

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1116
Judiciary

(Delegate Bhandari, *et al.*)

Workgroup to Study Extreme Risk Protective Orders (Sagar Ghimire Act)

This bill establishes the Workgroup to Study Extreme Risk Protective Orders. The workgroup must (1) study the use of extreme risk protective orders in the State and (2) develop policy recommendations for improving the use of such orders in the State. By May 1, 2024, the workgroup must report its findings and recommendations to the Governor and the General Assembly. Workgroup members may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations. The Maryland Department of Health (MDH) must provide staff for the workgroup. The bill takes effect June 1, 2023, and terminates June 30, 2025.

Fiscal Summary

State Effect: Any potential minimal staffing costs for MDH are not anticipated to materially affect State finances. Any expense reimbursements for workgroup members are also assumed to be minimal and absorbable within existing resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Statutory provisions set forth a process by which a petitioner may seek an extreme risk protective order to prevent a respondent from purchasing or possessing any firearm or ammunition for the duration of the order under specified circumstances. Individuals specifically authorized to petition for such an order include specified health professionals, law enforcement officers, and individuals who meet specified relationship

requirements. A petition must meet specified requirements, such as the inclusion of 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 self or others.

A petitioner initiates the process for an order during court operating hours by filing a petition for a temporary order in the District Court. If the court is not open, a petitioner initiates the process by filing a petition for an interim order with a District Court Commissioner. Generally, if an interim order is granted by a District Court Commissioner, a temporary order hearing is heard on the first or second day on which a District Court judge is sitting after issuance of the interim order. Generally, if a temporary order is granted, a final extreme risk protective order hearing occurs one week later.

A judge 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. The judge must consider all relevant evidence presented by the petitioner and the respondent and the amount of time that has elapsed since any of the events described in the petition.

The final extreme risk protective order must order the respondent to surrender to law enforcement authorities any firearm and ammunition in the respondent's possession and prohibit the respondent from purchasing or possessing any firearm (or ammunition) for the duration of the order, as specified. All relief granted in a final extreme risk protective order is effective for the period stated in the order, not to exceed one year. Final orders may also be modified, rescinded, and (for good cause shown) extended for an additional six months, as specified. A subsequent circuit court order pertaining to any of the provisions included in the final extreme risk protective order supersedes those provisions. Among other provisions, statute also addresses (1) referrals for emergency evaluations and (2) procedures regarding the surrender and storage of firearms and ammunition and the return of such items after the expiration or termination of an order.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 1344 of 2022.

Designated Cross File: None.

Information Source(s): Department of Legislative Services

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km/lgc

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