

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 990
Judiciary

(Delegate Doory, *et al.*)

Domestic Violence - Temporary Ex Parte Order - Additional Relief

This bill authorizes a court, in connection with an ex parte order for relief from domestic violence, to order the respondent to surrender any firearm in the respondent's possession to law enforcement authorities under specified circumstances. In the alternative, the court may order the respondent to refrain from possessing firearms for the duration of the order.

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: Courts are not authorized to require an ex parte order respondent to surrender firearms. A court may require a protective order respondent to surrender firearms.

Local Fiscal Effect: Ex parte orders are required to be served on the respondent by a law enforcement officer. Generally, local sheriffs or other local law enforcement officers perform this function. Because a law enforcement officer is on the scene, collecting

firearms would not require a second trip. Although the bill would add some complication to the process of serving ex parte orders, and would require storage of seized firearms, it is expected that local law enforcement agencies could handle the bill's requirements using existing budgeted resources.

Additional Information

Prior Introductions: Similar bills were introduced during the 2000, 1999, 1998, and 1997 sessions. HB 595 of 2000 was withdrawn after a hearing before the House Judiciary Committee. SB 781 of 2000 and SB 407 of 1999 each received an unfavorable report from the Senate Judicial Proceedings Committee. HB 407 of 1998 and HB 1344 of 1997 were not reported from the Judiciary Committee.

Cross File: None.

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

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cm/jr

Analysis by: Claire E. Rooney

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510