

SB0905_HB1267 GOCPP Supports.pdf

Uploaded by: Bethany Young

Position: FAV

WES MOORE
Governor

ARUNA MILLER
Lieutenant Governor



DOROTHY LENNIG
Executive Director

TESTIMONY IN SUPPORT OF SENATE BILL 905

February 27, 2024

Bethany Young, Director of Policy and Legislation

The Governor's Office of Crime Prevention and Policy's (GOCPP) role is to advise the Governor on criminal justice strategies, coordinate across public safety agencies, and allocate resources Statewide to support public safety.

Senate Bill 905 adds researchers affiliated with institutions of higher education as an entity able to review extreme risk protection order (ERPO) petitions. With specified exceptions, court records relating to a petition for an extreme risk protective order are confidential, and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown. Maryland law currently limits researchers' ability to answer questions about the implementation and impact of ERPOs in the State. At this time, Maryland ERPO data is limited to the number of ERPOs filed, the number of hearings held, and the number of orders granted, leaving many questions unanswered.

SB905 will allow researchers to distill important data to inform the State's gun violence policy and practice particularly gun violence related to domestic violence and behavioral health crises. Without this change in the law, Maryland will not have the benefit of research to inform important questions about how ERPOs are being used and their impact.

Maryland recently was awarded a \$5.1 million Byrne State Crisis Intervention Program (Byrne SCIP) grant to support various projects or initiatives aimed at reducing gun violence at the intersections of domestic violence and behavioral health. The increased access to ERPO data under SB905 will be a critical component of Maryland's work under Byrne SCIP.

GOCPP urges the Senate Judicial Proceedings Committee to favorably report on Senate Bill 905.

SB0905_MHAMD_FAV.pdf

Uploaded by: Dan Martin

Position: FAV

Senate Bill 905 Public Safety – Extreme Risk Protective Orders – Review of Court Records
Judicial Proceedings Committee
February 27, 2024
Position: SUPPORT

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of Senate Bill 905.

According to the Centers for Disease Control, gun suicides reached an all-time high of 26,993 in 2022,¹ an average of one person every 19 minutes. Over 40% of the Marylanders who died by suicide in 2018 were gun deaths.²

In an effort to prevent gun violence and gun-related suicide, the General Assembly in 2018 passed legislation allowing interested persons to petition a court for an extreme risk protective order (ERPO) to prohibit the possession of a firearm by a person who poses a danger of causing injury to self or others. SB 905 would authorize researchers affiliated with institutions of higher education who are conducting academic or policy research to review ERPO court records.

Gun violence is a public health crisis requiring a comprehensive public health approach. Data is the foundation of this approach, allowing researchers to understand the size and scope of the problem, what puts communities at risk, and how to reduce those risks with policies and programs to keep our communities safe. Unfortunately, unlike most other ERPO states, Maryland does not explicitly allow researchers access to ERPO petition and court records. Without this important data, researchers are unable to effectively evaluate the effectiveness and equitable enforcement of this law.

ERPOs are a key strategy in Maryland's efforts to prevent gun violence and save lives. Access to reliable and timely data regarding the use of ERPOs is essential to ensuring this strategy is working as it should. For this reason, MHAMD supports SB 905 and urges a favorable report.

¹ <https://publichealth.jhu.edu/2023/cdc-provisional-data-gun-suicides-reach-all-time-high-in-2022-gun-homicides-down-slightly-from-2021#:~:text=Overall%20gun%20death%20rate%20decreases,1.9%25%20in%202022%20from%202021.>

² <https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>

Zeller-SB905-Support.pdf

Uploaded by: Eileen Zeller

Position: FAV

**Senate Bill 905: Public Safety – Extreme Risk Protective Orders – Review of Court
Records
Judicial Proceedings
February 27, 2024
Position: SUPPORT**

My name is Eileen Zeller, MPH and I retired in 2018 after a career in suicide prevention and public health. In retirement I serve on the board of the Mental Health Association of Maryland, and I am past chair of the Governor’s Commission on Suicide Prevention. I spent the last ten years of my working life as Lead Public Health Advisor in the Suicide Prevention Branch of the federal government’s Substance Abuse and Mental Health Services Administration (SAMHSA).

Firearms are the most common method of suicide nationally and in Maryland. Between 2016 and 2020, we lost 3,108 Marylanders to suicide. In 2020 alone, 267 Marylanders used a gun to kill themselves—46% of all suicides. Each of these individuals represents a profound loss to their families, friends, and communities. They were members of every age group, race, ethnicity, and socio-economic background. Suicide was the second leading cause of death among 10- to 19-year-olds. Rates were highest among men, people living in rural communities, and for people over 80 and between ages 55-59.

As you’ll hear from the Hopkins Bloomberg School of Public Health and other witnesses supporting SB 905, this bill simply grants access to Extreme Risk Protective Order (ERPO) data to “researchers affiliated with institutions of higher education conducting related academic or policy research.” Through the Office of the Attorney General, Maryland researchers were granted that access in 2021, but the provision allowing access will sunset at the end of 2024.

Research suggests that ERPOs are effective tools for preventing firearm suicide, but the only way to know for certain is to analyze the data. Until we understand how Maryland’s ERPO law is being used, implemented, and enforced, we won’t know how effective it is in saving lives.

These are some of the initial, basic suicide-related ERPO questions we need to answer in Maryland:

- Why are ERPO petitions being filed? (What number and percentage of ERPO petitions are filed for “danger to self” vs. “danger to others”?)
- Of authorized petitioners, who is filing for ERPOs? (What proportion of “danger to self” petitions are filed by law enforcement vs. family members vs. health care providers?)
- To what extent are judges granting suicide-related petitions at the temporary and final hearings?

More broadly, we need to understand the Why behind the data so that we can enhance the effectiveness of ERPO implementation and—ultimately—save more lives.

I urge a favorable report on SB905.

2024 Testimony Senate Bill 905_ERPO Data_Support.p

Uploaded by: Jenifer Pauliukonis

Position: FAV

SB 905
Favorable

TO: The Honorable Chair Smith, Vice Chair Waldstreicher, and members of the committee
Judicial Proceedings Committee

FROM: Jen Pauliukonis
Director of Policy and Programming, Johns Hopkins Center for Gun Violence Solutions

DATE: February 27, 2024

RE: Senate Bill 905: Extreme Risk Protective Orders – Review of Court Records

The Johns Hopkins Center for Gun Violence Solutions **supports Senate Bill 905: Extreme Risk Protective Orders – Review of Court Records**. Senate Bill 905 adds an exception to Maryland’s Extreme Risk Protective Orders (ERPOs) law’s confidentiality clause, **granting access to researchers affiliated with institutions of higher education who are conducting research**. Current law already allows data access for court personnel, the respondent or counsel for the respondent, Maryland Department of Health, local mental health authorities, and law enforcement. This bill simply adds researchers to that list to allow for more in-depth analysis and evaluation of the law.

Background of Extreme Risk Protective Orders

Maryland enacted its extreme risk law in 2018. Maryland’s ERPO law empowers law enforcement, family members, and health care providers to prevent gun tragedies by petitioning the court to temporarily removing firearms from individuals who are behaving dangerously and at elevated risk of suicide or interpersonal violence.

Why Access to Data is Needed

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.

Gun violence is a public health crisis requiring a comprehensive public health approach. Data is the foundation of this approach, allowing researchers to understand the size and scope of the



problem, what puts communities at risk, and how to reduce those risks with policies and programs to keep our communities safe. Without this important data, researchers will be unable to effectively evaluate the implementation and equitable enforcement of ERPOs. Reliable and timely data is essential to combating gun violence.

Protecting Privacy

University research is subject to oversight by Institutional Review Boards (IRB) operated under federal regulations that govern research. IRBs focus on the protection of people who participate in research. As part of this role, IRBs are responsible for ensuring the privacy, safety, and security of all research subjects and information used in research. Maryland ERPO case files would be included under this IRB governance. Any researcher seeking access to ERPO case files would first need to submit an application to their IRB explaining the research they want to undertake and the reasons they need access. With IRB approval, researchers are held to the terms set forth by the IRB for conducting the approved research, including protecting the confidentiality of those involved in ERPO processes.

Research on Extreme Risk Protection Orders

While research on ERPO laws is still emerging, the evidence is promising that it is a tool to prevent firearm violence. Research of similar laws in other states has shown how ERPOs have been used in response to threats of suicide and interpersonal violence, including mass shootings. Here are some following examples of research:

- **Preventing Suicide:** Researchers at Duke University examined 762 ERPO-style orders issued in Connecticut from 1999–2013. They found that ERPOs were issued in response to suicide risk among a group of individuals who had an annual suicide rate 40 times higher than the general public. In 99% of cases that included a search, police recovered firearms -- removing an average of seven guns per respondent. Researchers calculated that for every 10–20 orders issued, one suicide was prevented.ⁱ
- **Preventing Mass Shootings:** Researchers at UC Davis studied California's extreme risk law by examining the court records of 159 orders issued from 2016 to 2018. They found that extreme risk laws are being used in response to credible mass shooting threats. In 21 orders, the subject showed clear signs that they intended to commit a mass shooting and after the orders were issued, there was no record of those respondents committing a mass shootings, suicides, or homicide during the follow-up period included.ⁱⁱ
- **Preventing Domestic Violence:** Researchers at the University of Michigan analyzed 93 petitions from 2018–2019 in Oregon. Nearly one-third of petitioners were intimate partners or family members. Often, the petitions were filed within days of a threat of violence. This study also found that extreme risk laws are being used to temporarily prevent non-gun owners at risk of harm from acquiring guns.ⁱⁱⁱ

Senate Bill 905 will allow researchers to study and evaluate Maryland's extreme risk law. Providing vital ERPO data and petition information to researchers will allow crucial policy evaluations to better understand the full potential of the policy in Maryland and beyond. The

research would help stakeholders around the state understand promising approaches to implementation of the law. The limited Maryland ERPO data we currently have reveals that Maryland is one of the only states implementing and enforcing ERPO state-wide, making it even more vital to understand and evaluate the law. SB 905 would help Maryland researchers contribute to the growing field of ERPO research to better understand the law and its effectiveness.

Accordingly, the Johns Hopkins Center for Gun Violence Solutions respectfully requests a **FAVORABLE** committee report on Senate Bill 905.

ⁱ Swanson JW, et al. (2017). Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems*.

ⁱⁱ Wintemute GJ, Pear VA, Schleimer JP, Pallin R, Sohl S, Kravitz-Wirtz N, et al. (2019). Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series. *Annals of Internal Medicine*.

ⁱⁱⁱ Zeoli AM, Paruk J, Branas CC, Carter PM, Cunningham R, Heinze J, & Webster DW. (2021). Use of extreme risk protection orders to reduce gun violence in Oregon. *Criminology & Public Policy*.

SB905 written.pdf

Uploaded by: Paul Nestadt

Position: FAV

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Dear Chairman Smith, Vice Chair Waldstreicher, and members of the committee,

I am a psychiatrist and Associate Professor at Johns Hopkins, where I am co-director of the Johns Hopkins Suicide Prevention Workgroup and faculty at the Center for Gun Violence Solutions. I also serve on the Baltimore City Council's Suicide Prevention Legislative task force, consult for the Maryland Governor's Commission on Suicide Prevention, and I chair the Maryland Suicide Fatality Review Committee. I am not writing today on behalf of these state affiliated organizations or Hopkins, but as a representative of the Maryland Psychiatric Society, representing the psychiatrists of Maryland. **I urge the committee to support Senate bill 905 to authorize academic researchers to utilize data from Extreme Risk Protective Orders to better evaluate how these petitions are being used to prevent gun deaths in Maryland.**

We stand at a critical juncture in Maryland, grappling with the persistent challenge of firearm-related suicides, which have just reached an all-time high in our state. My research, entrenched in the dynamics of suicide in Maryland, has led to the development of life saving clinical interventions such as Safe Storage Navigators as well as legislative strategies to reduce gun violence such as the strengthening of child access protection laws and expansions of existing handgun policies to long guns. None of this lifesaving work would be possible without good data on the use and impact of the laws we pass.

As a psychiatrist, I am deeply committed to patient privacy. It is a cornerstone of the Hippocratic oath and none of my clinical work would be possible without my patients' trust that I will protect the truths they reveal in session. When we use patient data to better understand medical interventions, whether it be for clinical trials of new medications or for evaluation of crisis intervention measures, all of our research protocols undergo extensive multi stage review by an ethics board and Institutional Review Board to assure appropriate de-identification and enforce strict rules surrounding encryption, storage, and disposal of protected health information. These long-standing practices have protected private information effectively for decades, and have evolved successfully into the digital age. Having worked as a clinician and researcher my whole life, I have supreme faith in our ability to hold private information safely. The knowledge gained from this bill's enactment will inform legislators, policymakers, clinicians, and the public, fostering a deeper understanding of the life-saving potential of ERPOs.

I ask for your support for SB 905. Its passage signifies a commitment to public safety, mental health, and the wellbeing of our communities. With your support, Maryland can lead the way in reducing firearm suicides, setting a precedent for the nation in effective, data-driven suicide prevention strategies.

Thank you for your dedication to this cause and for considering the profound impact of informed, research-backed legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Nestadt".

Paul Nestadt, M.D.
Associate Professor, Johns Hopkins School of Medicine
Department of Psychiatry and Behavioral Sciences

2024 MD ERPO Data Collection Written Testimony SB

Uploaded by: Ramya Swami

Position: FAV

Brady
840 First St. NE Ste. 400
Washington, DC 20002



Testimony of Ramya Swami, Manager, State Policy, Brady
Support for SB 902 [FAV]
Before the Maryland Senate Judicial Proceedings Committee
February 27, 2024

Chair Smith, Vice Chair Waldstreicher, and distinguished members of the Maryland Senate Judicial Proceedings Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike, to take action, not sides, and end America's gun violence epidemic. Brady today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans from coast to coast, red and blue, young and old, liberal and conservative, to combat the epidemic of gun violence. **In furtherance of our goal to reduce firearm violence across Maryland, the Brady Campaign to Prevent Gun Violence is proud to support the passage of Senate Bill 902.** SB 902 adds an exception to Maryland's Extreme Risk Protective Orders (ERPOs) law's confidentiality clause, granting access to researchers affiliated with institutions of higher education who are conducting research.

Background on ERPOs

The epidemic of gun violence reaches communities in Maryland every day. Every 11 hours, someone in Maryland is killed by gun violence, with more than 785 Marylanders dying yearly from gun violence.¹ Brady supports SB 902 as it marks a meaningful strategy to improve access to data that can help this legislature address gun violence and save the lives of its constituents.

Extreme risk laws are evidence-based solutions currently enacted in 21 states and Washington D.C. that give certain loved ones and family members, law enforcement and the courts an avenue to prevent an individual in crisis from harming themselves or others by temporarily removing guns and prohibiting the purchase of other firearms.² These laws effectively target various forms of gun violence we see on a

¹ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2023 Feb. 2]. Available at: www.cdc.gov/injury/wisqars.

² The states which have adopted a form of this law include: California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Hawaii, Illinois, Indiana, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Washington.

daily basis in the United States, including interpersonal violence, homicides, intimate partner violence, some unintentional shootings, and importantly suicide, the most common type of gun violence.

From 2017 to 2021, over 4,424 Marylanders lost their lives to guns - and over 35 percent of those deaths were suicide.³ When a firearm is involved in a suicide attempt, the result is most often fatal. Suicide attempts with a firearm result in death a staggering 85 percent of the time, compared to just three percent for other common methods, like intentional drug misuse.⁴ The presence of a gun turns what is frequently an impulsive act—that is usually not repeated if the person survives—into an almost always fatal act. People who choose a firearm over other methods typically do not have the opportunity or ability to summon help or reconsider. By temporarily removing firearms or making them more difficult to access for individuals in the midst of a crisis, those with suicidal ideation are more likely to survive and get a second chance at life. That second chance is critical: *the vast majority—about 90 percent—of people who make a suicide attempt and survive do not ultimately go on to die by suicide later in life.*⁵

Why This Bill is Needed

Current law already allows data access on ERPOs for court personnel, the respondent or counsel for the respondent, Maryland Department of Health, local mental health authorities, and law enforcement.⁶ This bill simply adds researchers to that list to allow for more in-depth analysis and evaluation of the law.

Almost all other ERPO states allow researchers access to petition and court records. And researchers in states who allow access to ERPO records have not and do not disclose personal, identifying information; confidentiality remains intact. 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.

Without this important data, researchers will be unable to effectively evaluate the implementation and equitable enforcement of ERPOs. Reliable and timely data is essential to combating gun violence.

Conclusion

The epidemic of gun violence, which includes the epidemic of gun suicide, requires a slate of solutions specifically tailored to address the intricacies and root causes of gun violence, for each and every community. The expanded access to ERPO data proposed in SB 902 must be part of the solution, as it will save lives in Maryland, and Brady strongly urges this Committee to submit a favorable report.

Sincerely,
Ramya Swami

³ Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. *Web-based Injury Statistics Query and Reporting System (WISQARS)* [online]. (2005) [cited 2024 Feb. 26]. Available at: www.cdc.gov/injury/wisqars. For the past 5 years which data is available (2017-2021), according to CDC's WISQARS (Web-based Injury Statistics Query and Reporting System) Minnesota firearms deaths from 2015-2020 totaled 2722. 2061 of those were firearm suicides.

⁴ Madeline Drexler, ed. *Guns & Suicide: The Hidden Toll*, Harvard Public Health Magazine of the Harvard T.H. Chan School of Public Health, Available at https://www.hsph.harvard.edu/magazine/magazine_article/guns-suicide/.

⁵ Harvard T.H. Chan School of Public Health, *Means Matter: Attempters' Longterm Survival*, Available at <https://www.hsph.harvard.edu/means-matter/means-matter/survival/>.

⁶ District Court of Maryland. (n.d.). *Extreme Risk Protective Orders*. <https://www.mdcourts.gov/district/ERPO#confidential>

SB905 Senator Kelly FAV Testimony.pdf

Uploaded by: Senator Ariana Kelly

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 27th, 2024

Testimony in Support of SB905
Public Safety – Extreme Risk Protective Orders – Review of Court Records

Dear Chair Smith, Vice Chair Waldstreicher, Members of the Committee

I am before you today to voice my strong support for Senate Bill 905, which focuses on extreme risk protective orders. This bill aims to ensure appropriate access to court records for academic and policy research conducted by researchers affiliated with institutions of higher education.

Senate Bill 905 seeks to amend Article 5-602 of the Public Safety Code, specifically addressing the confidentiality of court records related to petitions for extreme risk protective orders. Under the proposed legislation, researchers affiliated with institutions of higher education conducting academic or policy research would be authorized to review these court records. By allowing qualified researchers access to court records, Senate Bill 905 facilitates rigorous analysis and evaluation of the implementation and impact of extreme risk protective orders. This data-driven approach is crucial for identifying best practices, addressing potential shortcomings, and informing future policy decisions aimed at preventing gun violence and prioritizing public safety.

This bill includes important safeguards to protect the confidentiality of court records, ensuring that access is granted only to authorized personnel for legitimate research purposes. These provisions strike a balance between transparency and privacy, upholding the integrity of the legal process while advancing scholarly inquiry and knowledge dissemination.

Today, you will hear from my panel including Jen Pauliukonis of the Johns Hopkins Center for Gun Violence Solutions, Woodie Kessel of the University of Maryland's *Prevent Gun Violence: Research, Empowerment, Strategies and Solutions (PROGRESS)* program, Paul Nestadt of the Maryland Psychiatric Society, and Karen Herren of Marylanders to Prevent Gun Violence.

Senate Bill 905 strengthens public safety measures and advances research in the field of gun violence prevention. Thank you for your time today, and I urge a favorable report on Senate Bill 905.

2024-02-27 SB 905 (Support).pdf

Uploaded by: Tiffany Clark

Position: FAV

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February 27, 2024

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

UMD PROGRESS Testimony -Extreme Risk Protective

Uploaded by: Woodie Kessel

Position: FAV



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 #PROGRESSumd

PROGRESS Co-Directors:
 Joseph B. Richardson, Jr., PhD
 Woodie Kessel, MD, MPH

**TESTIMONY OF THE UNIVERSITY OF MARYLAND PROGRESS INITIATIVE
 ON TUESDAY, FEBRUARY 27, 2024
 BEFORE THE MARYLAND SENATE JUDICIAL PROCEEDINGS COMMITTEE
 REGARDING SB 905 - CROSS-FILED WITH: HB 1267
 PUBLIC SAFETY – EXTREME RISK PROTECTIVE ORDERS – REVIEW OF COURT
 RECORDS
 SUPPORT**

The Honorable Chair Senator William C. Smith, Jr. and Vice Chair Senator Jeff Waldstreicher, and distinguished members of the Judicial Proceedings Committee:

The University of Maryland (UMD) Prevent Gun Violence: Research, Empowerment, Strategies and Solutions (PROGRESS) initiative provides this testimony in support Public Safety – Extreme Risk Protective Orders (ERPO) – Review of Court Records - SB 905, sponsored by Senators Kelly, Lam, Hettleman, Beidle, Waldstreicher, Gile, and Elfreth. Responding to the need for evidence-based policies to prevent gun violence, this legislation authorizes researchers affiliated with institutions of higher education who are conducting academic or policy research to review court records related to petitions for extreme risk protective orders.

GUN VIOLENCE

Gun violence in the United States is a uniquely American epidemic. Every day in the US nearly 134 children, women and men lose their lives to firearm violence, and many suffer from non-fatal gun injuries.¹ Shamefully, gun violence is now the leading cause of death for all children and youth in the United States, and has been the leading cause of death for Black children in the US for almost two decades.

In response to this public health and public safety crisis, University of Maryland President Darryll Pines established the PROGRESS initiative. At the PROGRESS launch event President Pines noted that, “Gun violence is a preventable problem and a uniquely American grand challenge. The University of Maryland will not shy away from pursuing innovative solutions backed by science and data to end the scourge of senseless violence in communities across our country.” The primary mission of PROGRESS is to reduce firearm-related violence using a multi-disciplinary, community-based and translational science approach to promote public safety and enhance the quality of life for the people of Maryland, the National Capital Region, and the nation. Bringing together the strengths and assets of UMD enables PROGRESS to advance cutting-edge research, scholarship, education and actionable gun violence prevention/intervention solutions. The initiative will promote equity and anti-racism by partnering with communities most impacted by gun violence. PROGRESS’ research

¹ CDC Wisqars On-line Causes of Injury-Related Death Data Base, Violence-related Firearm Deaths; Both Sexes; All Ages; All Races and Ethnicity; US and Maryland; 2021.

methodology draws, analyzes, and applies data from three key sectors—public health, criminal-legal, and law enforcement.

SCIENCE

Maryland’s ERPO Law, enacted in 2018, establishes statutory provisions that sets forth a process by which law enforcement, family members, and health care providers can petition the court to temporarily remove firearms from individuals who “pose an immediate and present danger of causing personal injury to the [themselves], the petitioner, or another by possessing a firearm” including behaving dangerously and are at elevated risk of suicide or inter/personal violence. This is an important law in Maryland’s armamentarium to help prevent the nightmare of gun violence. Scientifically assessing ERPO’s impact and effectiveness, as with any law, is essential.

Traditionally, the public health approach consisted of an “epidemiologic triangle - agent, host, environment” related to infectious disease. Data were analyzed to understand the interrelationship between the triangle elements in order to propose interventions to stop the spread of infectious diseases e.g., the COVID-19 pandemic.^{2,3} The contemporary public health approach focuses on three scientific questions: What's the problem? (Assessment); What's the solution? (Action); and, What's the result? (Assurance). Answering these questions requires data and information to form an evidence-base for proffering a solution *and* the evidence-base for evaluating the effectiveness of the solution-outcome.^{4,5} This scientific approach is a fundamental pillar of the research mission of an institution of higher learning.

HUMAN SUBJECTS’ PROTECTIONS

Maintaining the highest standards of privacy and confidentiality for human subjects’ information is an essential safeguard of all university research protocols. Moreover human subjects’ protections are a fundamental responsibility of university institutional review boards (IRBs). Analysis of Maryland ERPO case record data would be subject to IRB approval and oversight. Researchers are accountable for abiding by an IRB-approved agreement for the collection and protection of research data that is usually de-identified, and breaches of confidentiality.

SUMMARY

In summary, Senate Bill 905 will allow researchers to review court records related to petitions for Extreme Risk Protective Orders to enable study and evaluation of Maryland’s ERPO. The goal is to employ scientific rigor in assessing the effectiveness of Maryland’s ERPO law, including ways to improve it to prevent the tragedy of gun violence. Accordingly, the UMD PROGRESS initiative respectfully requests a **FAVORABLE** Committee report on SB 905. Thank you.

² CDC. Lesson 1 Understanding the Epidemiologic Triangle through Infectious Disease. chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cdc.gov/healthyschools/bam/teachers/documents/epi_1_triangle.pdf

³ Krämer A, Akmatov M, Kretzschmar M. Principles of Infectious Disease Epidemiology. Modern Infectious Disease Epidemiology. 2009 Jul 28:85–99. doi: 10.1007/978-0-387-93835-6_5. PMID: PMC7178878.

⁴ Institute of Medicine (U.S.) Committee for the Study of the Future of Public Health. The future of public health. Washington, DC: National Academies Press. https://www.ncbi.nlm.nih.gov/books/NBK218218/pdf/Bookshelf_NBK218218.pdf. Published 1988.

⁵ Perry, L. Assessment, Policy Development, and Assurance: Evolving the Core Functions of Public Health to Address Health Threats. December 23, 2023. https://doi.org/10.1016/j.focus.2023.100172

sb905.pdf

Uploaded by: Linda Miller

Position: INFO

**MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS**

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 905
Public Safety – Extreme Risk Protective Orders – Review of Court
Records
DATE: February 15, 2024
(2/27)

COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges that the legislature is the policy-making branch. As such, the Judiciary has no position on the policy aims of this legislation and defers to the legislative branch on such matters.

The Judiciary only writes for clarification. Current law, Public Safety section 5-602(a)(2) provides that “a petition for an extreme risk protective order may include, to the extent disclosure is not otherwise prohibited, health records or other health information regarding the respondent.” It is unclear whether health related information or records, as it pertains to the release for academic or policy research, should be redacted.

cc. Hon. Ariana Kelly
Judicial Council
Legislative Committee
Kelley O’Connor