

**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY  
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND  
ON FEBRUARY 19, 2025  
BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE  
IN SUPPORT OF SENATE BILL 943, THE FAMILY AND LAW ENFORCEMENT  
PROTECTION ACT**

Honorable Chair Smith, Vice-Chair Waldstreicher and Members of the Committee:

The Critical Issues Forum: Advocacy for Social Justice (CIF) provides this testimony in support of SB943, which, if enacted, will increase the protection provided to victims of domestic violence, their families, and law enforcement personnel by mandating the immediate surrender of firearms by accused abusers subject to protective orders. This testimony will focus on the most significant portion of SB943: requiring the surrender of any firearms possessed by the accused abuser prior to the entry of the final protective order, when evidence supports the abuse claim.

Comprised of Temple Beth Ami, Kol Shalom, and Adat Shalom, CIF is a coalition of synagogues with over 1,750 families. CIF is a vehicle for our congregations to speak out on policy issues that relate to our shared values, including the Jewish tradition's emphasis on the primary value of human life and, consequently, on increasing the protection of victims of domestic violence.

Current Maryland law provides for three levels of protective orders, with different consequences for firearms surrender:

- The first, an interim order, can be issued by a judicial commissioner.<sup>1</sup> This protective order is of short duration, generally two business days,<sup>2</sup> and cannot require an accused abuser to surrender firearms in his possession.

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<sup>1</sup>Md. Code, Family Law §§4-504 and 4-504.1.

<sup>2</sup>*Id.* §4.504.1(h).

- The second, a temporary order, can be issued by a judge pending a hearing to determine whether a permanent protective order should issue.<sup>3</sup> Under the current statute, a judge issuing a temporary protective order has the discretion to require the accused abuser to surrender any firearms in his possession, but only if he has committed specified acts, such as the previous use of a firearm against the person seeking the protective order.<sup>4</sup>
- The third, a permanent protective order issued after a hearing, requires the surrender of any firearms in the abuser's possession.<sup>5</sup>

SB493 modifies this tiered approach to firearms possession and instead mandates that all protective orders require the surrender of any firearms possessed by the accused abuser, greatly reducing the possibility that the individual will use a firearm to threaten, injure, or kill the abuse victim or family members before the entry of a final order.<sup>6</sup> These amendments address a significant issue of safety for abused women and law enforcement personnel.

In the U.S., women are five times more likely to be killed when their abuser has access to a firearm.<sup>7</sup> In 2021, the last year for which data is available, almost 800 woman were killed with a firearm by intimate partners.<sup>8</sup> Significantly, in states with stronger firearm relinquishment laws, intimate partner homicide rates are significantly lower.<sup>9</sup> The firearm surrender provisions of SB943 will clearly protect abused women and their families.

In like manner, these provisions will also protect law enforcement personnel. Domestic disturbance/violence incidents are some of the most

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<sup>3</sup> *Id.* §4-505.

<sup>4</sup> *Id.* §4-505(a)(2)(viii).

<sup>5</sup> *Id.* §4-506(f).

<sup>6</sup> SB493, §§4-504.1(D) and 4-505(a)(4).

<sup>7</sup> Campbell, J. C., and et al. (2003). "Risk factors for femicide in abusive relationships: results from a multisite case control study". American Journal of Public Health. (2003). <https://doi.org/10.2105/ajph.93.7.1089>

<sup>8</sup> Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), "WISQARS National Violent Death Reporting System," last accessed February 11, 2025, <https://wisqars.cdc.gov/nvdrs/>.

<sup>9</sup> [https://www.evidenceforaction.org/state-intimate-partner-violence-related-firearm-laws-and-intimate-partner-homicide-rates-united?utm\\_source=chatgpt.com](https://www.evidenceforaction.org/state-intimate-partner-violence-related-firearm-laws-and-intimate-partner-homicide-rates-united?utm_source=chatgpt.com)

common circumstances in which on-duty law enforcement officers are killed.<sup>10</sup> From 2014 to 2023, 34 officers were killed when responding to domestic disturbances and 25 to domestic violence.<sup>11</sup> Disarming accused abusers will thus protect the Maryland police law enforcement personnel as well.

Importantly, the SB493 amendments are consistent with the Second Amendment. As the Supreme Court stated in *Rahimi*, its most recent Second Amendment decision:

When a restraining order contains a finding that an individual poses a credible threat to the physical safety of an intimate partner, that individual may—consistent with the Second Amendment—be banned from possessing firearms while the order is in effect. Since the founding, our Nation's firearm laws have included provisions preventing individuals who threaten physical harm to others from misusing firearms.<sup>12</sup>

Consistent with that holding, SB943 requires that the petition for a protective order describe “the nature and extent of the abuse for which the relief is being sought.”<sup>13</sup> And a judicial officer, before issuing an interim or temporary protective order, must conclude that “reasonable grounds . . . [exist] that the respondent has abused a person eligible for relief.”<sup>14</sup> To issue a final protective order, the judge must find “by a preponderance of the evidence that the alleged abuse has occurred.”<sup>15</sup> Thus, SB943 meets the “credible threat to the physical safety of an intimate partner” requirement of *Rahimi*.

*Rahimi* also noted that the firearm restriction in the protective order was “temporary,” “only prohibit[ing] firearm possession so long as the

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<sup>10</sup> <https://www.cnn.com/2022/01/22/us/domestic-incidents-police-officers-danger/index.html>

<sup>11</sup> FBI REPORT *Law Enforcement Officers Killed and Assaulted*, 2023

<sup>12</sup> *United States v. Rahimi*, 144 S.Ct. 1889, 1896, 219 L.Ed.2d 351, 362 (2024).

<sup>13</sup> §4-504(b)(1)(ii)1.

<sup>14</sup> Md. Code, Family Law §§ 4-504.1(b) and 4-505(a)(1).

<sup>15</sup> *Id.* §4-506(c)(ii)

defendant 'is' subject to a restraining order.”<sup>16</sup> SB943 and the current Maryland statutes similarly prohibit firearm possession for a limited period of time and only while the respondent is subject to the protective order.<sup>17</sup> And, SB943 specifies the conditions under which the accused abuser may retake possession of the surrendered firearms when the interim, temporary, and final protective orders expire.<sup>18</sup> This clearly meets the standards established by *Rahami*.

For these reasons, the Critical Issues Forum recommends a favorable report on SB943.

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<sup>16</sup> 144 S.Ct. at 1902, 219 L.Ed. at 368.

<sup>17</sup> A final protective order can generally last for only one year. Md. Code, Family Law §4-506(j)(1). An interim order terminates after two business days, *Id.* §4-504.1(h). The temporary order generally lasts for not more than seven days, but can be extended for up to six months. *Id.* §4-505(c). In all three cases, the restriction on firearm possession lasts only for the duration of the order. *Id.* §506(f); SB493 §§4-504.1(D) and 4-505(a)(4).

<sup>18</sup> SB943 §4-506.1(C).

