNITION; AND**

23 **(2) THE LAW ENFORCEMENT AGENCY DETERMINES THAT THE**
24 **INDIVIDUAL IS NOT PROHIBITED FROM POSSESSING THE FIREARM OR AMMUNITION.**

25 **(E) IF A FIREARM OR AMMUNITION IS NOT RECLAIMED WITHIN 6 MONTHS**
26 **AFTER THE PROVISION OF NOTICE TO A RESPONDENT UNDER SUBSECTION (B) OF**
27 **THIS SECTION:**

28 **(1) NO PARTY SHALL HAVE THE RIGHT TO ASSERT OWNERSHIP OF THE**
29 **FIREARM OR AMMUNITION; AND**

30 **(2) THE LAW ENFORCEMENT AGENCY HOLDING THE FIREARM OR**
31 **AMMUNITION MAY DESTROY THE FIREARM OR AMMUNITION.**

32 **5-609.**

1 **(A) AN INTERIM EXTREME RISK PROTECTIVE ORDER, TEMPORARY EXTREME**
2 **RISK PROTECTIVE ORDER, AND FINAL EXTREME RISK PROTECTIVE ORDER ISSUED**
3 **UNDER THIS SUBTITLE SHALL STATE THAT A VIOLATION OF THE ORDER MAY RESULT**
4 **IN:**

5 **(1) CRIMINAL PROSECUTION; AND**

6 **(2) IMPRISONMENT OR FINE OR BOTH.**

7 **(B) A TEMPORARY EXTREME RISK PROTECTIVE ORDER AND FINAL EXTREME**
8 **RISK PROTECTIVE ORDER ISSUED UNDER THIS SUBTITLE SHALL STATE THAT A**
9 **VIOLATION OF THE ORDER MAY RESULT IN A FINDING OF CONTEMPT.**

10 **5-610.**

11 **(A) A PERSON WHO FAILS TO COMPLY WITH THE PROVISIONS OF AN INTERIM**
12 **EXTREME RISK PROTECTIVE ORDER, A TEMPORARY EXTREME RISK PROTECTIVE**
13 **ORDER, OR A FINAL EXTREME RISK PROTECTIVE ORDER UNDER THIS SUBTITLE IS**
14 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

15 **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$1,000 OR**
16 **IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH; AND**

17 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING**
18 **\$2,500 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.**

19 **(B) A LAW ENFORCEMENT OFFICER SHALL ARREST WITH OR WITHOUT A**
20 **WARRANT AND TAKE INTO CUSTODY A PERSON WHO THE OFFICER HAS PROBABLE**
21 **CAUSE TO BELIEVE IS IN VIOLATION OF AN INTERIM, TEMPORARY, OR FINAL**
22 **EXTREME RISK PROTECTIVE ORDER IN EFFECT AT THE TIME OF THE VIOLATION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, *That, if any provision of this Act or*
24 *the application thereof to any person or circumstance is held invalid for any reason in a*
25 *court of competent jurisdiction, the invalidity does not affect other provisions or any other*
26 *application of this Act that can be given effect without the invalid provision or application,*
27 *and for this purpose the provisions of this Act are declared severable.*

28 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
29 October 1, 2018.