

HB1302/258778/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1302
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Prevention" and substitute "Protective".

On pages 2 and 3, strike the lines beginning with line 27 on page 2 through line 39 on page 3, inclusive, and substitute:

"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

(Over)

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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

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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.”.

On page 4, before line 1, insert:

“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)”;

in line 3, strike “5-609” and substitute “5-610”; and in line 4, strike “Prevention” and substitute “Protective”.

AMENDMENT NO. 2

On page 13, after line 7, insert:

“Article – Courts and Judicial Proceedings

9-109.

(d) There is no privilege if:

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

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

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

9-109.1.

(d) There is no privilege if:

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

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

(8) IN AN EXTREME RISK PROTECTIVE ORDER PROCEEDING UNDER TITLE 5, SUBTITLE 6 OF THE PUBLIC SAFETY ARTICLE IN WHICH THE

PSYCHIATRIC-MENTAL HEALTH NURSING SPECIALIST OR PROFESSIONAL COUNSELOR IS A PETITIONER AND A CLIENT OR FORMER CLIENT IS A RESPONDENT, THE DISCLOSURE IS NECESSARY TO OBTAIN RELIEF.

9-121.

(d) There is no privilege if:

(6) In a criminal proceeding against a client or former client alleging that the client or former client has harassed or threatened or committed another criminal act against the licensed certified social worker, the disclosure is necessary to prove the charge; [or]

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

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

AMENDMENT NO. 3

On page 13, in line 9, strike “PREVENTION” and substitute “PROTECTIVE”.

On pages 13 through 25, strike the lines beginning with line 10 on page 13 through line 17 on page 25, inclusive, and substitute:

“5-601.

(Over)

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

(B) “AMMUNITION” HAS THE MEANING STATED IN § 5-133.1 OF THIS TITLE.

(C) “EXTREME RISK PROTECTIVE ORDER” MEANS A CIVIL INTERIM, TEMPORARY, OR FINAL PROTECTIVE ORDER ISSUED IN ACCORDANCE WITH THIS SUBTITLE.

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

(E) (1) “PETITIONER” MEANS AN INDIVIDUAL WHO FILES A PETITION FOR AN EXTREME RISK PROTECTIVE ORDER UNDER THIS SUBTITLE.

(2) “PETITIONER” INCLUDES:

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

(II) A LAW ENFORCEMENT OFFICER;

(III) THE SPOUSE OF THE RESPONDENT;

(IV) A COHABITANT OF THE RESPONDENT;

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

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

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

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

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

5-602.

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

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

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

(Over)

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

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

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

(VI) INCLUDE ANY SUPPORTING DOCUMENTS OR INFORMATION REGARDING:

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

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

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

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

5. 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.

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

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

(1) THE DISTRICT COURT; OR

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

(C) (1) ALL COURT RECORDS RELATING TO A PETITION FOR AN EXTREME RISK PROTECTIVE ORDER MADE UNDER THIS SUBTITLE ARE CONFIDENTIAL AND THE CONTENTS MAY NOT BE DIVULGED, BY SUBPOENA OR OTHERWISE, EXCEPT BY ORDER OF THE COURT ON GOOD CAUSE SHOWN.

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

(I) PERSONNEL OF THE COURT;

(II) THE RESPONDENT OR COUNSEL FOR THE RESPONDENT;

(Over)

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

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

(V) A LAW ENFORCEMENT AGENCY; OR

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

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

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

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

(2) BY ORDER OF THE COURT.

5-603.

(A) (1) WHEN A PETITION IS FILED WITH A DISTRICT COURT COMMISSIONER UNDER § 5-602(B)(2) OF THIS SUBTITLE, THE COMMISSIONER MAY ENTER AN INTERIM EXTREME RISK PROTECTIVE ORDER TO PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE COMMISSIONER FINDS THAT

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.

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

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

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

(3) THE INTERIM EXTREME RISK PROTECTIVE ORDER SHALL:

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

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

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

(Over)

(B) (1) (i) AN INTERIM EXTREME RISK PROTECTIVE ORDER SHALL STATE THE DATE, TIME, AND LOCATION FOR A TEMPORARY EXTREME RISK PROTECTIVE ORDER HEARING AND A TENTATIVE DATE, TIME, AND LOCATION FOR A FINAL EXTREME RISK PROTECTIVE ORDER HEARING.

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

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

(i) NOTICE TO THE RESPONDENT THAT:

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

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

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

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

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

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

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

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

(V) NOTICE OF:

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

(Over)

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

(VI) A WARNING TO THE RESPONDENT THAT VIOLATION OF AN INTERIM EXTREME RISK PROTECTIVE ORDER IS A CRIME AND THAT A LAW ENFORCEMENT OFFICER WILL 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 PROTECTIVE ORDER; AND

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

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

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

(2) BEFORE THE HEARING SCHEDULED FOR THE TEMPORARY EXTREME RISK PROTECTIVE 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 PROTECTIVE 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 PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INTERIM EXTREME RISK PROTECTIVE ORDER SHALL BE EFFECTIVE UNTIL THE EARLIER OF:

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

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

(2) IF THE COURT IS CLOSED ON THE DAY ON WHICH THE INTERIM EXTREME RISK PROTECTIVE ORDER IS DUE TO EXPIRE, THE INTERIM EXTREME RISK PROTECTIVE 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 PROTECTIVE ORDER HEARING.

5-604.

(Over)

(A) (1) AFTER A HEARING ON A PETITION, WHETHER EX PARTE OR OTHERWISE, A JUDGE MAY ENTER A TEMPORARY EXTREME RISK PROTECTIVE ORDER TO PROHIBIT THE RESPONDENT FROM POSSESSING A FIREARM IF THE JUDGE FINDS THAT 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.

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

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

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

(3) THE TEMPORARY EXTREME RISK PROTECTIVE ORDER SHALL:

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

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

(4) IF THE JUDGE FINDS PROBABLE CAUSE TO BELIEVE THAT THE RESPONDENT MEETS THE REQUIREMENTS FOR EMERGENCY EVALUATION UNDER

TITLE 10, SUBTITLE 6 OF THE HEALTH – GENERAL ARTICLE, THE JUDGE SHALL REFER THE RESPONDENT FOR EMERGENCY EVALUATION.

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

(I) IMMEDIATELY SERVE THE TEMPORARY EXTREME RISK PROTECTIVE 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Over)

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

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

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

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

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

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

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

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

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

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

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

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

(3) THE FINAL EXTREME RISK PROTECTIVE ORDER SHALL:

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

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

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

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

(I) THE CRIMINAL LAW ARTICLE;

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

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

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

(V) THIS ARTICLE.

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

(E) (1) A COPY OF THE FINAL EXTREME RISK PROTECTIVE ORDER SHALL BE SERVED ON THE PETITIONER, THE RESPONDENT, THE APPROPRIATE LAW ENFORCEMENT AGENCY, AND ANY OTHER PERSON THE JUDGE DETERMINES

IS APPROPRIATE IN OPEN COURT OR, IF THE PERSON IS NOT PRESENT AT THE FINAL EXTREME RISK PROTECTIVE ORDER HEARING, BY FIRST-CLASS MAIL TO THE PERSON'S LAST KNOWN ADDRESS.

(2) (I) A COPY OF THE FINAL EXTREME RISK PROTECTIVE ORDER 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 PROTECTIVE ORDER.

(II) SERVICE IS COMPLETE ON MAILING.

(F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL RELIEF GRANTED IN A FINAL EXTREME RISK PROTECTIVE 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 PROTECTIVE ORDER SHALL SUPERSEDE THOSE PROVISIONS IN THE FINAL EXTREME RISK PROTECTIVE ORDER.

5-606.

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

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

(Over)

(II) A HEARING.

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

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

(II) A HEARING.

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

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

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

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

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

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

5-607.

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

5-608.

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

(Over)

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

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

(III) RETAIN A COPY OF THE RECEIPT; AND

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

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

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

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

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

(B) (1) ON EXPIRATION OR TERMINATION OF AN EXTREME RISK PROTECTIVE ORDER, A LAW ENFORCEMENT AGENCY THAT HOLDS ANY FIREARM

OR AMMUNITION SURRENDERED OR SEIZED IN ACCORDANCE WITH THE EXPIRED OR TERMINATED ORDER SHALL NOTIFY THE RESPONDENT THAT THE RESPONDENT MAY REQUEST THE RETURN OF THE FIREARM OR AMMUNITION.

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

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

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

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

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

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

(Over)

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

1. A LICENSED FIREARMS DEALER; OR

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

(II) REQUEST THE DESTRUCTION OF THE FIREARM OR AMMUNITION.

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

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

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

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

(D) IF AN INDIVIDUAL OTHER THAN THE RESPONDENT CLAIMS OWNERSHIP OF A FIREARM OR AMMUNITION SEIZED OR SURRENDERED IN

ACCORDANCE WITH AN EXTREME RISK PROTECTIVE ORDER, THE LAW ENFORCEMENT AGENCY SHALL RETURN THE FIREARM OR AMMUNITION TO THE INDIVIDUAL IF:

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

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

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

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

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

5-609.

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

(1) CRIMINAL PROSECUTION; AND

(Over)

(2) IMPRISONMENT OR FINE OR BOTH.

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

5-610.

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

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

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

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

AMENDMENT NO. 4

On page 25, in line 18, after “ENACTED,” insert “That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions”

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or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED.”.