

Department of Legislative Services
 Maryland General Assembly
 2025 Session

FISCAL AND POLICY NOTE
 First Reader

Senate Bill 943 (Senator Hettleman, *et al.*)
 Judicial Proceedings

Family and Law Enforcement Protection Act

This bill alters numerous provisions that govern the surrender of firearms by a respondent subject to a domestic violence protective order, including by requiring any interim or temporary protective order to require a respondent to surrender to law enforcement authorities any firearm in the respondent’s possession and refrain from the purchase or possession of any firearm for the duration of the order. The bill also establishes the Task Force to Study the Use of Firearms in Domestic Violence Situations, staffed by the Center for Firearm Violence Prevention and Intervention. The task force must submit a written report on its recommendations to the General Assembly by November 15, 2025. **The bill’s provisions establishing the task force take effect June 1, 2025, and terminate November 30, 2025.**

Fiscal Summary

State Effect: No assumed effect in FY 2025. General fund expenditures for the Judiciary increase by \$80,100 in FY 2026 only for one-time programming costs to update protective order systems and reference materials. General fund expenditures for the Maryland Department of Health (MDH) increase by \$39,900 in FY 2026 only to staff the task force; future years reflect the termination of the task force during FY 2026. Revenues are not materially affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	119,900	0	0	0	0
Net Effect	(\$119,900)	\$0	\$0	\$0	\$0

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: *Potential* significant impact on local law enforcement agencies, as discussed below. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary/Current Law: Under current law, an individual meeting specified relationship requirements may seek relief from abuse by filing a petition with the court or, if the clerk's office is closed, with a District Court Commissioner. Under limited circumstances, a petition may also be filed electronically from specified locations. The petition must be under oath and include specified information known to the petitioner, including the nature and extent of the abuse for which the relief is sought, any previous or pending action between the parties in any court, and the whereabouts of the respondent.

Under the bill, a petition must also include any information known to the petitioner as to whether the respondent possesses a valid handgun qualification license issued to the respondent by the Secretary of the State Police and whether the respondent owns or possesses a firearm. If the petition states that the respondent possesses a valid handgun qualification license or that the respondent owns or possesses a firearm, the petitioner must also include additional information known to the petitioner, including:

- the length of time that the petitioner has known or lived with the respondent;
- whether the petitioner is in possession of a valid handgun qualification license or owns or is in possession of a firearm;
- the potential location of the respondent's firearm;
- the last time the petitioner saw the respondent's firearm;
- the petitioner's familiarity with the respondent's habits regarding the firearm;
- how many and what type of firearms the respondent may have access to; and
- the respondent's attitude toward law enforcement.

Under provisions set forth in Title 4, Subtitle 5 of the Family Law Article, generally, if an interim protective order is granted by a District Court Commissioner, a temporary protective order hearing is held on the first or second day on which a District Court judge is sitting after issuance of the interim protective order. Generally, if a temporary protective order is granted, a final protective order hearing occurs one week later. Statute specifies the types of relief authorized to be included in each type of order.

Interim Protective Orders: A commissioner may issue an interim protective order on a finding that there are reasonable grounds to believe that the respondent has committed abuse against a person eligible for relief. The existing statutory relief authorized to be granted as part of an interim protective order does not include the respondent's surrender of firearms. Under the bill, an interim protective order must order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from purchasing or possessing a firearm for the duration of the interim protective order.

Temporary Protective Orders: Under current law, if a judge finds that there are reasonable grounds to believe that a person eligible for relief has been abused, the judge may enter a temporary protective order. Among other relief, a temporary protective order may order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession and to refrain from possession of any firearm for the duration of the temporary protective order *if* the abuse consisted of the use of (or threat to use) a firearm by the respondent against a person eligible for relief or serious bodily harm to a person eligible for relief (or a threat by the respondent to cause serious bodily harm).

The bill repeals the limitations above and instead *requires* a temporary protective order (regardless of the nature of the abuse that resulted in the order being issued) to order the respondent to surrender any firearm and any handgun qualification license issued to the respondent to law enforcement authorities and refrain from purchasing or possessing a firearm for the duration of the temporary protective order.

Final Protective Orders: Under existing statute, a judge may grant a final protective order if the judge finds by a preponderance of the evidence that the alleged abuse has occurred or if the respondent consents to the entry of the order. In addition to other authorized relief, a final protective order *must* order the respondent to surrender any firearm in the respondent's possession to law enforcement authorities and refrain from possession of any firearm for the duration of the protective order.

Under the bill, a final protective order must also order the respondent to surrender any handgun qualification license issued to the respondent and specifies that a respondent must refrain from *purchasing or possessing* a firearm for the duration of the protective order.

Procedures for the Surrender of Firearms

Surrender by Respondent: Under current law, a respondent may transport a firearm if the respondent is carrying a protective order requiring the surrender of the firearm and (1) the firearm is unloaded; (2) the respondent has notified the law enforcement unit, barracks, or station that the firearm is being transported in accordance with the protective order; and

(3) the respondent transports the firearm directly to the law enforcement unit, barracks, or station.

The bill does not alter the above provision, but further establishes that if a respondent in a protective order proceeding is ordered to surrender a firearm, the respondent must surrender all firearms and any handgun qualification license in the respondent's possession to law enforcement authorities within 24 hours after the issuance of the order and provide written proof of the surrender to the court and local sheriff's office within two business days after the surrender. If the respondent does not possess a firearm, the respondent must submit an affidavit to the court to that effect, signed under penalty of perjury, within two business days, as specified. If the respondent has lawfully sold or transferred a firearm within the prior 30 days, the respondent must submit the transfer paperwork to the court within two business days.

Law Enforcement Duties: Under current law, if a respondent surrenders a firearm in accordance with the terms of a temporary or final protective order, the law enforcement officer must (1) provide to the respondent information on the process for retaking possession of the firearm and (2) transport and store the firearm in a protective case, if one is available, and in a manner intended to prevent damage to the firearm during the time the protective order is in effect.

Under the bill, a law enforcement agency that receives a surrendered firearm must also issue written proof of the surrender to the respondent, including:

- the name of the person surrendering the firearm;
- the date the firearm was surrendered; and
- the serial number, make, and model of the firearm or, for a firearm manufactured prior to 1968 without a serial number, the identifying marks on the firearm.

Under the bill, to carry out the surrender of firearms, a law enforcement officer must accompany the respondent or proceed without the respondent's presence, if necessary, to any place where the law enforcement officer has probable cause to believe a firearm in the possession of the respondent is located to ensure that the respondent does not gain access to a firearm. On application by the State's Attorney or a law enforcement officer, based on probable cause to believe that the respondent has failed to surrender a firearm in accordance with the requirements under a protective order or is in possession of other firearms, the court may authorize the execution of a search warrant for the removal of a firearm at any subject location. If a protective order prohibits a respondent from returning to the scene of domestic violence or another place where a law enforcement officer has probable cause to believe a firearm in the possession of the respondent is located, the law enforcement officer must proceed without the respondent's presence.

Retaking of Surrendered Firearms

Under current law, the respondent may retake possession of the firearm at the expiration of a temporary or final protective order unless the respondent is ordered to surrender the firearm in a final protective order or an extension of a final protective order, respectively, or the respondent is not otherwise legally entitled to own or possess the firearm. The bill also establishes that a respondent may retake possession of the firearm at the expiration of an interim protective order unless the respondent is ordered to surrender the firearm in a temporary protective order, or the respondent is not otherwise legally entitled to own or possess the firearm.

Under the bill, a respondent who does not wish to recover a firearm surrendered in accordance with a protective order or who is otherwise prohibited from possessing a firearm may (1) sell or transfer the firearm or ammunition to a licensed firearm dealer or another person who is not prohibited from possessing a firearm or ammunition under State or federal law and who does not live in the same residence as the respondent or (2) request the destruction of the firearm.

Violations of Protective Orders

Under current law, a law enforcement officer must arrest – with or without a warrant – and take into custody an individual who the officer has probable cause to believe is in violation of an interim, temporary, or final protective order in effect at the time of the violation. An individual who fails to comply with specified provisions of an interim, temporary, or final protective order, including those related to the surrender of (and prohibition against possessing) firearms under a temporary/final protective order, is guilty of a misdemeanor and subject to maximum penalties of a \$1,000 fine and/or 90 days imprisonment for a first offense and a \$2,500 fine and/or one year imprisonment for a second or subsequent offense. The bill extends these penalties to a respondent who does not surrender a firearm or continues to possess a firearm as prohibited by an interim protective order.

Task Force to Study the Use of Firearms in Domestic Violence Situations

The Task Force to Study the Use of Firearms in Domestic Violence Situations is established under the bill to examine approaches to (1) ensure stakeholder accountability in the surrender of firearms by individuals prohibited from possessing a firearm due to a domestic violence protective order and (2) create a pilot program in urban, rural, and suburban communities to implement the task force's recommendations. Members of the task force may not receive compensation but are entitled to reimbursement for expenses under the standard State travel regulations.

Center for Firearm Violence Prevention and Intervention

The Center for Firearm Violence Prevention was established under Chapters 706 and 707 of 2024. The purpose of the center, administratively located within MDH, is to reduce firearm violence, harm from firearm violence, and misuse of firearms in the State by partnering with federal, State, and local agencies and affected communities to implement a public health approach to firearm violence reduction.

State Expenditures: General fund expenditures for MDH increase by \$39,866 in fiscal 2026, which assumes a 30-day start-up delay from the bill’s June 1, 2025 effective date. This estimate reflects the cost of hiring one contractual health policy analyst to staff the task force. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	1.0
Salary and Fringe Benefits	\$32,611
Operating Expenses	<u>7,255</u>
Total FY 2026 State Expenditures	\$39,866

This estimate does not include any health insurance costs that could be incurred for specified contractual employees under the State’s implementation of the federal Patient Protection and Affordable Care Act.

Any expense reimbursement for task force members are assumed to be minimal and absorbable within existing budgeted resources.

Local Expenditures: Although numerous local governments were contacted to provide an estimate for the fiscal and operational impact of the bill, only Worcester County responded to indicate that there is no anticipated effect on its circuit court. This estimate assumes, however, that depending on the volume of protective orders issued in each locality, law enforcement agencies may incur expenditures associated with the storage of potentially significantly more firearms and associated administrative responsibilities. For context, the Judiciary reports that 13,766 interim protective orders and 21,309 temporary protective orders were granted in fiscal 2024, although it is unknown how many of these orders involved a respondent who owns firearms.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1050 (Delegate Bartlett, *et al.*) - Judiciary.

Information Source(s): Worcester County; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Public Safety and Correctional Services; Department of State Police; Department of Legislative Services

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