

HB1302/293929/1

BY: Delegate Kipke

AMENDMENTS TO HOUSE BILL 1302, AS AMENDED

AMENDMENT NO. 1

In the House Judiciary Committee Amendment (HB1302/822614/1), on page 1, in line 19, after the semicolon insert “requiring a law enforcement officer to transport a respondent to an emergency facility; requiring a physician to evaluate a respondent and to make a certain determination; requiring the court within a certain time frame to consider certain information and to make a certain determination before confirming and issuing a certain order;”.

AMENDMENT NO. 2

In the House Judiciary Committee Amendment, on page 11, in line 14, strike “A PREPONDERANCE OF THE” and substitute “CLEAR AND CONVINCING”.

AMENDMENT NO. 3

In the House Judiciary Committee Amendment, on page 12, in line 6, strike “EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A” and substitute “A”; and strike beginning with “A” in line 15 down through “(3)” in line 21.

In the House Judiciary Committee Amendment, on page 13, in line 1, after “(1)” insert “WHEN A LAW ENFORCEMENT OFFICER SERVES THE TEMPORARY EXTREME RISK PREVENTION ORDER ON THE RESPONDENT, THE LAW ENFORCEMENT OFFICER SHALL TAKE THE RESPONDENT TO THE NEAREST EMERGENCY FACILITY.”

(2) IF THE TEMPORARY EXTREME RISK PREVENTION ORDER IS EXECUTED PROPERLY, THE EMERGENCY FACILITY SHALL ACCEPT THE RESPONDENT.

(Over)

(3) A PHYSICIAN SHALL EVALUATE THE RESPONDENT AFTER THE RESPONDENT'S ADMISSION TO DETERMINE WHETHER THE RESPONDENT POSES AN IMMEDIATE AND PRESENT DANGER OF CAUSING PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER BY POSSESSING A FIREARM.

(4) WITHIN 48 HOURS AFTER THE RESPONDENT'S ADMISSION TO THE EMERGENCY FACILITY OR, IF THE COURT IS CLOSED, ON THE DAY ON WHICH THE COURT REOPENS, THE RESPONDENT AND, IF THE RESPONDENT REQUESTS, THE RESPONDENT'S ATTORNEY SHALL BE BROUGHT BEFORE THE JUDGE WHO ISSUED THE TEMPORARY ORDER.

(5) THE JUDGE SHALL:

(I) CONSIDER THE PHYSICIAN'S EVALUATION OF THE RESPONDENT OF WHETHER 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) RECONFIRM THE TEMPORARY ORDER AND ISSUE AN ORDER FOR THE REMOVAL OF ANY FIREARMS THAT ARE ACCESSIBLE TO THE RESPONDENT IF AFTER REVIEWING THE PHYSICIAN'S EVALUATION THE JUDGE FINDS BY CLEAR AND CONVINCING EVIDENCE THAT:

1. 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

**2. A TEMPORARY EXTREME RISK PREVENTION ORDER IS NECESSARY TO PREVENT PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER.**

**(D) (1)**”;

in line 13, strike “**(D)**” and substitute “**(E)**”; and in line 14, after “**HEARING**” insert “**WHEN THE RESPONDENT IS BROUGHT BEFORE THE JUDGE UNDER SUBSECTION (C)(4) OF THIS SECTION**”.