

HOUSE BILL 1267

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CF SB 905

By: **Delegates R. Lewis, Attar, Edelson, Embry, Fraser–Hidalgo, Kaufman, Lopez, Palakovich Carr, Pasteur, Phillips, Queen, Smith, Solomon, Stein, and Young**

Introduced and read first time: February 8, 2024

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Extreme Risk Protective Orders – Review of Court Records**

3 FOR the purpose of authorizing researchers affiliated with institutions of higher education
4 who are conducting academic or policy research to review a court record related to a
5 petition for an extreme risk protective order; and generally relating to extreme risk
6 protective orders.

7 BY repealing and reenacting, with amendments,
8 Article – Public Safety
9 Section 5–602
10 Annotated Code of Maryland
11 (2022 Replacement Volume and 2023 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Public Safety**

15 5–602.

16 (a) (1) A petition for an extreme risk protective order shall:

17 (i) be signed and sworn to by the petitioner under the penalty of
18 perjury;

19 (ii) include any information known to the petitioner that the
20 respondent poses an immediate and present danger of causing personal injury to the
21 respondent, the petitioner, or another by possessing a firearm;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) set forth specific facts in support of the information described in
2 item (ii) of this paragraph;

3 (iv) explain the basis for the petitioner's knowledge of the supporting
4 facts, including a description of the behavior and statements of the respondent or any other
5 information that led the petitioner to believe that the respondent presents an immediate
6 and present danger of causing personal injury to the respondent or others;

7 (v) describe the number, types, and location of any known firearms
8 believed to be possessed by the respondent; and

9 (vi) include any supporting documents or information regarding:

10 1. any unlawful, reckless, or negligent use, display, storage,
11 possession, or brandishing of a firearm by the respondent;

12 2. any act or threat of violence the respondent made against
13 the respondent or against another, whether or not the threat of violence involved a firearm;

14 3. any violation by the respondent of a protective order under
15 Title 4, Subtitle 5 of the Family Law Article;

16 4. any violation by the respondent of a peace order under
17 Title 3, Subtitle 15 of the Courts Article; and

18 5. any abuse of a controlled dangerous substance or alcohol
19 by the respondent, including any conviction for a criminal offense involving a controlled
20 dangerous substance or alcohol.

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

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

26 (1) the District Court; or

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

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

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

- 1 (i) personnel of the court;
- 2 (ii) the respondent or counsel for the respondent;
- 3 (iii) authorized personnel of the Maryland Department of Health;
- 4 (iv) authorized personnel of a local core service agency or local
5 behavioral health authority;
- 6 (v) a law enforcement agency; [or]
- 7 (vi) a person authorized by a court order on good cause shown; **OR**

8 **(VII) RESEARCHERS AFFILIATED WITH INSTITUTIONS OF HIGHER**
9 **EDUCATION CONDUCTING RELATED ACADEMIC OR POLICY RESEARCH.**

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

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

- 14 (1) in accordance with a subpoena directing delivery of the records or
15 information to the court under seal; or
- 16 (2) by order of the court.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024.