E45lr2135 CF SB 509

By: Delegates Phillips, Atterbeary, Guzzone, Lehman, Patterson, Ruff, Ruth, Taveras, White Holland, and Woods

Introduced and read first time: January 23, 2025

Assigned to: Judiciary

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10-6A-02.

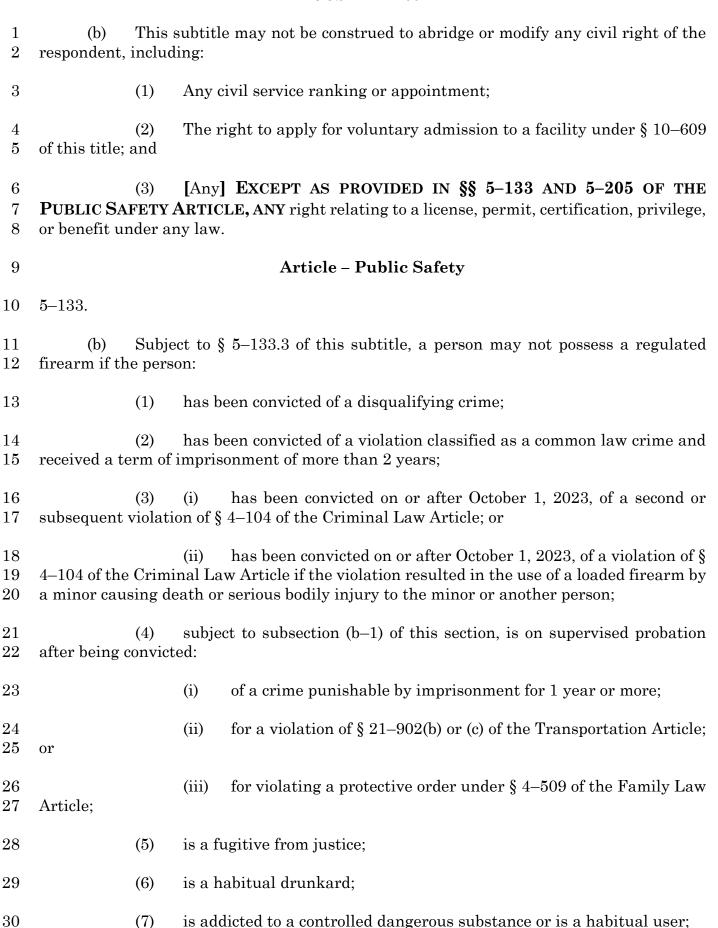
A BILL ENTITLED

1	AN ACT concerning
2 3	Prohibited Possession of Firearms – Assisted Outpatient Treatment Respondents
4 5 6 7 8 9	FOR the purpose of prohibiting a person from possessing a regulated firearm, rifle, or shotgun if the person is currently a respondent subject to a court order to comply with certain assisted outpatient treatment; requiring a court to promptly report certain information through a certain data portal if the court orders a person to comply with certain assisted outpatient treatment; and generally relating to persons prohibited from possessing regulated firearms, rifles, and shotguns.
10 11 12 13 14 15	BY repealing and reenacting, with amendments, Article – Health – General Section 10–6A–02(b) Annotated Code of Maryland (2023 Replacement Volume and 2024 Supplement) (As enacted by Chapter 704 of the Acts of the General Assembly of 2024)
16 17 18 19 20	BY repealing and reenacting, with amendments, Article – Public Safety Section 5–133(b), 5–133.2, and 5–205(b) Annotated Code of Maryland (2022 Replacement Volume and 2024 Supplement)
21 22 23	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows: Article – Health – General
<u> </u>	Ai ticle – Health – General

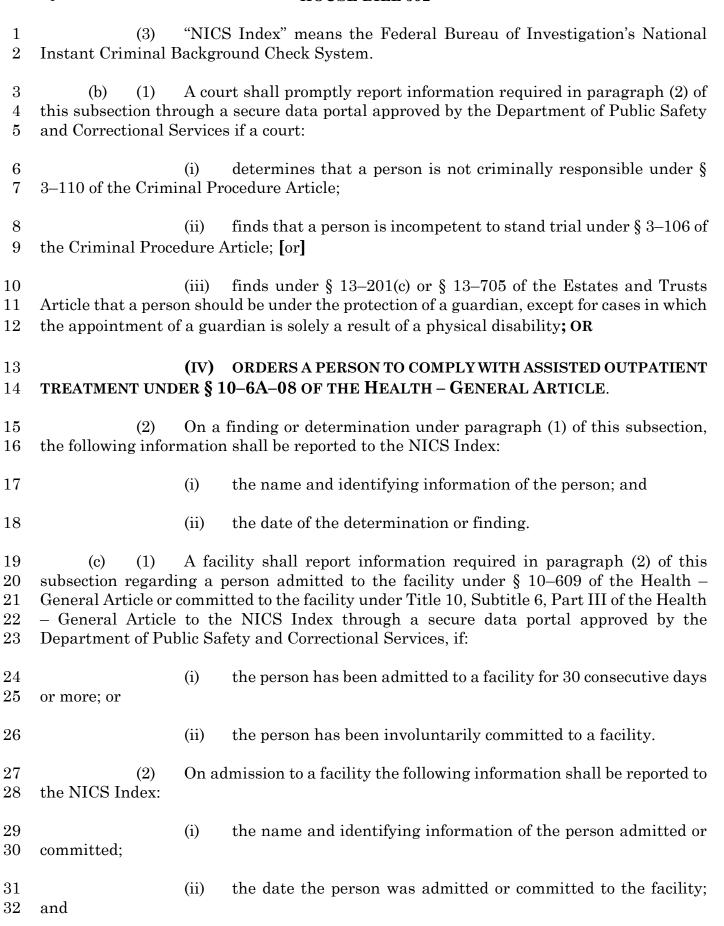
EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





- 1 (8) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health 2 General Article and has a history of violent behavior against the person or another;
- 3 (9) has been found incompetent to stand trial under § 3–106 of the Criminal 4 Procedure Article;
- 5 (10) has been found not criminally responsible under § 3–110 of the 6 Criminal Procedure Article;
- 7 (11) has been voluntarily admitted for more than 30 consecutive days to a 8 facility as defined in § 10–101 of the Health General Article;
- 9 (12) has been involuntarily committed to a facility as defined in $\$ 10–101 of the Health General Article;
- 11 (13) is under the protection of a guardian appointed by a court under § 12—201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability;
- 14 (14) except as provided in subsection (e) of this section, is a respondent 15 against whom:
- 16 (i) a current non ex parte civil protective order has been entered 17 under § 4–506 of the Family Law Article; or
- 18 (ii) an order for protection, as defined in § 4–508.1 of the Family Law 19 Article, has been issued by a court of another state or a Native American tribe and is in 20 effect; [or]
- 21 (15) if under the age of 30 years at the time of possession, has been 22 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if 23 committed by an adult; **OR**
- 24 (16) IS CURRENTLY A RESPONDENT SUBJECT TO A COURT ORDER TO 25 COMPLY WITH ASSISTED OUTPATIENT TREATMENT UNDER § 10–6A–08 OF THE 26 HEALTH GENERAL ARTICLE.
- 27 5–133.2.
- 28 (a) (1) In this section the following words have the meanings indicated.
- 29 (2) "Facility" has the meaning stated in § 10–101 of the Health General 30 Article.



- 1 (iii) the name of the facility to which the person was admitted or 2 committed. 3 5-205.4 (b) A person may not possess a rifle or shotgun if the person: has been convicted of a disqualifying crime as defined in § 5–101 of this 5 (1) 6 title; 7 (2) has been convicted of a violation classified as a crime under common law and received a term of imprisonment of more than 2 years; 8 9 (3)is a fugitive from justice; is a habitual drunkard as defined in § 5–101 of this title; 10 **(4)** 11 is addicted to a controlled dangerous substance or is a habitual user as defined in § 5–101 of this title; 12 suffers from a mental disorder as defined in § 10–101(i)(2) of the Health 13 - General Article and has a history of violent behavior against the person or another; 14 15 has been found incompetent to stand trial under § 3–106 of the Criminal (7)16 Procedure Article; 17 has been found not criminally responsible under § 3-110 of the (8)Criminal Procedure Article; 18 19 has been voluntarily admitted for more than 30 consecutive days to a 20facility as defined in § 10–101 of the Health – General Article; 21has been involuntarily committed to a facility as defined in § 10-101 of (10)the Health – General Article; 2223 is under the protection of a guardian appointed by a court under § 2413-201(c) or § 13-705 of the Estates and Trusts Article, except for cases in which the appointment of a guardian is solely a result of a physical disability; 25 26 except as provided in subsection (c) of this section, is a respondent (12)27 against whom:
- 28 (i) a current non ex parte civil protective order has been entered 29 under $\S 4-506$ of the Family Law Article; or

- 1 (ii) an order for protection, as defined in § 4–508.1 of the Family Law 2 Article, has been issued by a court of another state or a Native American tribe and is in 3 effect; [or]
- 4 (13) if under the age of 30 years at the time of possession, has been adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if committed by an adult; **OR**
- 7 (14) IS CURRENTLY A RESPONDENT SUBJECT TO A COURT ORDER TO 8 COMPLY WITH ASSISTED OUTPATIENT TREATMENT UNDER § 10–6A–08 OF THE 9 HEALTH GENERAL ARTICLE.
 - SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2025, contingent on the taking effect of Chapter 704 of the Acts of the General Assembly of 2024, and if Chapter 704 does not become effective, this Act, with no further action required by the General Assembly, shall be null and void. This Act shall remain effective until the taking effect of the termination provision specified in Section 3 of Chapter 704 of the Acts of the General Assembly of 2024. If that termination provision takes effect, this Act shall be abrogated and of no further force and effect. This Act may not be interpreted to have any effect on that termination provision.