

Article - Public Safety

§5-605.

(a) A respondent under § 5-604 of this subtitle shall have an opportunity to be heard on the question of whether the judge should issue a final extreme risk protective order.

(b) (1) (i) The temporary extreme risk protective order shall state the date and time of the final extreme risk protective order hearing.

(ii) Except as provided in § 5-604(c) of this subtitle and subparagraph (iii) of this paragraph, or unless continued for good cause, the final extreme risk protective order hearing shall be held not later than 7 days after the temporary extreme risk protective order is served on the respondent.

(iii) On request of the respondent, a final extreme risk protective order hearing may be rescheduled for a date not later than 30 days after the date on which the hearing was initially scheduled.

(2) The temporary extreme risk protective order shall include notice to the respondent:

(i) in at least 10 point bold type, that if the respondent fails to appear at the final extreme risk protective order hearing, a final extreme risk protective order may be entered in the respondent's absence and the respondent may be served by first-class mail at the respondent's last known address with the final extreme risk protective order and all other notices concerning the final extreme risk protective order;

(ii) of the contents of a final extreme risk protective order;

(iii) that the final extreme risk protective order shall be effective for the period stated in the order, not to exceed 1 year, unless the judge extends the term of the order under § 5-606(a)(2) of this subtitle;

(iv) that the respondent may consult an attorney regarding any matter related to the order, and that an attorney should be contacted promptly so that the attorney may assist the respondent;

(v) of the requirements for surrendering firearms and ammunition in the respondent's possession to law enforcement authorities;

(vi) of the process for reclaiming firearms and ammunition on the expiration or termination of the order; and

(vii) in at least 10 point bold type, that the respondent must notify the court in writing of any change of address.

(c) (1) If the respondent appears before the court at a final extreme risk protective order hearing or has been served with an interim or temporary extreme risk protective order or if the court otherwise has personal jurisdiction over the respondent, the judge:

(i) may proceed with the final extreme risk protective order hearing; and

(ii) may enter a final extreme risk protective order to prohibit the respondent from possessing a firearm if the judge finds by clear and convincing evidence that the respondent poses a danger of causing personal injury to the respondent, the petitioner, or another by possessing a firearm.

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

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

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

(3) The final 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 interim 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 may refer the respondent for emergency evaluation.

(d) (1) Before granting, denying, or modifying a final extreme risk protective order under this section, the court may review all relevant open and

shielded court records involving the petitioner and the respondent, including records of proceedings under:

- (i) the Criminal Law Article;
- (ii) Title 3, Subtitle 15 of the Courts Article;
- (iii) Title 4, Subtitle 5 of the Family Law Article;
- (iv) Title 10, Subtitle 6 of the Health – General Article; and
- (v) this article.

(2) The court’s failure to review records under this subsection does not affect the validity of an order issued under this section.

(e) (1) A copy of the final extreme risk protective order shall be served on the petitioner, the respondent, the appropriate law enforcement agency, and any other person the judge determines is appropriate in open court or, if the person is not present at the final extreme risk protective order hearing, by first-class mail to the person’s last known address.

(2) (i) A copy of the final extreme risk protective order served on the respondent in accordance with paragraph (1) of this subsection constitutes actual notice to the respondent of the contents of the final extreme risk protective order.

(ii) Service is complete on mailing.

(f) (1) Except as provided in paragraph (2) of this subsection, all relief granted in a final extreme risk protective order shall be effective for the period stated in the order, not to exceed 1 year.

(2) A subsequent circuit court order pertaining to any of the provisions included in the final extreme risk protective order shall supersede those provisions in the final extreme risk protective order.