

Article - Public Safety

§5-602.

- (a) (1) A petition for an extreme risk protective order shall:
- (i) be signed and sworn to by the petitioner under the penalty of perjury;
 - (ii) include any information known to the petitioner that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm;
 - (iii) set forth specific facts in support of the information described in item (ii) of this paragraph;
 - (iv) explain the basis for the petitioner's knowledge of the supporting facts, including a description of the behavior and statements of the respondent or any other information that led the petitioner to believe that the respondent presents an immediate and present danger of causing personal injury to the respondent or others;
 - (v) describe the number, types, and location of any known firearms believed to be possessed by the respondent; and
 - (vi) include any supporting documents or information regarding:
 - 1. any unlawful, reckless, or negligent use, display, storage, possession, or brandishing of a firearm by the respondent;
 - 2. any act or threat of violence the respondent made against the respondent or against another, whether or not the threat of violence involved a firearm;
 - 3. any violation by the respondent of a protective order under Title 4, Subtitle 5 of the Family Law Article;
 - 4. any violation by the respondent of a peace order under Title 3, Subtitle 15 of the Courts Article; and
 - 5. any abuse of a controlled dangerous substance or alcohol by the respondent, including any conviction for a criminal offense involving a controlled dangerous substance or alcohol.

(2) A petition for an extreme risk protective order may include, to the extent disclosure is not otherwise prohibited, health records or other health information concerning the respondent.

(b) A petitioner seeking an extreme risk protective order under this subtitle may file a petition with:

(1) the District Court; or

(2) when the Office of the District Court Clerk is closed, a District Court commissioner.

(c) (1) All court records relating to a petition for an extreme risk protective order made under this subtitle are confidential and the contents may not be divulged, by subpoena or otherwise, except by order of the court on good cause shown.

(2) This subsection does not prohibit review of a court record relating to a petition by:

(i) personnel of the court;

(ii) the respondent or counsel for the respondent;

(iii) authorized personnel of the Maryland Department of Health;

(iv) authorized personnel of a local core service agency or local behavioral health authority;

(v) a law enforcement agency; or

(vi) a person authorized by a court order on good cause shown.

(d) A petitioner who, in good faith, files a petition under this subtitle is not civilly or criminally liable for filing the petition.

(e) Nothing in this subtitle may be interpreted to require a health care provider to disclose health records or other health information concerning a respondent except:

(1) in accordance with a subpoena directing delivery of the records or information to the court under seal; or

(2) by order of the court.