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**By: Delegates Doory, Menes, Franchot, Grosfeld, R. Baker, Genn, Hecht, and Perry**

Introduced and read first time: February 20, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Domestic Violence - Temporary Ex Parte Orders - Surrender of Firearms**

3 FOR the purpose of authorizing a court in a temporary ex parte proceeding for relief  
4 from abuse to order the respondent to surrender certain firearms under certain  
5 circumstances; requiring a law enforcement officer serving a temporary ex parte  
6 order to search for and seize certain firearms under certain circumstances; and  
7 generally relating to temporary ex parte proceedings for relief from abuse.

8 BY repealing and reenacting, with amendments,  
9 Article - Family Law  
10 Section 4-505  
11 Annotated Code of Maryland  
12 (1991 Replacement Volume and 1996 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Family Law**

16 4-505.

17 (a) (1) If a petition is filed under this subtitle and the court finds that there are  
18 reasonable grounds to believe that a person eligible for relief has been abused, the court,  
19 in an ex parte proceeding, may enter a temporary order to protect any person eligible for  
20 relief from abuse.

21 (2) The temporary ex parte order may order any or all of the following  
22 relief:

23 (i) order the respondent to refrain from further abuse or threats of  
24 abuse of a person eligible for relief;

25 (ii) order the respondent to refrain from contacting, attempting to  
26 contact, or harassing any person eligible for relief;

27 (iii) order the respondent to refrain from entering the residence of a  
28 person eligible for relief;

1 (iv) where the person eligible for relief and the respondent are residing  
2 together at the time of the alleged abuse, order the respondent to vacate the home  
3 immediately and award temporary use and possession of the home to the person eligible  
4 for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult,  
5 award temporary use and possession of the home to an adult living in the home, provided  
6 that the court may not grant an order to vacate and award temporary use and possession  
7 of the home to a nonspouse person eligible for relief unless the name of the person  
8 eligible for relief appears on the lease or deed to the home or the person eligible for relief  
9 has resided in the home with the respondent for a period of at least 90 days within 1 year  
10 before the filing of the petition;

11 (V) IF THE COURT HAS REASONABLE GROUNDS TO BELIEVE THAT  
12 THE RESPONDENT OWNS OR POSSESSES ANY FIREARMS, ORDER THE RESPONDENT  
13 TO SURRENDER THE FIREARMS;

14 [(v)] (VI) order the respondent to remain away from the place of  
15 employment, school, or temporary residence of a person eligible for relief or home of  
16 other family members; and

17 [(vi)] (VII) award temporary custody of a minor child of the person  
18 eligible for relief and the respondent.

19 (b) (1) A law enforcement officer immediately shall:

20 (I) serve the temporary ex parte order on the alleged abuser under  
21 this section; AND

22 (II) IF THE RESPONDENT IS ORDERED TO SURRENDER FIREARMS  
23 UNDER SUBSECTION (A)(2) OF THIS SECTION, SEARCH FOR ANY FIREARMS OWNED  
24 OR POSSESSED BY THE RESPONDENT AND SEIZE ANY FIREARMS FOUND UNTIL  
25 FURTHER ORDER OF COURT.

26 (2) There shall be no cost to the petitioner for service of the temporary ex  
27 parte order.

28 (c) (1) The temporary ex parte order shall be effective for not more than 7 days  
29 after service of the order.

30 (2) The court may extend the temporary ex parte order as needed, but not  
31 to exceed 30 days, to effectuate service of the order where necessary to provide protection  
32 or for other good cause.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 1997.