

# SENATE BILL 1263

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8lr4064

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By: **Senators Waugh and Miller**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 13, 2018

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – School Mental Health Services and Mental Disorder Weapon**  
3 **Restraining Order**  
4 **(School Safety Act of 2018: Anticipation)**

5 FOR the purpose of altering a certain prohibition on making certain threats to commit or  
6 cause to be committed a crime of violence; requiring the State Department of  
7 Education to develop a certain model policy for the establishment of a threat  
8 assessment team; requiring the model policy to include certain policies and  
9 procedures; requiring each county board of education, by a certain date, to establish  
10 a threat assessment team at each public school in the local school system based on  
11 the model policy; requiring the threat assessment team to take certain actions;  
12 authorizing a threat assessment team to obtain a student's health records under  
13 certain circumstances; requiring the threat assessment team to report a certain  
14 determination to the county superintendent; authorizing the threat assessment  
15 team to report a certain determination to the local law enforcement agency; requiring  
16 a county superintendent to notify certain individuals about the threat assessment  
17 team's determination; authorizing a county superintendent to establish a threat  
18 assessment team oversight committee; requiring a certain law enforcement agency  
19 to notify a certain threat assessment team if a student is arrested for a certain  
20 offense; requiring the State's Attorney to notify a certain threat assessment team  
21 about a certain offense by a student under certain circumstances; requiring each  
22 county superintendent to enter into a memorandum of understanding with certain  
23 entities for the purpose of coordinating mental health intervention and behavioral  
24 health services; requiring the Department to develop a certain model policy for the  
25 establishment of mental health counselor services; requiring the model policy to  
26 include certain policies and procedures; requiring each county board, by a certain  
27 date, to implement a mental health counselor service at each public school in the  
28 local school system; establishing certain qualifications for school counselors  
29 providing services under the model policy on mental health counselor services;  
30 requiring a school counselor to provide certain services; establishing the Mental

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Health Counselor Services Program in the Department; establishing the purpose of  
2 the Program; requiring the Department to develop the Program; requiring the  
3 Department to establish certain application procedures for obtaining a grant under  
4 the Program; requiring the Department to award certain grants to be used to hire  
5 school mental health counselors; requiring the Department to provide a grant to a  
6 certain county board in a certain fiscal year under certain circumstances; requiring  
7 the Governor to include an appropriation to the Program in each annual budget  
8 submission beginning in a certain fiscal year; requiring a certain county board to  
9 distribute a certain grant under the Program using a certain priority to schools  
10 within the county; requiring a health care provider to disclose certain medical  
11 records of a student under certain circumstances; authorizing a certain petitioner,  
12 under certain circumstances, to file a petition that alleges that, due to a mental  
13 disorder, the respondent is a danger to self or to the person or property of another;  
14 establishing certain requirements for a certain petition; authorizing a judge or  
15 commissioner to strike certain information from a certain petition under certain  
16 circumstances; establishing certain penalties for knowingly providing false  
17 information in a certain petition; authorizing a certain petition to be filed with a  
18 commissioner under certain circumstances; authorizing a commissioner to issue an  
19 interim mental disorder weapon restraining order under certain circumstances;  
20 requiring an interim mental disorder weapon restraining order to order a respondent  
21 to surrender certain weapons and refrain from possessing certain weapons for the  
22 duration of the order; requiring the interim mental disorder weapon restraining  
23 order to contain certain information in a certain format; requiring a commissioner  
24 who issues an interim mental disorder weapon restraining order to take certain  
25 actions; requiring a law enforcement officer to take certain actions when serving an  
26 interim mental disorder weapon restraining order; limiting the duration of an  
27 interim mental disorder weapon restraining order; providing for certain penalties for  
28 providing false information on a petition for an interim mental disorder weapon  
29 restraining order; authorizing a judge to hear a certain petition and to issue a  
30 temporary mental disorder weapon restraining order under certain circumstances;  
31 requiring a temporary mental disorder weapon restraining order to order a  
32 respondent to surrender certain weapons and refrain from possessing certain  
33 weapons for the duration of the order; requiring a law enforcement officer to take  
34 certain actions when serving a temporary mental disorder weapon restraining order;  
35 authorizing certain service of a temporary mental disorder weapon restraining order;  
36 limiting the duration of a temporary mental disorder weapon restraining order and  
37 authorizing a judge to extend the order's duration under certain circumstances;  
38 authorizing a judge to proceed with a final mental disorder weapon restraining order  
39 under certain circumstances; requiring a respondent to have an opportunity to be  
40 heard before a judge issues a final mental disorder weapon restraining order;  
41 requiring a final mental disorder weapon restraining order to contain certain  
42 information in a certain format; authorizing a judge to proceed with a final mental  
43 disorder weapon restraining order under certain circumstances; requiring a final  
44 mental disorder weapon restraining order to order a respondent to surrender certain  
45 weapons and refrain from possessing certain weapons for the duration of the order;  
46 requiring a law enforcement officer to take certain actions when serving a final  
47 mental disorder weapon restraining order; limiting the duration of a final mental

1 disorder weapon restraining order; authorizing a judge to modify a final mental  
2 disorder weapon restraining order under certain circumstances; requiring a law  
3 enforcement officer to follow certain procedures if a respondent surrenders a firearm  
4 or dangerous weapon to the law enforcement officer; authorizing a respondent to  
5 retake possession of a firearm or dangerous weapon at the expiration of an interim,  
6 temporary, or final mental disorder weapon restraining order under certain  
7 circumstances; authorizing a respondent to transport a firearm or dangerous weapon  
8 under certain circumstances for the purpose of surrendering the firearm or  
9 dangerous weapon; requiring an interim mental disorder weapon restraining order,  
10 temporary mental disorder weapon restraining order, and final mental disorder  
11 weapon restraining order to contain certain information; authorizing certain  
12 penalties for failure to comply with a mental disorder weapon restraining order;  
13 authorizing the Court of Appeals to adopt certain rules and forms to implement  
14 certain provisions; requiring the Court of Appeals to adopt a form for a petition for a  
15 mental disorder weapon restraining order; defining certain terms; and generally  
16 relating to schools and certain restraining orders.

17 BY repealing and reenacting, with amendments,  
18 Article – Criminal Law  
19 Section 3–1001  
20 Annotated Code of Maryland  
21 (2012 Replacement Volume and 2017 Supplement)

22 BY adding to  
23 Article – Education  
24 Section 7–125, 7–126, 7–127, and 7–303(a)(10)  
25 Annotated Code of Maryland  
26 (2014 Replacement Volume and 2017 Supplement)

27 BY repealing and reenacting, without amendments,  
28 Article – Education  
29 Section 7–303(a)(1)  
30 Annotated Code of Maryland  
31 (2014 Replacement Volume and 2017 Supplement)

32 BY repealing and reenacting, with amendments,  
33 Article – Education  
34 Section 7–303(b), (c), and (f)  
35 Annotated Code of Maryland  
36 (2014 Replacement Volume and 2017 Supplement)

37 BY repealing and reenacting, without amendments,  
38 Article – Health – General  
39 Section 4–306(a) and (c) and 4–307(b), (c), and (k)(4) and (5)  
40 Annotated Code of Maryland  
41 (2015 Replacement Volume and 2017 Supplement)

1 BY repealing and reenacting, with amendments,  
 2 Article – Health – General  
 3 Section 4–306(b)(11)(ii) and (12), 4–307(k)(1)(v)2.B. and (vi), and 10–632(g)  
 4 Annotated Code of Maryland  
 5 (2015 Replacement Volume and 2017 Supplement)

6 BY adding to  
 7 Article – Health – General  
 8 Section 4–306(b)(13) and 4–307(k)(1)(vii); and 10–1501 through 10–1511 to be under  
 9 the new subtitle “Subtitle 15. Mental Disorder Weapon Restraining Order”  
 10 Annotated Code of Maryland  
 11 (2015 Replacement Volume and 2017 Supplement)

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

14 **Article – Criminal Law**

15 3–1001.

16 (a) [(1) In this section the following words have the meanings indicated.

17 (2) “Dwelling” has the meaning stated in § 6–201 of this article.

18 (3) “Public place” has the meaning stated in § 10–201 of this article.

19 (4) “Storehouse” has the meaning stated in § 6–201 of this article.

20 (b)] This section applies to a threat made by oral or written communication or  
 21 electronic mail, as defined in § 3–805(a) of this title.

22 [(c)] **(B)** A person may not knowingly threaten to commit or threaten to cause to  
 23 be committed a crime of violence, as defined in § 14–101 of this article, that would place  
 24 [others] **FIVE OR MORE PEOPLE** at substantial risk of death or serious physical injury, as  
 25 defined in § 3–201 of this title, **IF THE THREAT WERE CARRIED OUT** [, if as a result of the  
 26 threat, regardless of whether the threat is carried out, five or more people are:

27 (1) placed in reasonable fear that the crime will be committed;

28 (2) evacuated from a dwelling, storehouse, or public place;

29 (3) required to move to a designated area within a dwelling, storehouse, or  
 30 public place; or

31 (4) required to remain in a designated safe area within a dwelling,  
 32 storehouse, or public place].



1                   **(I) POLICIES ON THE ASSESSMENT OF STUDENT BEHAVIOR**  
2 **AND INTERVENTION WITH A STUDENT BASED ON BEHAVIOR THAT POSES A THREAT**  
3 **TO THE SAFETY OF SCHOOL STAFF OR OTHER STUDENTS; AND**

4                   **(II) PROCEDURES FOR REFERRAL OF A STUDENT TO:**

5                   1.     **THE LOCAL LAW ENFORCEMENT AGENCY; OR**

6                   2.     **HEALTH CARE PROVIDERS FOR EVALUATION OR**  
7 **TREATMENT, IF APPROPRIATE.**

8           **(B) (1) BEGINNING IN THE 2019–2020 SCHOOL YEAR, EACH COUNTY**  
9 **BOARD SHALL ESTABLISH A THREAT ASSESSMENT TEAM AT EACH PUBLIC SCHOOL**  
10 **IN THE LOCAL SCHOOL SYSTEM BASED ON THE MODEL POLICY DEVELOPED UNDER**  
11 **SUBSECTION (A) OF THIS SECTION.**

12           **(2) EACH THREAT ASSESSMENT TEAM SHALL INCLUDE INDIVIDUALS**  
13 **WITH EXPERTISE IN:**

14                   **(I) STUDENT COUNSELING;**

15                   **(II) EDUCATION INSTRUCTION;**

16                   **(III) SCHOOL ADMINISTRATION; AND**

17                   **(IV) LAW ENFORCEMENT.**

18           **(3) THE THREAT ASSESSMENT TEAM SHALL:**

19                   **(I) PROVIDE GUIDANCE TO STUDENTS, FACULTY, AND STAFF**  
20 **MEMBERS REGARDING THE RECOGNITION AND REPORTING OF THREATENING OR**  
21 **ABERRANT STUDENT BEHAVIOR THAT MAY REPRESENT A THREAT TO THE**  
22 **COMMUNITY, THE SCHOOL, OR A STUDENT;**

23                   **(II) IDENTIFY SPECIFIC MEMBERS OF THE SCHOOL COMMUNITY**  
24 **TO WHOM A STUDENT MAY REPORT THREATENING BEHAVIOR;**

25                   **(III) MEET ONCE A MONTH DURING THE SCHOOL YEAR TO**  
26 **REVIEW POTENTIAL THREATS TO THE SAFETY OF STUDENTS AND SCHOOL**  
27 **EMPLOYEES; AND**

1 (IV) IMPLEMENT THE THREAT ASSESSMENT POLICIES ADOPTED  
2 BY THE COUNTY BOARD BASED ON THE MODEL POLICY DEVELOPED BY THE  
3 DEPARTMENT UNDER SUBSECTION (A) OF THIS SECTION.

4 (C) (1) (I) IF A THREAT ASSESSMENT TEAM MAKES A PRELIMINARY  
5 DETERMINATION THAT A STUDENT POSES A THREAT OF VIOLENCE OR PHYSICAL  
6 HARM TO SELF OR TO OTHERS, THE THREAT ASSESSMENT TEAM MAY OBTAIN THE  
7 STUDENT'S HEALTH RECORDS AS PROVIDED IN §§ 4-306 AND 4-307 OF THE HEALTH  
8 - GENERAL ARTICLE.

9 (II) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
10 SUBSECTION, A MEMBER OF THE THREAT ASSESSMENT TEAM MAY NOT DISCLOSE  
11 ANY PERSONAL HEALTH INFORMATION OBTAINED UNDER SUBPARAGRAPH (I) OF  
12 THIS PARAGRAPH.

13 (2) IF A THREAT ASSESSMENT TEAM DETERMINES THAT A STUDENT  
14 POSES A THREAT OF VIOLENCE OR PHYSICAL HARM TO SELF OR TO OTHERS, THE  
15 THREAT ASSESSMENT TEAM:

16 (I) SHALL IMMEDIATELY REPORT THIS DETERMINATION TO  
17 THE COUNTY SUPERINTENDENT; AND

18 (II) MAY IMMEDIATELY REPORT THIS DETERMINATION TO THE  
19 LOCAL LAW ENFORCEMENT AGENCY.

20 (3) AFTER A THREAT ASSESSMENT TEAM MAKES A REPORT TO THE  
21 COUNTY SUPERINTENDENT UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, THE  
22 COUNTY SUPERINTENDENT SHALL IMMEDIATELY ATTEMPT TO NOTIFY THE  
23 STUDENT'S PARENT OR LEGAL GUARDIAN OF THE DETERMINATION.

24 (D) (1) EACH COUNTY SUPERINTENDENT MAY ESTABLISH A THREAT  
25 ASSESSMENT TEAM OVERSIGHT COMMITTEE TO OVERSEE THE THREAT ASSESSMENT  
26 TEAMS IN THE COUNTY.

27 (2) THE THREAT ASSESSMENT TEAM OVERSIGHT COMMITTEE SHALL  
28 INCLUDE INDIVIDUALS WITH EXPERTISE IN:

29 (I) HUMAN RESOURCES;

30 (II) EDUCATION;

31 (III) SCHOOL ADMINISTRATION;

1 (IV) MENTAL HEALTH; AND

2 (V) LAW ENFORCEMENT.

3 7-126.

4 (A) ON OR BEFORE JANUARY 1, 2019, EACH COUNTY SUPERINTENDENT  
5 SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ENTITIES  
6 LISTED IN SUBSECTION (B) OF THIS SECTION TO FOSTER COORDINATION OF MENTAL  
7 HEALTH INTERVENTION AND BEHAVIORAL HEALTH SERVICES.

8 (B) THE MEMORANDUM OF UNDERSTANDING SHALL BE BETWEEN EACH  
9 COUNTY SUPERINTENDENT AND:

10 (1) THE COUNTY SHERIFF'S OFFICE;

11 (2) THE DEPARTMENT OF JUVENILE SERVICES;

12 (3) THE MARYLAND DEPARTMENT OF HEALTH;

13 (4) THE DEPARTMENT OF HUMAN SERVICES;

14 (5) THE STATE POLICE; AND

15 (6) LOCAL HEALTH DEPARTMENTS THAT PROVIDE BEHAVIORAL  
16 HEALTH CARE SERVICES.

17 7-127.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "GRANT" MEANS A GRANT PROVIDED UNDER THE PROGRAM.

21 (3) "PROGRAM" MEANS THE MENTAL HEALTH COUNSELOR  
22 SERVICES PROGRAM.

23 (B) (1) ON OR BEFORE JANUARY 1, 2019, THE DEPARTMENT SHALL  
24 DEVELOP A MODEL POLICY FOR THE ESTABLISHMENT OF MENTAL HEALTH  
25 COUNSELOR SERVICES.

26 (2) THE MODEL POLICY FOR THE ESTABLISHMENT OF MENTAL  
27 HEALTH COUNSELOR SERVICES SHALL INCLUDE:

1                   **(I) POLICIES ON THE ASSESSMENT OF STUDENT MENTAL**  
2 **HEALTH THAT INCLUDE THE OPPORTUNITY FOR ALL STUDENTS TO RECEIVE:**

3                   **1. A PRIVATE, EXCLUSIVE MEETING WITH A MENTAL**  
4 **HEALTH COUNSELOR;**

5                   **2. ONGOING COUNSELING WITH THE MENTAL HEALTH**  
6 **COUNSELOR AS NEEDED;**

7                   **3. CRISIS INTERVENTION AND CRISIS MANAGEMENT;**  
8 **AND**

9                   **4. ADDITIONAL MENTAL HEALTH SERVICES DEEMED**  
10 **NECESSARY; AND**

11                   **(II) PROCEDURES FOR REFERRALS OF STUDENT BEHAVIOR TO**  
12 **HEALTH CARE PROVIDERS FOR EVALUATION OR TREATMENT.**

13                   **(C) (1) BEGINNING IN THE 2019–2020 SCHOOL YEAR, EACH COUNTY**  
14 **BOARD SHALL ESTABLISH MENTAL HEALTH COUNSELOR SERVICES AT EACH PUBLIC**  
15 **SCHOOL IN THE LOCAL SCHOOL SYSTEM BASED ON THE MODEL POLICY DEVELOPED**  
16 **UNDER SUBSECTION (B) OF THIS SECTION.**

17                   **(2) A SCHOOL MENTAL HEALTH COUNSELOR PROVIDING SERVICES**  
18 **UNDER THIS SECTION MAY NOT HOLD ANOTHER POSITION OF EMPLOYMENT AT THE**  
19 **SCHOOL.**

20                   **(3) A SCHOOL MENTAL HEALTH COUNSELOR PROVIDING MENTAL**  
21 **HEALTH COUNSELING SERVICES SHALL:**

22                   **(I) ONCE EACH SCHOOL YEAR, MEET WITH EACH STUDENT AT**  
23 **THE SCHOOL IN A PRIVATE, EXCLUSIVE MEETING;**

24                   **(II) PROVIDE ONGOING MENTAL HEALTH COUNSELING**  
25 **SERVICES TO STUDENTS BASED ON THE INDIVIDUAL NEEDS OF THE STUDENT;**

26                   **(III) PROVIDE CRISIS INTERVENTION AND CRISIS MANAGEMENT**  
27 **SERVICES; AND**

28                   **(IV) PROVIDE ADDITIONAL MENTAL HEALTH SERVICES DEEMED**  
29 **NECESSARY.**

1           **(D) (1) (I) THERE IS A MENTAL HEALTH COUNSELOR SERVICES**  
2 **PROGRAM.**

3                           **(II) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO**  
4 **PUBLIC SCHOOLS TO HIRE MENTAL HEALTH COUNSELORS.**

5                           **(III) THE DEPARTMENT SHALL DEVELOP THE PROGRAM.**

6                           **(IV) THE PROGRAM SHALL BE A GRANT PROGRAM TO PROVIDE**  
7 **GRANTS TO COUNTY BOARDS TO DISTRIBUTE TO SCHOOLS TO HIRE SCHOOL MENTAL**  
8 **HEALTH COUNSELORS.**

9                   **(2) THE DEPARTMENT SHALL:**

10                           **(I) ESTABLISH THE APPLICATION PROCEDURES FOR**  
11 **OBTAINING A GRANT AS PROVIDED UNDER THIS SECTION, INCLUDING THE**  
12 **SUBMISSION DATE FOR APPLICATIONS, RENEWAL PROCEDURES, AND APPLICATION**  
13 **REVIEW PROCESSES FOR MAKING AWARDS UNDER THE PROGRAM; AND**

14                           **(II) DISTRIBUTE GRANTS TO A COUNTY BOARD TO BE USED TO**  
15 **HIRE SCHOOL MENTAL HEALTH COUNSELORS.**

16                           **(3) FOR FISCAL YEAR 2020 AND EACH FISCAL YEAR THEREAFTER,**  
17 **THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET SUBMISSION FUNDING**  
18 **FOR GRANTS PROVIDED THROUGH THE PROGRAM.**

19                           **(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**  
20 **COUNTY BOARD THAT RECEIVES A GRANT SHALL DISTRIBUTE THE GRANT TO**  
21 **SCHOOLS WITHIN THE COUNTY.**

22                           **(II) IN DISTRIBUTING THE GRANT TO SCHOOLS WITHIN THE**  
23 **COUNTY, A COUNTY BOARD SHALL GIVE PRIORITY TO SCHOOLS THAT DEMONSTRATE**  
24 **A GREATER FINANCIAL NEED.**

25 7-303.

26           (a) (1) In this section the following words have the meanings indicated.

27                           **(10) “THREAT ASSESSMENT TEAM” MEANS A THREAT ASSESSMENT**  
28 **TEAM ESTABLISHED BY A COUNTY BOARD UNDER § 7-125 OF THIS TITLE.**

29           (b) If a student is arrested for a reportable offense or an offense that is related to  
30 the student’s membership in a criminal gang, the law enforcement agency making the  
31 arrest:

1 (1) Shall notify the following individuals of the arrest and the charges  
2 within 24 hours of the arrest or as soon as practicable:

3 (i) The local superintendent;

4 (ii) The school principal; [and]

5 (iii) For a school that has a school security officer, the school security  
6 officer; and

7 **(IV) THE THREAT ASSESSMENT TEAM; AND**

8 (2) May notify the State's Attorney of the arrest and charges.

9 (c) The State's Attorney shall promptly notify [either] the local superintendent,  
10 **THE THREAT ASSESSMENT TEAM**, or the school principal of the disposition of the  
11 reportable offense required to be reported under subsection (b) of this section.

12 (f) The State Board shall adopt regulations to ensure that information obtained  
13 by a local superintendent, a school principal, **A THREAT ASSESSMENT TEAM**, or a school  
14 security officer under subsections (b), (c), and (e) of this section is:

15 (1) Used to provide appropriate educational programming and related  
16 services to the student and to maintain a safe and secure school environment for students  
17 and school personnel;

18 (2) Transmitted only to school personnel of the school in which the student  
19 is enrolled as necessary to carry out the purposes set forth in item (1) of this subsection;  
20 and

21 (3) Destroyed when the student graduates or otherwise permanently  
22 leaves school or turns 22 years old, whichever occurs first.

23 **Article – Health – General**

24 4–306.

25 (a) In this section, “compulsory process” includes a subpoena, summons, warrant,  
26 or court order that appears on its face to have been issued on lawful authority.

27 (b) A health care provider shall disclose a medical record without the  
28 authorization of a person in interest:

29 (11) To a local drug overdose fatality review team established under Title 5,  
30 Subtitle 9 of this article as necessary to carry out its official functions, subject to:

1 (ii) Any additional limitations for disclosure or redisclosure of a  
2 medical record developed in connection with the provision of substance abuse treatment  
3 services under State law or 42 U.S.C. § 290DD-2 and 42 C.F.R. Part 2; [or]

4 (12) To a guardian ad litem appointed by a court to protect the best interests  
5 of a minor or a disabled or elderly individual who is a victim of a crime or a delinquent act,  
6 for the sole purpose and use of the guardian ad litem in carrying out the guardian ad litem's  
7 official function to protect the best interests of the minor or the disabled or elderly  
8 individual in a criminal or juvenile delinquency court proceeding as permitted under 42  
9 C.F.R. § 164.512(e); OR

10 **(13) TO A THREAT ASSESSMENT TEAM ESTABLISHED BY A COUNTY**  
11 **BOARD OF EDUCATION UNDER § 7-125 OF THE EDUCATION ARTICLE, SUBJECT TO**  
12 **THE ADDITIONAL LIMITATIONS UNDER § 4-307 OF THIS SUBTITLE FOR DISCLOSURE**  
13 **OF A MEDICAL RECORD DEVELOPED PRIMARILY IN CONNECTION WITH THE**  
14 **PROVISION OF MENTAL HEALTH SERVICES.**

15 (c) When a disclosure is sought under this section:

16 (1) A written request for disclosure or written confirmation by the health  
17 care provider of an oral request that justifies the need for disclosure shall be inserted in the  
18 medical record of the patient or recipient; and

19 (2) Documentation of the disclosure shall be inserted in the medical record  
20 of the patient or recipient.

21 4-307.

22 (b) The disclosure of a medical record developed in connection with the provision  
23 of mental health services shall be governed by the provisions of this section in addition to  
24 the other provisions of this subtitle.

25 (c) When a medical record developed in connection with the provision of mental  
26 health services is disclosed without the authorization of a person in interest, only the  
27 information in the record relevant to the purpose for which disclosure is sought may be  
28 released.

29 (k) (1) A health care provider shall disclose a medical record without the  
30 authorization of a person in interest:

31 (v) In accordance with a subpoena for medical records on specific  
32 recipients:

33 2. To grand juries, prosecution agencies, and law  
34 enforcement agencies under the supervision of prosecution agencies for the sole purposes  
35 of investigation and prosecution of a provider for theft and fraud, related offenses,

1 obstruction of justice, perjury, unlawful distribution of controlled substances, and of any  
2 criminal assault, neglect, patient abuse or sexual offense committed by the provider against  
3 a recipient, provided that the prosecution or law enforcement agency shall:

4 B. In a criminal proceeding against a provider, to the  
5 maximum extent possible, remove and protect recipient identifying information from the  
6 medical records used in the proceeding; [or]

7 (vi) In the event of the death of a recipient, to the office of the medical  
8 examiner as authorized under § 5–309 or § 10–713 of this article; OR

9 **(VII) TO A THREAT ASSESSMENT TEAM ESTABLISHED BY A**  
10 **COUNTY BOARD OF EDUCATION UNDER § 7–125 OF THE EDUCATION ARTICLE.**

11 (4) A written request for disclosure or written confirmation of an oral  
12 request in an emergency that justifies the need for disclosure shall be inserted in the  
13 medical record of the recipient.

14 (5) Documentation of the disclosure shall be inserted in the medical record  
15 of the recipient.

16 10–632.

17 (g) If a hearing officer enters an order for involuntary commitment under Part III  
18 of this subtitle [and the hearing officer determines that the individual cannot safely possess  
19 a firearm based on credible evidence of dangerousness to others], the hearing officer shall  
20 order the individual who is subject to the involuntary commitment to:

21 (1) Surrender to law enforcement authorities any firearms in the  
22 individual's possession; and

23 (2) Refrain from possessing a firearm unless the individual is granted relief  
24 from firearms disqualification in accordance with § 5–133.3 of the Public Safety Article.

25 **SUBTITLE 15. MENTAL DISORDER WEAPON RESTRAINING ORDER.**

26 **10–1501.**

27 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
28 **INDICATED.**

29 **(B) “COMMISSIONER” MEANS A DISTRICT COURT COMMISSIONER**  
30 **APPOINTED IN ACCORDANCE WITH ARTICLE IV, § 41G OF THE MARYLAND**  
31 **CONSTITUTION.**

1 (C) "COURT" MEANS THE DISTRICT COURT OF MARYLAND.

2 (D) "DANGEROUS WEAPON" MEANS A WEAPON DESCRIBED UNDER § 4-101  
3 OF THE CRIMINAL LAW ARTICLE.

4 (E) "FINAL MENTAL DISORDER RESTRAINING ORDER" MEANS A MENTAL  
5 DISORDER RESTRAINING ORDER ISSUED BY A JUDGE UNDER § 10-1506 OF THIS  
6 SUBTITLE.

7 (F) "FIREARM" MEANS:

8 (1) A HANDGUN, AN ANTIQUE FIREARM, A RIFLE, A SHOTGUN, A  
9 SHORT-BARRELED SHOTGUN, OR A SHORT-BARRELED RIFLE, AS THOSE TERMS ARE  
10 DEFINED IN § 4-201 OF THE CRIMINAL LAW ARTICLE;

11 (2) AN ASSAULT PISTOL, AS DEFINED IN § 4-301 OF THE CRIMINAL  
12 LAW ARTICLE;

13 (3) A MACHINE GUN, AS DEFINED IN § 4-401 OF THE CRIMINAL LAW  
14 ARTICLE; AND

15 (4) A REGULATED FIREARM, AS DEFINED IN § 5-101 OF THE PUBLIC  
16 SAFETY ARTICLE.

17 (G) "INTERIM MENTAL DISORDER RESTRAINING ORDER" MEANS AN ORDER  
18 THAT A COMMISSIONER ISSUES UNDER THIS SUBTITLE PENDING A HEARING BY A  
19 JUDGE ON A PETITION.

20 (H) "PETITIONER" MEANS AN INDIVIDUAL WHO FILES A PETITION UNDER §  
21 10-1503 OF THIS SUBTITLE.

22 (I) "RESPONDENT" MEANS AN INDIVIDUAL ALLEGED IN A PETITION TO BE  
23 A DANGER TO SELF OR TO THE PERSON OR PROPERTY OF ANOTHER BECAUSE OF A  
24 MENTAL DISORDER.

25 (J) "TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER"  
26 MEANS A MENTAL DISORDER RESTRAINING ORDER ISSUED BY A JUDGE UNDER §  
27 10-1505 OF THIS SUBTITLE.

28 10-1502.

29 BY PROCEEDING UNDER THIS SUBTITLE, A PETITIONER IS NOT LIMITED TO OR  
30 PRECLUDED FROM PURSUING ANY OTHER LEGAL REMEDY.

1 **10-1503.**

2 (A) A PETITIONER MAY SEEK RELIEF UNDER THIS SUBTITLE BY FILING  
3 WITH THE COURT, OR WITH A COMMISSIONER UNDER THE CIRCUMSTANCES  
4 SPECIFIED IN § 10-1516 OF THIS SUBTITLE, A PETITION THAT ALLEGES THAT THE  
5 RESPONDENT, DUE TO A MENTAL DISORDER, IS A DANGER TO SELF OR TO THE  
6 PERSON OR PROPERTY OF ANOTHER.

7 (B) THE PETITION SHALL:

8 (1) BE UNDER OATH AND PROVIDE NOTICE TO THE PETITIONER THAT  
9 AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN THE PETITION  
10 IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO THE PENALTIES  
11 SPECIFIED IN SUBSECTION (D) OF THIS SECTION;

12 (2) SUBJECT TO THE PROVISIONS OF SUBSECTION (C) OF THIS  
13 SECTION, CONTAIN THE ADDRESS OF THE PETITIONER; AND

14 (3) INCLUDE ALL INFORMATION KNOWN TO THE PETITIONER OF:

15 (I) THE NATURE AND EXTENT OF THE RESPONDENT'S  
16 BEHAVIOR SPECIFIED IN SUBSECTION (A) OF THIS SECTION FOR WHICH THE MENTAL  
17 DISORDER WEAPON RESTRAINING ORDER IS BEING SOUGHT, INCLUDING  
18 INFORMATION KNOWN TO THE PETITIONER CONCERNING PREVIOUS HARM OR  
19 INJURY CAUSED BY THE RESPONDENT, AS A RESULT OF A MENTAL DISORDER;

20 (II) EACH PREVIOUS AND PENDING ACTION BETWEEN THE  
21 PARTIES IN ANY COURT;

22 (III) THE WHEREABOUTS OF THE RESPONDENT;

23 (IV) THE RELATIONSHIP BETWEEN THE RESPONDENT AND THE  
24 PETITIONER;

25 (V) WHETHER THE RESPONDENT IS OR HAS PREVIOUSLY BEEN  
26 ADMITTED TO A FACILITY OR A VETERANS' ADMINISTRATION HOSPITAL DUE TO A  
27 MENTAL DISORDER; AND

28 (VI) THE RESPONDENT'S MENTAL HEALTH HISTORY.

29 (C) IF, IN A PROCEEDING UNDER THIS SUBTITLE, A PETITIONER ALLEGES,  
30 AND THE COMMISSIONER OR JUDGE FINDS, THAT THE DISCLOSURE OF THE ADDRESS

1 OF THE PETITIONER WOULD RISK HARM TO THE PETITIONER, THAT ADDRESS MAY  
2 BE STRICKEN FROM THE PETITION AND OMITTED FROM ALL OTHER DOCUMENTS  
3 FILED WITH THE COMMISSIONER OR FILED WITH OR TRANSFERRED TO A COURT.

4 (D) AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A  
5 PETITION FILED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON  
6 CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT  
7 EXCEEDING 90 DAYS OR BOTH.

8 10-1504.

9 (A) A PETITION UNDER THIS SECTION MAY BE FILED WITH A COMMISSIONER  
10 WHEN THE OFFICE OF THE DISTRICT COURT CLERK IS NOT OPEN FOR BUSINESS.

11 (B) IF A PETITION IS FILED WITH A COMMISSIONER AND THE  
12 COMMISSIONER FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT  
13 THE RESPONDENT, BECAUSE OF A MENTAL DISORDER, IS A DANGER TO SELF OR THE  
14 PERSON OR PROPERTY OF ANOTHER, THE COMMISSIONER MAY ISSUE AN INTERIM  
15 MENTAL DISORDER WEAPON RESTRAINING ORDER.

16 (C) AN INTERIM MENTAL DISORDER WEAPON RESTRAINING ORDER SHALL  
17 ORDER THE RESPONDENT TO:

18 (1) IMMEDIATELY SURRENDER ALL FIREARMS AND DANGEROUS  
19 WEAPONS IN THE POSSESSION OF OR AVAILABLE TO THE RESPONDENT; AND

20 (2) REFRAIN FROM POSSESSING ANY FIREARMS OR DANGEROUS  
21 WEAPONS FOR THE DURATION OF THE INTERIM MENTAL DISORDER WEAPON  
22 RESTRAINING ORDER.

23 (D) (1) (I) AN INTERIM MENTAL DISORDER WEAPON RESTRAINING  
24 ORDER SHALL STATE THE DATE, TIME, AND LOCATION FOR THE TEMPORARY  
25 MENTAL DISORDER WEAPON RESTRAINING ORDER HEARING AND A TENTATIVE  
26 DATE, TIME, AND LOCATION FOR A FINAL MENTAL DISORDER WEAPON RESTRAINING  
27 ORDER HEARING.

28 (II) EXCEPT AS PROVIDED IN SUBSECTION (G) OF THIS SECTION,  
29 OR UNLESS THE COURT CONTINUES THE HEARING FOR GOOD CAUSE, A TEMPORARY  
30 MENTAL DISORDER WEAPON RESTRAINING ORDER HEARING SHALL BE HELD ON THE  
31 FIRST OR SECOND DAY ON WHICH A DISTRICT COURT JUDGE IS SITTING AFTER  
32 ISSUANCE OF THE INTERIM MENTAL DISORDER WEAPON RESTRAINING ORDER.

1           **(2) AN INTERIM MENTAL DISORDER WEAPON RESTRAINING ORDER**  
2 **SHALL INCLUDE IN AT LEAST 10 POINT BOLD TYPE:**

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

4                   **1. THE RESPONDENT MUST GIVE THE COURT WRITTEN**  
5 **NOTICE OF EACH CHANGE OF ADDRESS;**

6                   **2. IF THE RESPONDENT FAILS TO APPEAR AT THE**  
7 **TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER HEARING OR ANY**  
8 **LATER HEARING, THE RESPONDENT MAY BE SERVED WITH ANY OTHER ORDERS OR**  
9 **NOTICES IN THE CASE BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN**  
10 **ADDRESS;**

11                   **3. THE DATE, TIME, AND LOCATION OF THE FINAL**  
12 **MENTAL DISORDER WEAPON RESTRAINING ORDER HEARING IS TENTATIVE ONLY,**  
13 **AND SUBJECT TO CHANGE; AND**

14                   **4. IF THE RESPONDENT DOES NOT ATTEND THE**  
15 **TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER HEARING, THE**  
16 **RESPONDENT MAY CALL THE OFFICE OF THE DISTRICT COURT CLERK AT THE**  
17 **NUMBER PROVIDED IN THE ORDER TO FIND OUT THE ACTUAL DATE, TIME, AND**  
18 **LOCATION OF ANY FINAL MENTAL DISORDER WEAPON RESTRAINING ORDER**  
19 **HEARING;**

20                   **(II) A STATEMENT OF ALL POSSIBLE FORMS AND DURATION OF**  
21 **WEAPON PROHIBITION THAT A TEMPORARY MENTAL DISORDER WEAPON**  
22 **RESTRAINING ORDER OR FINAL MENTAL DISORDER WEAPON RESTRAINING ORDER**  
23 **MAY CONTAIN;**

24                   **(III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT**  
25 **THE HEARING, A JUDGE MAY ISSUE A TEMPORARY GRANT OF WEAPON PROHIBITION**  
26 **REQUESTED IN THE PETITION OR MAY DENY THE PETITION, WHETHER OR NOT THE**  
27 **RESPONDENT IS IN COURT;**

28                   **(IV) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN**  
29 **INTERIM MENTAL DISORDER WEAPON RESTRAINING ORDER IS A CRIME AND THAT A**  
30 **LAW ENFORCEMENT OFFICER SHALL ARREST THE RESPONDENT, WITH OR WITHOUT**  
31 **A WARRANT, AND TAKE THE RESPONDENT INTO CUSTODY IF THE OFFICER HAS**  
32 **PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT HAS VIOLATED ANY**  
33 **PROVISION OF THE INTERIM MENTAL DISORDER WEAPON RESTRAINING ORDER;**  
34 **AND**

1                   **(V) THE PHONE NUMBER OF THE OFFICE OF THE DISTRICT**  
2 **COURT CLERK.**

3           **(E) WHENEVER A COMMISSIONER ISSUES AN INTERIM MENTAL DISORDER**  
4 **WEAPON RESTRAINING ORDER, THE COMMISSIONER SHALL:**

5                   **(1) IMMEDIATELY FORWARD A COPY OF THE PETITION AND INTERIM**  
6 **MENTAL DISORDER WEAPON RESTRAINING ORDER TO THE APPROPRIATE LAW**  
7 **ENFORCEMENT AGENCY FOR SERVICE ON THE RESPONDENT; AND**

8                   **(2) BEFORE THE HEARING SCHEDULED ON THE INTERIM MENTAL**  
9 **DISORDER WEAPON RESTRAINING ORDER, TRANSFER THE CASE FILE AND THE**  
10 **RETURN OF SERVICE, IF ANY, TO THE OFFICE OF THE DISTRICT COURT CLERK.**

11           **(F) A LAW ENFORCEMENT OFFICER SHALL:**

12                   **(1) IMMEDIATELY ON RECEIPT OF A PETITION AND AN INTERIM**  
13 **MENTAL DISORDER WEAPON RESTRAINING ORDER, SERVE THE PETITION AND THE**  
14 **ORDER ON THE RESPONDENT NAMED IN THE ORDER;**

15                   **(2) TAKE POSSESSION OF ANY FIREARMS AND DANGEROUS WEAPONS**  
16 **IN THE POSSESSION OF OR AVAILABLE TO THE RESPONDENT;**

17                   **(3) SEEK AND EXECUTE A SEARCH WARRANT TO SEARCH THE**  
18 **RESPONDENT'S PERSON AND PROPERTY TO ENSURE THAT THE RESPONDENT DOES**  
19 **NOT HAVE POSSESSION OF OR ACCESS TO A FIREARM OR A DANGEROUS WEAPON;**  
20 **AND**

21                   **(4) AFTER SERVICE, MAKE A RETURN OF SERVICE TO THE**  
22 **COMMISSIONER'S OFFICE OR, IF THE OFFICE OF THE DISTRICT COURT CLERK IS**  
23 **OPEN FOR BUSINESS, TO THE CLERK.**

24           **(G) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, AN**  
25 **INTERIM MENTAL DISORDER WEAPON RESTRAINING ORDER SHALL BE EFFECTIVE**  
26 **UNTIL THE EARLIER OF:**

27                   **(I) THE TEMPORARY MENTAL DISORDER WEAPON**  
28 **RESTRAINING ORDER HEARING UNDER § 10-1505 OF THIS SUBTITLE; OR**

29                   **(II) THE END OF THE SECOND BUSINESS DAY THE OFFICE OF**  
30 **THE DISTRICT COURT CLERK IS OPEN FOLLOWING THE ISSUANCE OF AN INTERIM**  
31 **MENTAL DISORDER WEAPON RESTRAINING ORDER.**

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

6           **(H) A DECISION OF A COMMISSIONER TO GRANT OR DENY A WEAPON**  
7 **PROHIBITION UNDER THIS SECTION IS NOT BINDING ON, AND DOES NOT AFFECT ANY**  
8 **POWER GRANTED TO OR DUTY IMPOSED ON, A JUDGE OF A CIRCUIT COURT OR THE**  
9 **DISTRICT COURT UNDER ANY LAW, INCLUDING ANY POWER TO GRANT OR DENY A**  
10 **PETITION FOR A TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER OR**  
11 **FINAL MENTAL DISORDER WEAPON RESTRAINING ORDER.**

12           **(I) AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A**  
13 **PETITION FILED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON**  
14 **CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT**  
15 **EXCEEDING 90 DAYS OR BOTH.**

16 **10-1505.**

17           **(A) (1) IF, AFTER A HEARING ON A PETITION, WHETHER EX PARTE OR**  
18 **OTHERWISE, A JUDGE FINDS THAT THERE ARE REASONABLE GROUNDS TO BELIEVE**  
19 **THAT THE RESPONDENT, BECAUSE OF A MENTAL DISORDER, IS A DANGER TO SELF**  
20 **OR TO THE PERSON OR PROPERTY OF ANOTHER, THE JUDGE MAY ORDER A**  
21 **TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER.**

22           **(2) THE TEMPORARY MENTAL DISORDER WEAPON RESTRAINING**  
23 **ORDER SHALL ORDER THE RESPONDENT TO:**

24                   **(I) IMMEDIATELY SURRENDER TO LAW ENFORCEMENT**  
25 **AUTHORITIES ANY FIREARMS AND DANGEROUS WEAPONS IN THE POSSESSION OF OR**  
26 **AVAILABLE TO THE RESPONDENT; AND**

27                   **(II) NOT POSSESS ANY FIREARMS OR DANGEROUS WEAPONS.**

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

30                   **(I) IMMEDIATELY ON RECEIPT OF A PETITION AND TEMPORARY**  
31 **MENTAL DISORDER WEAPON RESTRAINING ORDER, SERVE THE PETITION AND THE**  
32 **ORDER ON THE RESPONDENT NAMED IN THE ORDER;**

1                   **(II) TAKE POSSESSION OF ANY FIREARMS AND DANGEROUS**  
2 **WEAPONS IN THE POSSESSION OF OR AVAILABLE TO THE RESPONDENT;**

3                   **(III) SEEK AND EXECUTE A SEARCH WARRANT TO SEARCH THE**  
4 **RESPONDENT'S PERSON AND PROPERTY TO ENSURE THAT THE RESPONDENT DOES**  
5 **NOT HAVE POSSESSION OF OR ACCESS TO A FIREARM OR A DANGEROUS WEAPON;**  
6 **AND**

7                   **(IV) AFTER SERVICE, MAKE A RETURN OF SERVICE TO THE**  
8 **COMMISSIONER'S OFFICE OR, IF THE OFFICE OF THE DISTRICT COURT CLERK IS**  
9 **OPEN FOR BUSINESS, TO THE CLERK.**

10                   **(2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM**  
11 **MENTAL DISORDER WEAPON RESTRAINING ORDER UNDER § 10-1504 OF THIS**  
12 **SUBTITLE SHALL BE SERVED WITH THE TEMPORARY MENTAL DISORDER WEAPON**  
13 **RESTRAINING ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT PRESENT AT**  
14 **THE TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER HEARING, BY**  
15 **FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS.**

16                   **(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**  
17 **TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER SHALL BE**  
18 **EFFECTIVE FOR NOT MORE THAN 7 DAYS AFTER SERVICE OF THE ORDER.**

19                   **(2) THE JUDGE MAY EXTEND THE TEMPORARY MENTAL DISORDER**  
20 **WEAPON RESTRAINING ORDER AS NEEDED, BUT NOT TO EXCEED 30 DAYS, TO**  
21 **EFFECTUATE SERVICE OF THE ORDER WHERE NECESSARY TO PROVIDE PROTECTION**  
22 **OR FOR OTHER GOOD CAUSE.**

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

28                   **(D) THE JUDGE MAY PROCEED WITH A FINAL MENTAL DISORDER WEAPON**  
29 **RESTRAINING ORDER HEARING INSTEAD OF A TEMPORARY MENTAL DISORDER**  
30 **WEAPON RESTRAINING ORDER HEARING IF:**

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

32                   **(II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM**  
33 **MENTAL DISORDER WEAPON RESTRAINING 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 MENTAL DISORDER WEAPON RESTRAINING ORDER**  
5 **HEARING.**

6 **10-1506.**

7                   **(A) A RESPONDENT SHALL HAVE AN OPPORTUNITY TO BE HEARD ON THE**  
8 **QUESTION OF WHETHER THE JUDGE SHOULD ISSUE A FINAL MENTAL DISORDER**  
9 **WEAPON RESTRAINING ORDER.**

10                   **(B) (1) (I) THE TEMPORARY MENTAL DISORDER WEAPON**  
11 **RESTRAINING ORDER SHALL STATE THE DATE AND TIME OF THE FINAL MENTAL**  
12 **DISORDER WEAPON RESTRAINING ORDER HEARING.**

13                   **(II) EXCEPT AS PROVIDED IN § 10-1505(C) OF THIS SUBTITLE,**  
14 **OR UNLESS CONTINUED FOR GOOD CAUSE, THE FINAL MENTAL DISORDER WEAPON**  
15 **RESTRAINING ORDER HEARING SHALL BE HELD NOT LATER THAN 7 DAYS AFTER THE**  
16 **TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER IS SERVED ON THE**  
17 **RESPONDENT.**

18                   **(2) THE TEMPORARY MENTAL DISORDER WEAPON RESTRAINING**  
19 **ORDER SHALL INCLUDE NOTICE TO THE RESPONDENT:**

20                   **(I) IN AT LEAST 10 POINT BOLD TYPE, THAT IF THE**  
21 **RESPONDENT FAILS TO APPEAR AT THE FINAL MENTAL DISORDER WEAPON**  
22 **RESTRAINING ORDER HEARING, THE RESPONDENT MAY BE SERVED BY FIRST-CLASS**  
23 **MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS WITH THE FINAL MENTAL**  
24 **DISORDER WEAPON RESTRAINING ORDER AND ALL OTHER NOTICES CONCERNING**  
25 **THE FINAL MENTAL DISORDER WEAPON RESTRAINING ORDER;**

26                   **(II) SPECIFYING ALL THE POSSIBLE FORMS OF RELIEF UNDER**  
27 **SUBSECTION (D) OF THIS SECTION THAT THE FINAL MENTAL DISORDER WEAPON**  
28 **RESTRAINING ORDER MAY CONTAIN;**

29                   **(III) THAT THE FINAL MENTAL DISORDER WEAPON**  
30 **RESTRAINING ORDER SHALL BE EFFECTIVE FOR THE PERIOD STATED IN THE**  
31 **ORDER, NOT TO EXCEED 6 MONTHS; AND**

32                   **(IV) IN AT LEAST 10 POINT BOLD TYPE, THAT THE RESPONDENT**  
33 **MUST NOTIFY THE COURT IN WRITING OF ANY CHANGE OF ADDRESS.**

1           **(C) IF THE RESPONDENT APPEARS FOR THE FINAL MENTAL DISORDER**  
2 **WEAPON RESTRAINING ORDER HEARING, HAS BEEN SERVED WITH AN INTERIM**  
3 **MENTAL DISORDER WEAPON RESTRAINING ORDER OR A TEMPORARY MENTAL**  
4 **DISORDER WEAPON RESTRAINING ORDER, OR THE COURT OTHERWISE HAS**  
5 **PERSONAL JURISDICTION OVER THE RESPONDENT, THE JUDGE:**

6           **(1) MAY PROCEED WITH THE FINAL MENTAL DISORDER WEAPON**  
7 **RESTRAINING ORDER HEARING; AND**

8           **(2) IF THE JUDGE FINDS BY A PREPONDERANCE OF THE EVIDENCE**  
9 **THAT THE RESPONDENT, BECAUSE OF A MENTAL DISORDER, IS A DANGER TO SELF**  
10 **OR TO THE PERSON OR PROPERTY OF ANOTHER, OR IF THE RESPONDENT CONSENTS**  
11 **TO THE ENTRY OF THE MENTAL DISORDER WEAPON RESTRAINING ORDER, MAY**  
12 **ISSUE A FINAL MENTAL DISORDER WEAPON RESTRAINING ORDER.**

13           **(D) (1) THE FINAL MENTAL DISORDER WEAPON RESTRAINING ORDER**  
14 **SHALL ORDER THE RESPONDENT TO:**

15           **(I) IMMEDIATELY SURRENDER TO LAW ENFORCEMENT**  
16 **AUTHORITIES ANY FIREARMS AND DANGEROUS WEAPONS IN THE POSSESSION OF OR**  
17 **AVAILABLE TO THE RESPONDENT; AND**

18           **(II) NOT POSSESS ANY FIREARMS OR DANGEROUS WEAPONS**  
19 **FOR THE DURATION OF THE ORDER.**

20           **(E) A LAW ENFORCEMENT OFFICER SHALL:**

21           **(1) IMMEDIATELY ON RECEIPT OF A PETITION AND FINAL MENTAL**  
22 **DISORDER WEAPON RESTRAINING ORDER, SERVE THE PETITION AND THE ORDER ON**  
23 **THE RESPONDENT NAMED IN THE ORDER;**

24           **(2) TAKE POSSESSION OF ANY FIREARMS AND DANGEROUS WEAPONS**  
25 **IN THE POSSESSION OF OR AVAILABLE TO THE RESPONDENT;**

26           **(3) SEEK AND EXECUTE A SEARCH WARRANT TO SEARCH THE**  
27 **RESPONDENT'S PERSON AND PROPERTY TO ENSURE THAT THE RESPONDENT DOES**  
28 **NOT HAVE POSSESSION OF OR ACCESS TO A FIREARM OR A DANGEROUS WEAPON;**  
29 **AND**

30           **(4) AFTER SERVICE, MAKE A RETURN OF SERVICE TO THE**  
31 **COMMISSIONER'S OFFICE OR, IF THE OFFICE OF THE DISTRICT COURT CLERK IS**  
32 **OPEN FOR BUSINESS, TO THE CLERK.**

1           **(F) ALL WEAPON PROHIBITION ORDERS IN A FINAL MENTAL DISORDER**  
2 **WEAPON RESTRAINING ORDER SHALL BE EFFECTIVE FOR THE PERIOD STATED IN**  
3 **THE ORDER, NOT TO EXCEED 6 MONTHS.**

4 **10-1507.**

5           **(A) (1) A JUDGE MAY MODIFY OR RESCIND A FINAL MENTAL DISORDER**  
6 **WEAPON RESTRAINING ORDER DURING THE TERM OF THE FINAL MENTAL DISORDER**  
7 **WEAPON RESTRAINING ORDER AFTER:**

8                   **(I) GIVING NOTICE TO THE PETITIONER AND THE**  
9 **RESPONDENT; AND**

10                   **(II) A HEARING.**

11           **(2) FOR GOOD CAUSE SHOWN, A JUDGE MAY EXTEND THE TERM OF**  
12 **THE FINAL MENTAL DISORDER WEAPON RESTRAINING ORDER FOR 6 MONTHS**  
13 **BEYOND THE PERIOD SPECIFIED IN § 10-1506(F) OF THIS SUBTITLE AFTER:**

14                   **(I) GIVING NOTICE TO THE PETITIONER AND THE**  
15 **RESPONDENT; AND**

16                   **(II) A HEARING.**

17           **(3) (I) IF, DURING THE TERM OF A FINAL MENTAL DISORDER**  
18 **WEAPON RESTRAINING ORDER, A PETITIONER FILES A MOTION TO EXTEND THE**  
19 **TERM OF THE ORDER UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COURT**  
20 **SHALL HOLD A HEARING ON THE MOTION WITHIN 30 DAYS AFTER THE MOTION IS**  
21 **FILED.**

22                   **(II) IF THE HEARING ON THE MOTION IS SCHEDULED AFTER THE**  
23 **ORIGINAL EXPIRATION DATE OF THE FINAL MENTAL DISORDER WEAPON**  
24 **RESTRAINING ORDER, THE COURT SHALL EXTEND THE ORDER AND KEEP THE TERMS**  
25 **OF THE ORDER IN FULL FORCE AND EFFECT UNTIL THE HEARING ON THE MOTION.**

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

30                   **(2) AN APPEAL TAKEN UNDER THIS SUBSECTION TO THE CIRCUIT**  
31 **COURT SHALL BE HEARD DE NOVO IN THE CIRCUIT COURT.**

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

4           **(II) UNLESS THE CIRCUIT COURT ORDERS OTHERWISE,**  
5 **MODIFICATION OR ENFORCEMENT OF THE DISTRICT COURT ORDER SHALL BE BY**  
6 **THE DISTRICT COURT.**

7 **10-1508.**

8           **(A) IF A RESPONDENT SURRENDERS A FIREARM OR A DANGEROUS WEAPON**  
9 **UNDER THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:**

10           **(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS**  
11 **FOR RETAKING POSSESSION OF THE FIREARM OR DANGEROUS WEAPON; AND**

12           **(2) TRANSPORT AND STORE THE FIREARM OR DANGEROUS WEAPON**  
13 **IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO**  
14 **PREVENT DAMAGE TO THE FIREARM OR DANGEROUS WEAPON DURING THE TIME**  
15 **THE INTERIM, TEMPORARY, OR FINAL MENTAL DISORDER WEAPON RESTRAINING**  
16 **ORDER IS IN EFFECT.**

17           **(B) (1) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM OR**  
18 **DANGEROUS WEAPON AT THE EXPIRATION OF AN INTERIM MENTAL DISORDER**  
19 **WEAPON RESTRAINING ORDER UNLESS:**

20           **(I) THE RESPONDENT IS ORDERED TO SURRENDER THE**  
21 **FIREARM OR DANGEROUS WEAPON IN A MENTAL DISORDER WEAPON RESTRAINING**  
22 **ORDER ISSUED UNDER § 10-1504, § 10-1505, OR § 10-1506 OF THIS SUBTITLE; OR**

23           **(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED**  
24 **TO OWN OR POSSESS THE FIREARM OR DANGEROUS WEAPON.**

25           **(2) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM OR**  
26 **DANGEROUS WEAPON AT THE EXPIRATION OF A TEMPORARY MENTAL DISORDER**  
27 **WEAPON RESTRAINING ORDER UNLESS:**

28           **(I) THE RESPONDENT IS ORDERED TO SURRENDER THE**  
29 **FIREARM OR DANGEROUS WEAPON IN A FINAL MENTAL DISORDER WEAPON**  
30 **RESTRAINING ORDER ISSUED UNDER § 10-1506 OF THIS SUBTITLE; OR**

1                   **(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED**  
2 **TO OWN OR POSSESS THE FIREARM OR DANGEROUS WEAPON.**

3                   **(3) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM OR**  
4 **DANGEROUS WEAPON AT THE EXPIRATION OF A FINAL MENTAL DISORDER WEAPON**  
5 **RESTRAINING ORDER UNLESS:**

6                   **(I) THE PROTECTIVE ORDER IS EXTENDED UNDER § 10-1507**  
7 **OF THIS SUBTITLE; OR**

8                   **(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED**  
9 **TO OWN OR POSSESS THE FIREARM OR DANGEROUS WEAPON.**

10                  **(C) NOTWITHSTANDING ANY OTHER LAW, A RESPONDENT MAY TRANSPORT**  
11 **A FIREARM OR DANGEROUS WEAPON IF THE RESPONDENT IS CARRYING A MENTAL**  
12 **DISORDER WEAPON RESTRAINING ORDER REQUIRING THE SURRENDER OF THE**  
13 **FIREARM AND:**

14                  **(1) THE FIREARM IS UNLOADED;**

15                  **(2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT,**  
16 **BARRACKS, OR STATION THAT THE FIREARM OR DANGEROUS WEAPON IS BEING**  
17 **TRANSPORTED IN ACCORDANCE WITH THE MENTAL DISORDER WEAPON**  
18 **RESTRAINING ORDER; AND**

19                  **(3) THE RESPONDENT TRANSPORTS THE FIREARM OR DANGEROUS**  
20 **WEAPON DIRECTLY TO THE LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.**

21 **10-1509.**

22                  **(A) AN INTERIM MENTAL DISORDER WEAPON RESTRAINING ORDER, A**  
23 **TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER, AND A FINAL**  
24 **MENTAL DISORDER WEAPON RESTRAINING ORDER ISSUED UNDER THIS SUBTITLE**  
25 **SHALL STATE THAT A VIOLATION OF THE ORDER MAY RESULT IN:**

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

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

28                  **(B) A TEMPORARY MENTAL DISORDER WEAPON RESTRAINING ORDER AND**  
29 **FINAL MENTAL DISORDER WEAPON RESTRAINING ORDER ISSUED UNDER THIS**  
30 **SUBTITLE SHALL STATE THAT A VIOLATION OF THE ORDER MAY RESULT IN A**  
31 **FINDING OF CONTEMPT.**

1 **10-1510.**

2 (A) AN INDIVIDUAL WHO FAILS TO COMPLY WITH THE WEAPON  
3 PROHIBITION OF AN INTERIM MENTAL DISORDER WEAPON RESTRAINING ORDER  
4 UNDER § 10-1504 OF THIS SUBTITLE, A TEMPORARY MENTAL DISORDER WEAPON  
5 RESTRAINING ORDER UNDER § 10-1505 OF THIS SUBTITLE, OR A FINAL MENTAL  
6 DISORDER WEAPON RESTRAINING ORDER UNDER § 10-1506 OF THIS SUBTITLE IS  
7 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

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

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

12 (B) A LAW ENFORCEMENT OFFICER SHALL ARREST WITH OR WITHOUT A  
13 WARRANT AND TAKE INTO CUSTODY AN INDIVIDUAL WHO THE OFFICER HAS  
14 PROBABLE CAUSE TO BELIEVE IS IN VIOLATION OF AN INTERIM MENTAL DISORDER  
15 WEAPON RESTRAINING ORDER, A TEMPORARY MENTAL DISORDER WEAPON  
16 RESTRAINING ORDER, OR A FINAL MENTAL DISORDER WEAPON RESTRAINING  
17 ORDER IN EFFECT AT THE TIME OF THE VIOLATION.

18 **10-1511.**

19 (A) THE COURT OF APPEALS MAY ADOPT RULES AND FORMS TO  
20 IMPLEMENT THE PROVISIONS OF THIS SUBTITLE.

21 (B) (1) THE COURT OF APPEALS SHALL ADOPT A FORM FOR A PETITION  
22 UNDER THIS SUBTITLE.

23 (2) A PETITION FORM SHALL CONTAIN NOTICE TO A PETITIONER  
24 THAT AN INDIVIDUAL WHO KNOWINGLY PROVIDES FALSE INFORMATION IN A  
25 PETITION FILED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON  
26 CONVICTION IS SUBJECT TO THE PENALTIES SPECIFIED IN § 10-1503(D) OF THIS  
27 SUBTITLE.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2018.