

Article - Public Safety

§5-604.

(a) (1) After a hearing on a petition, whether ex parte or otherwise, a judge may enter a temporary extreme risk protective order to prohibit the respondent from possessing a firearm if the judge finds that there are reasonable grounds to believe that the respondent poses an immediate and present danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm.

(2) In determining whether to enter a temporary extreme risk protective order under this section, the judge shall consider:

(i) all relevant evidence presented by the petitioner; and

(ii) the amount of time that has elapsed since any of the events described in the petition.

(3) The temporary extreme risk protective order shall:

(i) order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent's possession; and

(ii) prohibit the respondent from purchasing or possessing any firearm or ammunition for the duration of the temporary extreme risk protective order.

(4) If the judge finds probable cause to believe that the respondent meets the requirements for emergency evaluation under Title 10, Subtitle 6 of the Health – General Article, the judge shall refer the respondent for emergency evaluation.

(b) (1) Except as provided in paragraph (2) of this subsection, a law enforcement officer shall:

(i) immediately serve the temporary extreme risk protective order on the respondent under this section; and

(ii) within 2 hours after service of the order on the respondent, electronically notify the Department of Public Safety and Correctional Services of the service using an electronic system approved and provided by the Department of Public Safety and Correctional Services.

(2) A respondent who has been served with an interim extreme risk protective order under § 5–603 of this subtitle shall be served with the temporary extreme risk protective order in open court or, if the respondent is not present at the temporary extreme risk protective order hearing, by first-class mail at the respondent’s last known address.

(3) There shall be no cost to the petitioner for service of the temporary extreme risk protective order.

(c) (1) Except as otherwise provided in this subsection, the temporary extreme risk protective order shall be effective for not more than 7 days after service of the order.

(2) The judge may extend the temporary extreme risk protective order as needed, but not to exceed 6 months, to effectuate service of the order where necessary to provide protection or for other good cause.

(3) If the court is closed on the day on which the temporary extreme risk protective order is due to expire, the temporary extreme risk protective order shall be effective until the second day on which the court is open, by which time the court shall hold a final extreme risk protective order hearing.

(d) The judge may proceed with a final extreme risk protective order hearing instead of a temporary extreme risk protective order hearing if:

- (1) (i) the respondent appears at the hearing;
- (ii) the respondent has been served with an interim extreme risk protective order; or
- (iii) the court otherwise has personal jurisdiction over the respondent; and

(2) the petitioner and the respondent expressly consent to waive the temporary extreme risk protective order hearing.