



Schizophrenia
& Psychosis
Action Alliance

Testimony for HB 1306-Assisted Outpatient Treatment—Surrender or Seizure of Firearms
From: Evelyn Burton, Maryland Advocacy Chair of Schizophrenia & Psychosis Action Alliance
POSITION: SUPPORT WITH AMENDMENT

THE Schizophrenia & Psychosis Action Alliance supports HB1306 ONLY IF amendments are included to delete the court's contempt power and delete the court's power to order the seizure of firearms. The existence of contempt power is detrimental to the AOT goal of treatment engagement that results from a positive, trusting relationship between the AOT judge and AOT recipient. Ordering seizure sets up a potentially confrontational situation with the AOT respondent creating a high risk of death or arrest. We support prohibiting firearm ownership for those likely to cause harm with firearms. However, the goal of voluntary firearm relinquishment can much more safely be accomplished through the normal AOT processes of encouragement and engagement by the judge and the treatment team. (See attached suggested amendments.)

AOT in Maryland was specifically designed to prohibit contempt of court powers (Health General §10-6A-10 (d)) because that is detrimental to the AOT goal of encouraging the respondent to engage in treatment. AOT effectiveness rests on the positive trusting relationship established between the AOT judge and the AOT respondent and the black robe effect of the respondent's respect for a judge. This relationship is established through support and encouragement and would be harmed by threats of penalties under contempt of court. In Maryland contempt of court penalties can include jail time, which is exactly one of the harms that treatment under AOT is designed to prevent. Including contempt powers creates a potential pathway to jail. Many other states specifically prohibit contempt orders under AOT.

We oppose the inclusion of judicial power to order a search warrant for removal of the firearm for those under AOT. This creates a potentially confrontation situation which too frequently can result in the death or arrest of the person with mental illness. The Treatment Advocacy Center Report "Overlooked in the Undercounted The Role of Mental Illness in Fatal Law Enforcement Encounter, found that the risk of being killed during a police incident is 16 times greater for individuals with untreated mental illness than for other civilians. ...- the findings indicate that mental health disorders are a factor in as many as 1 in 2 fatal law enforcement encounters." Their final recommendation is: "reducing encounters between on-duty law enforcement and individuals with the most severe psychiatric diseases may represent the single most immediate, practical strategy for reducing fatal police shootings in the United States."

AOT works to reduce the risk of suicide from firearms and other means by encouraging treatment compliance and by close monitoring to enable timely hospitalization when needed. By promoting compliance with needed antipsychotic medications AOT can reduce suicide and other deaths. A large study of patients with schizophrenia showed that not getting antipsychotic drugs after hospitalization "led to a 12-fold rise in the relative risk of all-cause mortality and a 37-fold rise in suicide mortality."¹

Our families are very fearful when their loved one with serious mental illness has a firearm when at increased risk of suicide or violence. However, like Claire Weinberg's attached testimony for HB1014 indicates, families want a clinical response from mental health professionals, not a peace officer or jail response. AOT without contempt or seizure provisions can provide that response.

¹(Tiihonen, J.; Wahlbeck, K.; Lönnqvist, J.; Klaukka, T.; Ioannidis, J.P.; Volavka, J.; Haukka, J. **Effectiveness of antipsychotic treatments in a nationwide cohort of patients in community care after first hospitalization due to schizophrenia and schizoaffective disorder: Observational follow-up study.** *BMJ* **2006**, 333, 224. [[Google Scholar](#)] [[CrossRef](#)] [[PubMed](#)])

Proposed Amendment to HB1306:

10-6A-02

(b) This subtitle may not be construed to abridge or modify any civil right of the respondent, including:

(3) ~~[Any] EXCEPT AS PROVIDED IN §§5133 AND 5-205 OF THE PUBLIC SAFETY ARTICLE AND THE PROVISIONS OF THIS SUBTITLE RELATING TO A COURT'S ORDER PROHIBITING POSSESSION OF A FIREARM, ANY~~ right relating to a license, permit, certification, privilege, or benefit under any law.

~~1-6A-08.1(C)(1) IN ACCORDANCE WITH THE PROVISIONS OF § 1-203 OF THE CRIMINAL PROCEDURE ARTICLE, ON APPLICATION BY A STATE'S ATTORNEY OR A LAW ENFORCEMENT OFFICER WITH PROBABLY CAUSE TO BELIEVE THAT A RESPONDENT WHO IS SUBJECT TO AN ORDER UNDER THIS SECTION POSSESSES A FIREARM AND FAILED TO SURRENDER THE FIREARM, A COURT MAY ISSUE A SEARCH WARRANT FOR THE REOVAL OF THE FIREARM AT ANY LOCATION IDENTIFIED IN THE APPLICATION FOR THE WARRANT.~~

~~(2) (i) A COURT MAY ENFORCE AN ORDER UNDER THIS SECTION THROUGH ITS CONTEMPT POWERS.~~

~~(ii) THE COURT MAY IMPOSE ANY REASONABLE SANCTION FOR A VIOLATION OF ITS ORDER UNDER THIS SECTION.~~
