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TO: The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee

FROM: Tiffany Johnson Clark
Chief, Legislative Affairs, Office of the Attorney General

RE: Senate Bill 905 – Public Safety – Extreme Risk Protective Orders – Review
of Court Records – **Support**

The Office of Attorney General respectfully urges this Committee to report favorably on Senate Bill 905 – Public Safety – Extreme Risk Protective Orders – Review of Court Records. Senate Bill 905 authorizes researchers affiliated with institutions of higher education, who are conducting academic or policy research, to review a court record related to a petition for an extreme risk protective order.

An extreme risk protective order (ERPO) is a court-issued civil order temporarily requiring a person to (1) surrender any firearms or ammunition to law enforcement and (2) not purchase or possess firearms or ammunition. An ERPO empowers law enforcement, family members, and health care providers to prevent gun tragedies by temporarily removing firearms from individuals who are behaving dangerously and at elevated risk of suicide or interpersonal violence.

Current ERPO law provides that all court records relating to an ERPO petition are confidential but provides exceptions for certain individuals, including court personnel, the

respondent or counsel for the respondent, Maryland Department of Health, local mental health authorities, and law enforcement.

Almost all other ERPO states allow researchers access to petition and court records. In fact, the information is public in many states. Maryland is an anomaly regarding its confidentiality clause. Temporary access to ERPO petitions and data was provided in 2021 to Maryland researchers to support the Office of the Attorney General to complete a crime gun study, but the provision that allows that access will sunset at the end of this year. Senate Bill 905 will ensure that academic researchers continue to have the data that allows them to study gun violence in the State to understand the size and scope of the problem and how it can be fixed.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on Senate Bill 905.

cc: Judicial Proceedings committee members