

Article - Public Safety

§5-608.

(a) (1) A law enforcement officer who takes possession of a firearm or ammunition in accordance with an extreme risk protective order shall, at the time the firearm or ammunition is surrendered or seized:

(i) issue a receipt identifying, by make, model, and serial number, all firearms and ammunition that have been surrendered or seized;

(ii) provide a copy of the receipt to the respondent;

(iii) retain a copy of the receipt; and

(iv) provide information to the respondent on the process for retaking possession of the firearms and ammunition on the expiration or termination of the order.

(2) A law enforcement agency shall transport and store any firearm surrendered or seized in accordance with an extreme risk protective order:

(i) in a protective case, if one is available; and

(ii) in a manner intended to prevent damage to the firearm during the time the extreme risk protective order is in effect.

(3) A law enforcement agency may not place any mark on a seized or surrendered firearm for identification or other purposes.

(b) (1) On expiration or termination of an extreme risk protective order, a law enforcement agency that holds any firearm or ammunition surrendered or seized in accordance with the expired or terminated order shall notify the respondent that the respondent may request the return of the firearm or ammunition.

(2) A law enforcement agency shall return a firearm or ammunition to a respondent only after the law enforcement agency verifies that the respondent is not otherwise prohibited from possessing the firearm or ammunition.

(3) Subject to paragraph (2) of this subsection, on request of the respondent, a law enforcement agency shall return all firearms and ammunition belonging to the respondent not later than:

(i) 14 days after the expiration of an interim or temporary extreme risk protective order;

(ii) 14 days after a court terminates a final extreme risk protective order; or

(iii) 48 hours after the expiration of a final extreme risk protective order.

(c) (1) A respondent who does not wish to recover a firearm or ammunition seized or surrendered in accordance with an extreme risk protective order, or who is prohibited from possessing firearms or ammunition under this title, may:

(i) sell or transfer title to the firearm or ammunition to:

1. a licensed firearms dealer; or

2. another person who is not prohibited from possessing the firearm or ammunition under State or federal law and who does not live in the same residence as the respondent; or

(ii) request the destruction of the firearm or ammunition.

(2) A law enforcement agency shall transfer possession of a firearm or ammunition to a licensed firearms dealer or a person described in paragraph (1)(i)2 of this subsection only after:

(i) the licensed firearms dealer or other person provides written proof that the respondent has agreed to transfer the firearm or ammunition to the dealer or person; and

(ii) the law enforcement agency verifies the agreement with the respondent.

(3) On request of the respondent, a law enforcement agency may destroy firearms or ammunition seized or surrendered in accordance with an extreme risk protective order.

(d) If an individual other than the respondent claims ownership of a firearm or ammunition seized or surrendered in accordance with an extreme risk protective order, the law enforcement agency shall return the firearm or ammunition to the individual if:

(1) the individual provides proof of ownership of the firearm or ammunition; and

(2) the law enforcement agency determines that the individual is not prohibited from possessing the firearm or ammunition.

(e) If a firearm or ammunition is not reclaimed within 6 months after the provision of notice to a respondent under subsection (b) of this section:

(1) no party shall have the right to assert ownership of the firearm or ammunition; and

(2) the law enforcement agency holding the firearm or ammunition may destroy the firearm or ammunition.