

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 606 (Delegate Doorv. *et al.*)

Judiciary

Domestic Violence - Protective Order - Surrender of Firearms

This bill provides that, upon a finding of probable cause to believe that the respondent owns or possesses any firearms, a protective order for relief from domestic violence may order the respondent to immediately surrender to law enforcement authorities any firearm in the respondent's possession for the duration of the protective order. A court must determine whether there is probable cause to believe that the respondent owns or possesses any firearms at each protective order hearing.

If a respondent violates a protective order to immediately surrender firearms, the law enforcement officer who serves the protective order must arrest the respondent. Such a respondent is guilty of a misdemeanor and subject to imprisonment or fines or both.

If a firearm is surrendered, the law enforcement officer shall be immune from civil liability in complying with the court order if the officer acted in good faith and in a reasonable manner.

Fiscal Summary

State Effect: The bill is not expected to significantly impact State operations or finances.

Local Effect: It is expected that the bill's requirements could be handled by local law enforcement agencies using existing budgeted resources.

Small Business Effect: None.

Analysis

Current Law: A court may require a protective order respondent to surrender firearms.

Background: A protective order may be filed in either District Court or circuit court.

State Fiscal Effect: The bill would not materially add to the District Court's workload. The bill's penalty provisions are not expected to have a significant impact on State finances.

Local Fiscal Effect: The bill would not materially add to the existing duties of local law enforcement officers in connection with the service of protective orders. The bill would not materially add to circuit courts' workloads. The bill's penalty provisions are not expected to have a significant impact on local government finances.

Additional Information

Prior Introductions: Similar bills were introduced during the 1999, 1998, and 1997 sessions. SB 407 of 1999 received an unfavorable report from the Senate Judicial Proceedings Committee. HB 407 of 1998 and HB 1344 of 1997 were not reported from the House Judiciary Committee.

Cross File: SB 675 (Senator Jacobs, *et al.*) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of State Police; Frederick, Montgomery, and Prince George's counties; Baltimore City; Department of Legislative Services

Fiscal Note History: First Reader - February 21, 2000

cm/jr

Analysis by: Claire E. Rooney

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 946-5510

(301) 970-5510