# **HOUSE BILL 264**

Unofficial Copy E4 HB 407/98 - JUD 1999 Regular Session 9lr0476 CF 9lr1824

By: Delegates Doory, V. Jones, Menes, Marriott, Burns, Kirk, Rosenberg,
Dobson, Grosfeld, McIntosh, Petzold, Barkley, Goldwater, Howard,
Hubers, Rudolph, Cadden, Clagett, Kagan, Morhaim, Paige, A. Jones,
Stern, Pitkin, Bobo, Krysiak, Griffith, Phillips, Zirkin, Hurson,
Gladden, Kopp, Hecht, Brown, Benson, Nathan-Pulliam, Hixson, Love,

Healey, and Billings

Introduced and read first time: February 3, 1999

Assigned to: Judiciary

23 4-505.

(a)

(1)

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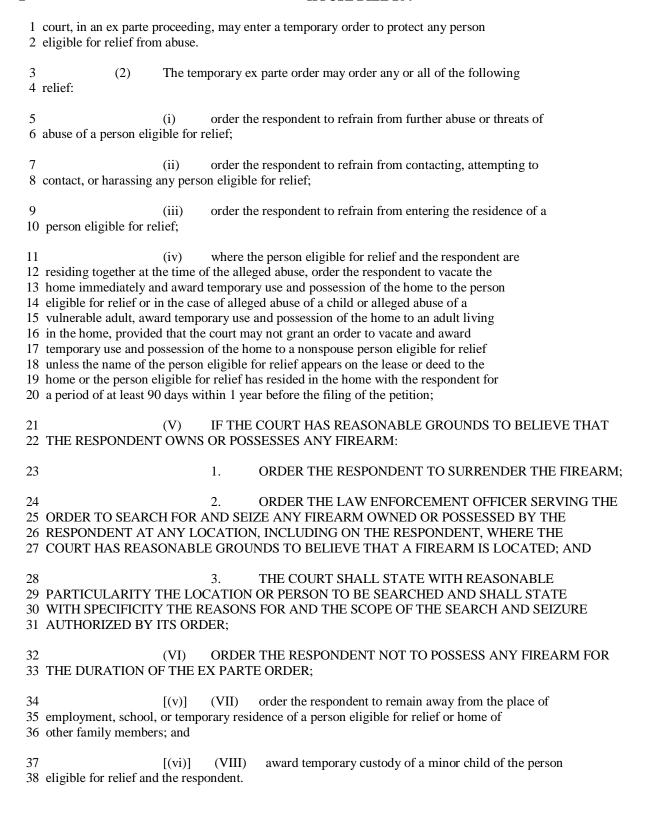
# A BILL ENTITLED

1	AN ACT concerning
2	Domestic Violence - Orders for Protection - Additional Relief
3 4 5 6 7 8 9 10 11 12 13 14	information to a respondent when a firearm is seized and to provide for the safe storage of the firearm; providing for the retaking of seized firearms by the owner under certain circumstances; providing certain penalties for certain violations;
16 17 18 19	Section 4-505, 4-506(d)(11) and (12) and (g), 4-509, and 4-511 Annotated Code of Maryland (1999 Replacement Volume)  SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 22	MARYLAND, That the Laws of Maryland read as follows:  Article - Family Law

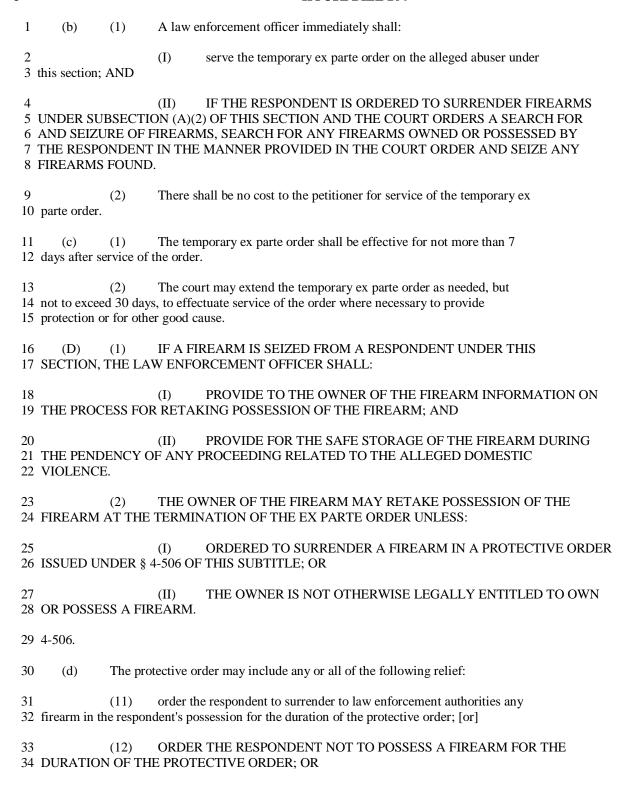
If a petition is filed under this subtitle and the court finds that there

25 are reasonable grounds to believe that a person eligible for relief has been abused, the

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order the respondent to pay filing fees and costs of a proceeding (13)2 under this subtitle. 3 IF THE COURT ORDERS A RESPONDENT TO SURRENDER FIREARMS 4 OR NOT TO POSSESS A FIREARM DURING THE DURATION OF THE PROTECTIVE ORDER 5 AND HAS REASONABLE GROUNDS TO BELIEVE THAT THE RESPONDENT OWNS OR 6 POSSESSES A FIREARM, THE COURT: 7 MAY ORDER A LAW ENFORCEMENT OFFICER TO SEARCH FOR (I) 8 AND SEIZE ANY FIREARM OWNED OR POSSESSED BY THE RESPONDENT AT ANY 9 LOCATION, INCLUDING ON THE RESPONDENT, WHERE THE COURT HAS REASONABLE 10 GROUNDS TO BELIEVE THAT A FIREARM IS LOCATED; 11 (II)SHALL STATE WITH REASONABLE PARTICULARITY THE 12 LOCATION OR PERSON TO BE SEARCHED AND SHALL STATE WITH SPECIFICITY THE 13 REASONS FOR AND THE SCOPE OF THE SEARCH AND SEIZURE AUTHORIZED BY ITS 14 ORDER; AND SHALL ORDER THAT ANY SEARCH AND SEIZURE ORDERED 15 (III)16 PURSUANT TO THIS SUBSECTION, OR ANY SUBSEQUENT RELATED ORDER 17 AUTHORIZING SEARCH AND SEIZURE, BE EXECUTED BY LAW ENFORCEMENT 18 OFFICERS WITHIN 48 HOURS AFTER ISSUANCE OF A PROTECTIVE ORDER. IF A FIREARM IS SEIZED FROM A RESPONDENT UNDER THIS 20 SECTION. THE LAW ENFORCEMENT OFFICER SHALL: PROVIDE TO THE OWNER OF THE FIREARM INFORMATION ON (I) 22 THE PROCESS OF RETAKING POSSESSION OF THE FIREARM; AND PROVIDE FOR THE SAFE STORAGE OF THE FIREARM DURING 23 (II)24 THE PENDENCY OF ANY PROCEEDING RELATED TO THE ALLEGED DOMESTIC 25 VIOLENCE. THE OWNER OF THE FIREARM MAY RETAKE POSSESSION OF THE 26 (3) 27 FIREARM AT THE TERMINATION OF THE PROTECTIVE ORDER UNLESS THE OWNER IS 28 NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS A FIREARM. 29 Except as provided in paragraph (2) of this subsection, all relief 30 granted in a protective order shall be effective for the period stated in the order, not to 31 exceed 12 months. 32 A subsequent circuit court order pertaining to any of the provisions 33 included in the protective order shall supersede those provisions in the protective 34 order. 35 4-509.

A person who fails to comply with the relief granted in an ex parte order

37 under § 4-505(a)(2)(i), (ii), (iii), (iv), [or] (v), (VI), OR (VII) of this subtitle or in a

- 1 protective order under § 4-506(d)(1), (2), (3), (4), [or] (5), (11), OR (12) of this subtitle is 2 guilty of a misdemeanor and on conviction is subject, for each offense, to:
- 3 (1) for a first offense, a fine not exceeding \$1,000 or imprisonment not 4 exceeding 90 days or both; and
- 5 (2) for a second or subsequent offense, a fine not exceeding \$2,500 or 6 imprisonment not exceeding 1 year or both.
- 7 (b) An officer shall arrest with or without a warrant and take into custody a 8 person whom the officer has probable cause to believe is in violation of an ex parte 9 order or protective order in effect at the time of the violation.
- 10 4-511.
- 11 (a) When responding to the scene of an alleged act of domestic violence, as
- 12 described in this subtitle, a law enforcement officer may remove a firearm from the
- 13 scene if:
- 14 (1) the law enforcement officer has probable cause to believe that an act 15 of domestic violence has occurred; and
- 16 (2) the law enforcement officer has observed the firearm on the scene 17 during the response.
- 18 (b) If a firearm is removed from the scene under subsection (a) of this section,
- 19 OR IS SEIZED UNDER § 4-505 OR § 4-506 OF THIS SUBTITLE, the law enforcement
- 20 officer shall:
- 21 (1) provide to the owner of the firearm information on the process for 22 retaking possession of the firearm; and
- 23 (2) provide for the safe storage of the firearm during the pendency of any 24 proceeding related to the alleged act of domestic violence.
- 25 (c) At the conclusion of a proceeding on the alleged act of domestic violence,
- 26 the owner of the firearm may retake possession of the firearm unless ordered to
- 27 surrender the firearm under § 4-506 of this subtitle.
- 28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 29 October 1, 1999.