TO: The Honorable Chair Clippinger, Vice Chair Bartlett, and members of the committee
House Judiciary Committee

FROM: Jen Pauliukonis, MPH
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DATE: March 6, 2024

RE: House Bill 1267: Extreme Risk Protective Orders – Review of Court Records

The Johns Hopkins Center for Gun Violence Solutions **supports House Bill 1267: Extreme Risk Protective Orders – Review of Court Records**. House Bill 1267 adds an exception to Maryland's Extreme Risk Protective Orders (ERPOs) law's confidentiality clause, **granting access to researchers affiliated with institutions of higher education who are conducting research.** Current law already allows data access for court personnel, the respondent or counsel for the respondent, Maryland Department of Health, local mental health authorities, and law enforcement. This bill simply adds researchers to that list to allow for more in-depth analysis and evaluation of the law.

Background of Extreme Risk Protective Orders

Maryland enacted its extreme risk law in 2018. Maryland's ERPO law empowers law enforcement, family members, and health care providers to prevent gun tragedies by petitioning the court to temporarily removing firearms from individuals who are behaving dangerously and at elevated risk of suicide or interpersonal violence.

Why Access to Data is Needed

Almost all other ERPO states allow researchers access to petition and court records. In fact, the information is public in many states. Maryland is an anomaly regarding its confidentiality clause. Temporary access to ERPO petitions and data was provided in 2021 to Maryland researchers to support the Office of the Attorney General to complete a crime gun study, but the provision that allows that access will sunset at the end of this year.

Gun violence is a public health crisis requiring a comprehensive public health approach. Data is the foundation of this approach, allowing researchers to understand the size and scope of the problem, what puts communities at risk, and how to reduce those risks with policies and programs to keep our communities safe. Without this important data, researchers will be unable to effectively evaluate the implementation and equitable enforcement of ERPOs. Reliable and timely data is essential to combating gun violence.

Protecting Privacy

University research is subject to oversight by Institutional Review Boards (IRB) operated under federal regulations that govern research. IRBs focus on the protection of people who participate in research. As part of this role, IRBs are responsible for ensuring the privacy, safety, and security of all research subjects and information used in research. Maryland ERPO case files would be included under this IRB governance. Any researcher seeking access to ERPO case files would first need to submit an application to their IRB explaining the research they want to undertake and the reasons they need access. With IRB approval, researchers are held to the terms set forth by the IRB for conducting the approved research, including protecting the confidentiality of those involved in ERPO processes.

Research on Extreme Risk Protection Orders

While research on ERPO laws is still emerging, the evidence is promising that it is a tool to prevent firearm violence. Research of similar laws in other states has shown how ERPOs have been used in response to threats of suicide and interpersonal violence, including mass shootings. Here are some following examples of research:

- Preventing Suicide: Researchers at Duke University examined 762 ERPO-style orders issued in Connecticut from 1999–2013. They found that ERPOs were issued in response to suicide risk among a group of individuals who had an annual suicide rate 40 times higher than the general public. In 99% of cases that included a search, police recovered firearms -- removing an average of seven guns per respondent. Researchers calculated that for every 10–20 orders issued, one suicide was prevented.[i]

- Preventing Mass Shootings: Researchers at UC Davis studied California's extreme risk law by examining the court records of 159 orders issued from 2016 to 2018. They found that extreme risk laws are being used in response to credible mass shooting threats. In 21 orders, the subject showed clear signs that they intended to commit a mass shooting and after the orders were issued, there was no record of those respondents committing a mass shootings, suicides, or homicide during the follow-up period included.[ii]

- Preventing Domestic Violence: Researchers at the University of Michigan analyzed 93 petitions from 2018–2019 in Oregon. Nearly one-third of petitioners were intimate partners or family members. Often, the petitions were filed within days of a threat of violence. This study also found that extreme risk laws are being used to temporarily prevent non-gun owners at risk of harm from acquiring guns.[iii]

House Bill 1267 will allow researchers to study and evaluate Maryland's extreme risk law. Providing vital ERPO data and petition information to researchers will allow crucial policy evaluations to better understand the full potential of the policy in Maryland and in other states with the law. The research would help stakeholders around the state understand promising approaches to implementation of the law. The limited Maryland ERPO data we currently have reveals that Maryland is one of the only states implementing and enforcing ERPO state-wide, making it even more vital to understand and evaluate the law. HB 1267 would help Maryland researchers contribute to the growing field of ERPO research to better understand the law and its effectiveness.

Accordingly, the Johns Hopkins Center for Gun Violence Solutions respectfully requests a **FAVORABLE** committee report on House Bill 1267.

[i] Swanson JW, et al. (2017). Implementation and effectiveness of Connecticut's risk-based gun removal law: Does it prevent suicides? *Law and Contemporary Problems*.

[ii] Wintemute GJ, Pear VA, Schleimer JP, Pallin R, Sohl S, Kravitz-Wirtz N, et al. (2019). Extreme Risk Protection Orders Intended to Prevent Mass Shootings: A Case Series. *Annals of Internal Medicine*.

[iii] Zeoli AM, Paruk J, Branas CC, Carter PM, Cunningham R, Heinze J, & Webster DW. (2021). Use of extreme risk protection orders to reduce gun violence in Oregon. *Criminology & Public Policy*.