

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1302
(First Reading File Bill)

On page 1, strike line 2 in its entirety and substitute “Public Safety – Extreme Risk Prevention Orders”.

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 22 on page 2, inclusive, and substitute:

“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

(Over)

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.

BY adding to

Article – Public Safety

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

Annotated Code of Maryland

(2011 Replacement Volume and 2017 Supplement)”.

On pages 2 through 11, strike in their entirety the lines beginning with line 25 on page 2 through line 26 on page 11, inclusive, and substitute:

“Article – Public Safety

SUBTITLE 6. EXTREME RISK PREVENTION ORDERS.

5–601.

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

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

(Over)

(C) (1) “PETITIONER” MEANS AN INDIVIDUAL WHO FILES A PETITION FOR AN EXTREME RISK PREVENTION 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; OR

(III) ANY OTHER INTERESTED PERSON.

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

5-602.

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

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

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

(I) 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) THE EXTREME RISK PREVENTION ORDER IS NECESSARY TO PREVENT PERSONAL INJURY TO THE RESPONDENT, THE PETITIONER, OR ANOTHER;

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

(4) 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;

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

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

(7) INCLUDE ANY SUPPORTING DOCUMENTS OR INFORMATION REGARDING;

(Over)

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

(II) 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;

(III) ANY VIOLATION BY THE RESPONDENT OF A PROTECTIVE 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

(Over)

POSSESSION OF ANY FIREARM FOR THE DURATION OF THE INTERIM EXTREME RISK PREVENTION ORDER.

(B) (1) (i) AN INTERIM EXTREME RISK PREVENTION ORDER SHALL STATE THE DATE, TIME, AND LOCATION FOR A TEMPORARY EXTREME RISK PREVENTION ORDER HEARING AND A TENTATIVE DATE, TIME, AND LOCATION FOR A FINAL EXTREME RISK PREVENTION 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 PREVENTION ORDER HEARING SHALL BE HELD ON THE FIRST OR SECOND DAY ON WHICH A CIRCUIT COURT OR DISTRICT COURT JUDGE IS SITTING AFTER ISSUANCE OF THE INTERIM EXTREME RISK PREVENTION ORDER.

(2) AN INTERIM EXTREME RISK PREVENTION 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 PREVENTION 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 PREVENTION ORDER HEARING IS TENTATIVE ONLY AND SUBJECT
TO CHANGE; AND

4. IF THE RESPONDENT DOES NOT ATTEND THE
TEMPORARY EXTREME RISK PREVENTION ORDER HEARING, THE RESPONDENT
MAY CALL THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OR 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
PREVENTION ORDER HEARING;

(II) A STATEMENT SPECIFYING THE CONTENTS AND
DURATION OF A TEMPORARY EXTREME RISK PREVENTION ORDER;

(III) NOTICE TO THE PETITIONER AND RESPONDENT THAT, AT
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.

(Over)

(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

(II) 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.

(Over)

(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.

(2) A RESPONDENT WHO HAS BEEN SERVED WITH AN INTERIM EXTREME RISK PREVENTION ORDER UNDER § 5-603 OF THIS SUBTITLE SHALL BE SERVED WITH THE TEMPORARY EXTREME RISK PREVENTION ORDER IN OPEN COURT OR, IF THE RESPONDENT IS NOT PRESENT AT THE TEMPORARY EXTREME RISK PREVENTION 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 PREVENTION ORDER.

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

(2) THE JUDGE MAY EXTEND THE TEMPORARY EXTREME RISK PREVENTION 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 PREVENTION ORDER IS DUE TO EXPIRE, THE TEMPORARY EXTREME RISK PREVENTION 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 PREVENTION ORDER HEARING.

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

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

(II) THE RESPONDENT HAS BEEN SERVED WITH AN INTERIM EXTREME RISK PREVENTION 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 PREVENTION ORDER HEARING.

(Over)

5-605.

(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 PREVENTION ORDER.

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

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

(2) THE TEMPORARY EXTREME RISK PREVENTION 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 PREVENTION ORDER HEARING, THE RESPONDENT MAY BE SERVED BY FIRST-CLASS MAIL AT THE RESPONDENT'S LAST KNOWN ADDRESS WITH THE FINAL EXTREME RISK PREVENTION ORDER AND ALL OTHER NOTICES CONCERNING THE FINAL EXTREME RISK PREVENTION ORDER;

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

(III) THAT THE FINAL EXTREME RISK PREVENTION 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 § 5-607(A)(2) OF THIS SUBTITLE; AND

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

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

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

(2) MAY ENTER A FINAL 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 THE DURATION OF THE FINAL EXTREME RISK PREVENTION ORDER IF THE JUDGE FINDS BY CLEAR AND CONVINCING 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

(Over)

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

(D) (1) BEFORE GRANTING, DENYING, OR MODIFYING A FINAL EXTREME RISK PREVENTION ORDER UNDER THIS SECTION, THE COURT SHALL REVIEW ALL 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 PREVENTION 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 PREVENTION ORDER HEARING, BY FIRST-CLASS MAIL TO THE PERSON'S LAST KNOWN ADDRESS.

(2) (I) A COPY OF THE FINAL EXTREME RISK PREVENTION 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 PREVENTION 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 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

(Over)

(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

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

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

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

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

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

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

(2) THE FIREARM IS UNLOADED;

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

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

(D) 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 PREVENTION ORDER POSSESSES A FIREARM AND FAILED TO SURRENDER THE FIREARM IN ACCORDANCE WITH THE ORDER, A COURT MAY ISSUE A SEARCH WARRANT FOR

(Over)

THE REMOVAL OF THE FIREARM AT ANY LOCATION IDENTIFIED IN THE APPLICATION FOR THE WARRANT.

5-607.

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

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

(II) A HEARING.

(2) FOR GOOD CAUSE SHOWN, A JUDGE MAY EXTEND THE TERM OF A FINAL EXTREME RISK PREVENTION 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 PREVENTION 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 PREVENTION 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 WHERE 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.

(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.

5-608.

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

5-609.

(A) A PERSON WHO FAILS TO COMPLY WITH THE PROVISIONS OF AN INTERIM EXTREME RISK PREVENTION ORDER, A TEMPORARY EXTREME RISK PREVENTION ORDER, OR A FINAL EXTREME RISK PREVENTION 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 PREVENTION ORDER IN EFFECT AT THE TIME OF THE VIOLATION.”.