

**Department of Legislative Services**

Maryland General Assembly

2001 Session

**FISCAL NOTE**

House Bill 146 (Delegate Doory, *et al.*)

Judiciary

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**Domestic Violence - Protective Order - Additional Relief**

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This bill provides that, under certain circumstances, a protective order for relief from domestic violence may order the respondent to surrender firearms.

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**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.

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**Analysis**

**Bill Summary:** 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, for the duration of the protective order, to surrender any firearms that the respondent owns or possesses to a specified law enforcement agency by a specified time as stated in 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. The law enforcement agency must make reasonable efforts to ensure that the respondent complies with the arms surrender provision.

If a respondent violates a protective order provision to 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. The law enforcement agency must provide information to the respondent on the process for retaking possession of the firearm and provide for the safe storage of the firearm during the time the protective order is in effect.

**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.

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### **Additional Information**

**Prior Introductions:** Similar bills were introduced during the 2000, 1999, 1998, and 1997 sessions. HB 606 of 2000 was withdrawn, while SB 675 received an unfavorable report from the Senate Judicial Proceedings Committee. 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:** None.

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

**Fiscal Note History:** First Reader – February 12, 2001  
ncs/jr

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