



Working to end sexual violence in Maryland

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Testimony Supporting House Bill 1050 with Sponsor Amendments
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The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence. We urge the Judiciary Committee to report favorably on House Bill 1050 with Sponsor Amendments.

House Bill 1050 – Protective Orders and Surrender of Firearms

House Bill 1050 is the result of the work of a workgroup comprised of organizations whose mission it is to reduce gun violence, and of which MCASA's sister coalition, the Maryland Network Against Domestic Violence, was a member. Protective orders are not only for survivors of intimate partner violence, but also help protect certain rape and sexual assault survivors, so MCASA is closely following this work.

HB 1050 is an attempt to provide guidance to the courts and law enforcement on how to hold protection order respondents accountable to surrender their firearms if a protection order is issued against them. There are three major components to HB 1050. First, our protection order law (MD. Code Ann. FL Section 4-501 et seq.) already requires the mandatory surrender of firearms upon the grant of a final protection order. HB 1050 would expand that to a mandatory surrender of firearms at the interim and temporary protection order phase if court grants the order.

Second, House Bill 1050 creates a list of questions on the petition for protection from abuse. It is an expansive set of questions, and we laud the goal of learning everything possible about a respondent and his gun ownership, as well as reinforcing that the courts must take their responsibility to have respondents surrender guns seriously and ask *every* petitioner about guns. However, we share our colleagues' concerns about the unintended consequences of this very long list and whether it may, perversely, discourage those in danger from seeking protection. Amendments will appropriately protect survivors' privacy and will not be so overwhelming to petitioners.

The third component of HB 1050 creates accountability for the respondent to comply with a court order and surrender their guns. It has timing requirements and well as requirements that the respondent certify to the court that he/she has surrendered their guns. It creates a mechanism to hold respondents accountable if they fail to surrender their guns within a certain amount of time and gives law enforcement or prosecutors power to pursue the surrender of the guns. The efforts to hold respondents accountable vary across jurisdictions, but **all petitioners deserve safety, and one of the most important ways to achieve that safety is removal of firearms from those who pose danger to the petitioner.**

MCASA joins in our colleagues' efforts to support important improvements to enforcing the current requirements that guns be surrendered as part of the protective order process. We also support the Sponsor Amendments as changes necessary to make the legislation effective.

**The Maryland Coalition Against Sexual Assault urges the
Judiciary Committee to
report favorably on House Bill 1050 with Sponsor Amendments**