

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 250 (Senator Ruben, *et al.*)
Judicial Proceedings

Family Law - Domestic Violence - Possession of Firearms

This bill requires each ex parte and protective order for relief from domestic violence to order the respondent to surrender any firearm in the respondent's possession to law enforcement authorities for the duration of the order. Law enforcement authorities must collect and store the firearms, and are immune from liability for the condition of a firearm when returned to the respondent.

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 and protective 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 and protective 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. SB 224 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 House Judiciary Committee.

Cross File: None.

Information Source(s): Department of State Police; Anne Arundel, Frederick, Garrett, Montgomery, and Prince George's counties; Baltimore City; Department of Legislative Services

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ncs/jr

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