



Maryland State's Attorneys' Association

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BILL NUMBER: HB 592

POSITION: Favorable

The Maryland State's Attorneys' Association (MSAA) supports House Bill 592, and urges this Committee to issue a favorable report.

The Public Safety Article restricts who can lawfully possess firearms in Maryland. § 5-133 of that Article deals with regulated firearms (including handguns), while § 5-205 deals with rifles and shotguns. The disqualifiers contained in these statutes – disqualifiers like having been convicted of certain offenses, subject to a protective order, or involuntarily committed to a facility for mental health treatment – represent judgments by the General Assembly that some individuals cannot possess firearms safely.

Last session, the General Assembly passed legislation establishing assisted outpatient treatment programs for individuals with serious and persistent mental illness, and enabling courts to commit qualifying individuals to these programs. HB 592 prohibits individuals committed to assisted outpatient treatment programs from possessing firearms – by prohibiting possession only for the duration of the commitment, though, this bill balances the public safety interest that animates the restrictions on firearm possession contained in the Public Safety Article with the individual's interest in exercising their right to keep and bear arms. Furthermore, by clearly defining the disqualifying condition – commitment to assisted outpatient treatment program pursuant to the relevant statute – the bill provides clarity to courts and to Marylanders, and ensures that the prohibition will be applied consistent with the intent of the legislature.