

HOUSE BILL 1050

D4

5lr2836
CF SB 943

By: **Delegates Bartlett, Fair, D. Jones, and Simpson**

Introduced and read first time: February 5, 2025

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Protective Orders – Surrender of Firearms**

3 FOR the purpose of altering and establishing provisions relating to the surrender of
4 firearms by a respondent under the domestic violence statutes; creating the Task
5 Force to Study the Use of Firearms in Domestic Violence Situations; and generally
6 relating to protective orders.

7 BY repealing and reenacting, without amendments,
8 Article – Family Law
9 Section 4–504(a) and 4–506(f)
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Family Law
14 Section 4–504(b), 4–504.1(d) through (i), 4–505(a), 4–506.1, and 4–509(a)
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2024 Supplement)

17 BY adding to
18 Article – Family Law
19 Section 4–504(e) and 4–504.1(d)
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2024 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Family Law**

25 4–504.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) A petitioner may seek relief from abuse by filing with a court, or with a
2 commissioner under the circumstances specified in § 4–504.1(a) of this subtitle, a petition
3 that alleges abuse of any person eligible for relief by the respondent.

4 (2) A petition may be filed under this subtitle if:

5 (i) the abuse is alleged to have occurred in the State; or

6 (ii) the person eligible for relief is a resident of the State, regardless
7 of whether the abuse is alleged to have occurred in the State.

8 (b) (1) The petition shall:

9 (i) be under oath; and

10 (ii) include any information known to the petitioner of:

11 1. the nature and extent of the abuse for which the relief is
12 being sought, including information known to the petitioner concerning previous injury
13 resulting from abuse by the respondent;

14 2. each previous action between the parties in any court;

15 3. each pending action between the parties in any court;

16 4. the whereabouts of the respondent, if known;

17 **5. WHETHER THE RESPONDENT POSSESSES A VALID**
18 **HANDGUN QUALIFICATION LICENSE ISSUED TO THE RESPONDENT BY THE**
19 **SECRETARY OF STATE POLICE;**

20 **6. WHETHER THE RESPONDENT OWNS OR POSSESSES A**
21 **FIREARM;**

22 [5.] **7.** if financial relief is requested, information known to the
23 petitioner regarding the financial resources of the respondent; and

24 [6.] **8.** in a case of alleged child abuse or alleged abuse of a
25 vulnerable adult, the whereabouts of the child or vulnerable adult and any other
26 information relating to the abuse of the child or vulnerable adult.

27 (2) If the petition states that disclosure of the address of a person eligible
28 for relief would risk further abuse of a person eligible for relief, or reveal the confidential
29 address of a shelter for domestic violence victims, that address may be omitted from all
30 documents filed with a commissioner or filed with, or transferred to, a court. If disclosure

1 is necessary to determine jurisdiction or consider any venue issue, it shall be made orally
2 and in camera and may not be disclosed to the respondent.

3 **(E) IF THE PETITION STATES THAT THE RESPONDENT POSSESSES A VALID**
4 **HANDGUN QUALIFICATION LICENSE OR THAT THE RESPONDENT OWNS OR**
5 **POSSESSES A FIREARM, THE PETITIONER SHALL INCLUDE WITH THE PETITION THE**
6 **FOLLOWING INFORMATION KNOWN TO THE PETITIONER:**

7 **(1) THE LENGTH OF TIME THAT THE PETITIONER HAS KNOWN OR**
8 **LIVED WITH THE RESPONDENT;**

9 **(2) WHETHER THE PETITIONER IS IN POSSESSION OF A VALID**
10 **HANDGUN QUALIFICATION LICENSE OR OWNS OR IS IN POSSESSION OF A FIREARM;**

11 **(3) WHETHER THE PETITIONER:**

12 **(I) HAS A SAFETY PLAN;**

13 **(II) IS WORKING WITH A COMMUNITY DOMESTIC VIOLENCE**
14 **AGENCY; OR**

15 **(III) HAS A SPECIFIC COMMUNITY ADVOCATE;**

16 **(4) THE POTENTIAL LOCATION OF THE RESPONDENT'S FIREARM;**

17 **(5) THE LAST TIME THE PETITIONER SAW THE RESPONDENT'S**
18 **FIREARM;**

19 **(6) THE PETITIONER'S FAMILIARITY WITH THE RESPONDENT'S**
20 **HABITS REGARDING THE FIREARM;**

21 **(7) THE MAKE AND MODEL OF THE RESPONDENT'S FIREARM;**

22 **(8) HOW MANY AND WHAT TYPE OF FIREARMS THE RESPONDENT MAY**
23 **HAVE ACCESS TO;**

24 **(9) THE CONTACT INFORMATION OF OTHER INDIVIDUALS WHO COULD**
25 **VERIFY THE LOCATION OF THE RESPONDENT'S FIREARM, INCLUDING EACH**
26 **INDIVIDUAL'S:**

27 **(I) NAME;**

28 **(II) PHONE NUMBER;**

1 (III) ADDRESS; AND

2 (IV) RELATIONSHIP TO THE PETITIONER AND THE RESPONDENT;

3 (10) WHETHER THE RESPONDENT KEEPS THE FIREARM IN THE
4 RESPONDENT'S CAR AND, IF SO:

5 (I) THE MAKE AND MODEL OF THE CAR; AND

6 (II) THE LICENSE PLATE NUMBER;

7 (11) WHETHER THERE ARE, OR COULD BE, FIREARMS AT THE
8 RESPONDENT'S CURRENT RESIDENCE AND, IF SO, THE NAMES AND DATES OF BIRTH
9 OF ALL OF THE INDIVIDUALS IN THE RESIDENCE;

10 (12) THE RESPONDENT'S ATTITUDE TOWARD LAW ENFORCEMENT; AND

11 (13) WHETHER THE RESPONDENT:

12 (I) HAS PREVIOUSLY PAWNED A FIREARM AND, IF SO, THE
13 NAME OF THE PAWN SHOP;

14 (II) IS A CURRENT OR FORMER MEMBER OF THE MILITARY AND,
15 IF SO, WHICH BRANCH AND THE NAME OF THE RESPONDENT'S COMMANDING
16 OFFICER;

17 (III) HAS A VALID HUNTING LICENSE OR HUNTS AND, IF SO, THE
18 MOST RECENT DATE THE RESPONDENT WENT HUNTING;

19 (IV) GOES TO SHOOTING RANGES AND, IF SO, THE LOCATION AND
20 TIMES THE RESPONDENT GOES TO THE RANGES;

21 (V) DOES TARGET PRACTICE AND, IF SO, WHEN AND WHERE THE
22 RESPONDENT DOES TARGET PRACTICE;

23 (VI) KNOWS HOW TO MAKE EXPLOSIVES;

24 (VII) HAS BOMB-MAKING MATERIAL OR HAS ACCESS TO
25 BOMB-MAKING MATERIAL;

26 (VIII) HAS ANY PHOTOS ON SOCIAL MEDIA OF THE RESPONDENT
27 WITH A FIREARM; AND

1 **(IX) HAS BEEN SUICIDAL OR ON A MENTAL HEALTH HOLD OR HAS**
2 **OTHER MENTAL HEALTH CONCERNS.**

3 4–504.1.

4 **(D) AN INTERIM PROTECTIVE ORDER SHALL ORDER THE RESPONDENT TO**
5 **SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM IN THE**
6 **RESPONDENT’S POSSESSION, AND TO REFRAIN FROM POSSESSION OF ANY FIREARM,**
7 **FOR THE DURATION OF THE INTERIM PROTECTIVE ORDER.**

8 **[(d)] (E)** If the commissioner awards temporary custody of a minor child under
9 subsection (c)(4)(ii) or (5) of this section, the commissioner may order a law enforcement
10 officer to use all reasonable and necessary force to return the minor child to the custodial
11 parent after service of the interim protective order.

12 **[(e)] (F)** (1) (i) An interim protective order shall state the date, time, and
13 location for the temporary protective order hearing and a tentative date, time, and location
14 for a final protective order hearing.

15 (ii) Except as provided in subsection **[(h)] (I)** of this section, or unless
16 the judge continues the hearing for good cause, a temporary protective order hearing shall
17 be held on the first or second day on which a District Court judge is sitting after issuance
18 of the interim protective order.

19 (2) An interim protective order shall include in at least 10–point bold type:

20 (i) notice to the respondent that:

21 1. the respondent must give the court written notice of each
22 change of address;

23 2. if the respondent fails to appear at the temporary
24 protective order hearing or any later hearing, the respondent may be served with any orders
25 or notices in the case by first–class mail at the respondent’s last known address;

26 3. the date, time, and location of the final protective order
27 hearing is tentative only, and subject to change; and

28 4. if the respondent does not attend the temporary protective
29 order hearing, the respondent may call the Office of the Clerk of the District Court at the
30 number provided in the order to find out the actual date, time, and location of any final
31 protective order hearing;

32 (ii) a statement of all possible forms and duration of relief that a
33 temporary protective order or final protective order may contain;

1 (iii) notice to the petitioner and respondent that, at the hearing, a
2 judge may issue a temporary protective order that grants any or all of the relief requested
3 in the petition or may deny the petition, whether or not the respondent is in court;

4 (iv) a warning to the respondent that violation of an interim
5 protective order is a crime and that a law enforcement officer shall arrest the respondent,
6 with or without a warrant, and take the respondent into custody if the officer has probable
7 cause to believe that the respondent has violated any provision of the interim protective
8 order; and

9 (v) the phone number of the Office of the District Court Clerk.

10 **[(f)] (G)** Whenever a commissioner issues an interim protective order, the
11 commissioner shall:

12 (1) immediately forward a copy of the petition and interim protective order
13 to the appropriate law enforcement agency for service on the respondent; and

14 (2) before the hearing scheduled in the interim protective order, transfer
15 the case file and the return of service, if any, to the Office of the District Court Clerk.

16 **[(g)] (H)** A law enforcement officer shall:

17 (1) immediately on receipt of a petition and interim protective order, serve
18 them on the respondent named in the order;

19 (2) immediately after service, make a return of service to the
20 commissioner's office or, if the Office of the District Court Clerk is open for business, to the
21 Clerk; and

22 (3) within two hours after service of the order on the respondent,
23 electronically notify the Department of Public Safety and Correctional Services of the
24 service.

25 **[(h)] (I)** (1) Except as otherwise provided in this subsection, an interim
26 protective order shall be effective until the earlier of:

27 (i) the temporary protective order hearing under § 4–505 of this
28 subtitle; or

29 (ii) the end of the second business day the Office of the Clerk of the
30 District Court is open following the issuance of an interim protective order.

31 (2) If the court is closed on the day on which the interim protective order is
32 due to expire, the interim protective order shall be effective until the next day on which the
33 court is open, at which time the court shall hold a temporary protective order hearing.

1 **[(i)] (J)** A decision of a commissioner to grant or deny relief under this section
2 is not binding on, and does not affect any power granted to or duty imposed on, a judge of
3 a circuit court or the District Court under any law, including any power to grant or deny a
4 petition for a temporary protective order or final protective order.

5 4–505.

6 (a) (1) If, after a hearing on a petition, whether ex parte or otherwise, a judge
7 finds that there are reasonable grounds to believe that a person eligible for relief has been
8 abused, the judge may enter a temporary protective order to protect any person eligible for
9 relief from abuse.

10 (2) The temporary protective order may order any or all of the following
11 relief:

12 (i) order the respondent to refrain from further abuse or threats of
13 abuse of a person eligible for relief;

14 (ii) order the respondent to refrain from contacting, attempting to
15 contact, or harassing any person eligible for relief;

16 (iii) order the respondent to refrain from entering the residence of a
17 person eligible for relief;

18 (iv) where the person eligible for relief and the respondent are
19 residing together at the time of the alleged abuse, order the respondent to vacate the home
20 immediately and award temporary use and possession of the home to the person eligible
21 for relief or in the case of alleged abuse of a child or alleged abuse of a vulnerable adult,
22 award temporary use and possession of the home to an adult living in the home, provided
23 that the court may not grant an order to vacate and award temporary use and possession
24 of the home to a nonspouse person eligible for relief unless the name of the person eligible
25 for relief appears on the lease or deed to the home or the person eligible for relief has resided
26 in the home with the respondent for a period of at least 90 days within 1 year before the
27 filing of the petition;

28 (v) order the respondent to remain away from the place of
29 employment, school, or temporary residence of a person eligible for relief or home of other
30 family members;

31 (vi) order the respondent to remain away from a child care provider
32 of a person eligible for relief while a child of the person is in the care of the child care
33 provider;

34 (vii) award temporary custody of a minor child of the person eligible
35 for relief and the respondent; **AND**

1 (viii) [order the respondent to surrender to law enforcement
2 authorities any firearm in the respondent's possession, and to refrain from possession of
3 any firearm, for the duration of the temporary protective order if the abuse consisted of:

4 1. the use of a firearm by the respondent against a person
5 eligible for relief;

6 2. a threat by the respondent to use a firearm against a
7 person eligible for relief;

8 3. serious bodily harm to a person eligible for relief caused by
9 the respondent; or

10 4. a threat by the respondent to cause serious bodily harm to
11 a person eligible for relief; and

12 (ix)] award temporary possession of any pet of the person eligible for
13 relief or the respondent.

14 (3) If the judge awards temporary custody of a minor child under
15 paragraph (2)(vii) of this subsection, the judge may order a law enforcement officer to use
16 all reasonable and necessary force to return the minor child to the custodial parent after
17 service of the temporary protective order.

18 **(4) THE TEMPORARY PROTECTIVE ORDER SHALL ORDER THE**
19 **RESPONDENT TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY FIREARM**
20 **IN THE RESPONDENT'S POSSESSION, AND TO REFRAIN FROM POSSESSION OF ANY**
21 **FIREARM, FOR THE DURATION OF THE TEMPORARY PROTECTIVE ORDER.**

22 4-506.

23 (f) The final protective order shall order the respondent to surrender to law
24 enforcement authorities any firearm in the respondent's possession, and to refrain from
25 possession of any firearm, for the duration of the protective order.

26 4-506.1.

27 **(A) (1) IF A RESPONDENT IS ORDERED TO SURRENDER A FIREARM UNDER**
28 **THIS SUBTITLE, THE RESPONDENT SHALL:**

29 **(I) SURRENDER ALL FIREARMS IN THE RESPONDENT'S**
30 **POSSESSION TO LAW ENFORCEMENT AUTHORITIES WITHIN 24 HOURS AFTER THE**
31 **ISSUANCE OF THE ORDER; AND**

1 **(II) PROVIDE WRITTEN PROOF OF THE SURRENDER TO THE**
2 **COURT AND THE LOCAL SHERIFF'S OFFICE WITHIN 2 BUSINESS DAYS AFTER THE**
3 **SURRENDER.**

4 **(2) IF THE RESPONDENT DOES NOT POSSESS A FIREARM, THE**
5 **RESPONDENT SHALL SUBMIT AN AFFIDAVIT TO THE COURT TO THAT EFFECT SIGNED**
6 **UNDER PENALTY OF PERJURY WITHIN 2 BUSINESS DAYS AFTER THE SURRENDER.**

7 **(3) IF THE RESPONDENT HAS LAWFULLY SOLD OR TRANSFERRED A**
8 **FIREARM WITHIN THE PRIOR 30 DAYS, THE RESPONDENT SHALL SUBMIT THE**
9 **TRANSFER PAPERWORK TO THE COURT WITHIN 2 BUSINESS DAYS AFTER THE**
10 **SURRENDER.**

11 **[(a)] (B)** If a respondent surrenders a firearm under [§ 4-505 or § 4-506 of] this
12 subtitle, a law enforcement officer shall:

13 (1) provide to the respondent information on the process for retaking
14 possession of the firearm; and

15 (2) transport and store the firearm in a protective case, if one is available,
16 and in a manner intended to prevent damage to the firearm during the time the protective
17 order is in effect.

18 **(C) (1) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT**
19 **THE EXPIRATION OF AN INTERIM PROTECTIVE ORDER UNLESS:**

20 **(I) THE RESPONDENT IS ORDERED TO SURRENDER THE**
21 **FIREARM IN A TEMPORARY PROTECTIVE ORDER ISSUED UNDER § 4-505 OF THIS**
22 **SUBTITLE; OR**

23 **(II) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED**
24 **TO OWN OR POSSESS THE FIREARM.**

25 **[(b) (1)] (2)** The respondent may retake possession of the firearm at the
26 expiration of a temporary protective order unless:

27 (i) the respondent is ordered to surrender the firearm in a protective
28 order issued under § 4-506 of this subtitle; or

29 (ii) the respondent is not otherwise legally entitled to own or possess
30 the firearm.

31 **[(2)] (3)** The respondent may retake possession of the firearm at the
32 expiration of a final protective order unless:

1 (i) the protective order is extended under § 4-507(a)(2) of this
2 subtitle; or

3 (ii) the respondent is not otherwise legally entitled to own or possess
4 the firearm.

5 **[(c)] (D)** Notwithstanding any other law, a respondent may transport a firearm
6 if the respondent is carrying a protective order requiring the surrender of the firearm and:

7 (1) the firearm is unloaded;

8 (2) the respondent has notified the law enforcement unit, barracks, or
9 station that the firearm is being transported in accordance with the protective order; and

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

12 **(E) A RESPONDENT WHO DOES NOT WISH TO RECOVER A FIREARM
13 SURRENDERED IN ACCORDANCE WITH A PROTECTIVE ORDER OR WHO IS OTHERWISE
14 PROHIBITED FROM POSSESSING A FIREARM MAY:**

15 **(1) SELL OR TRANSFER THE FIREARM OR AMMUNITION TO:**

16 **(I) A LICENSED FIREARM DEALER; OR**

17 **(II) ANOTHER PERSON:**

18 **1. WHO IS NOT PROHIBITED FROM POSSESSING A
19 FIREARM OR AMMUNITION UNDER STATE OR FEDERAL LAW; AND**

20 **2. WHO DOES NOT LIVE IN THE SAME RESIDENCE AS THE
21 RESPONDENT; OR**

22 **(2) REQUEST THE DESTRUCTION OF THE FIREARM.**

23 **(F) A LAW ENFORCEMENT AGENCY THAT RECEIVES A FIREARM
24 SURRENDERED UNDER THIS SUBTITLE SHALL ISSUE WRITTEN PROOF OF THE
25 SURRENDER TO THE RESPONDENT, INCLUDING:**

26 **(1) THE NAME OF THE PERSON SURRENDERING THE FIREARM;**

27 **(2) THE DATE THE FIREARM WAS SURRENDERED; AND**

28 **(3) (I) SUBJECT TO ITEM (II) OF THIS ITEM, THE SERIAL NUMBER,
29 MAKE, AND MODEL OF THE FIREARM; OR**

1 **(II) FOR A FIREARM MANUFACTURED PRIOR TO 1968 WITHOUT**
2 **A SERIAL NUMBER, THE IDENTIFYING MARKS ON THE FIREARM.**

3 **(G) (1) TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE RELATING TO**
4 **THE SURRENDER OF FIREARMS, A LAW ENFORCEMENT OFFICER MAY ACCOMPANY**
5 **THE RESPONDENT OR PROCEED WITHOUT THE RESPONDENT'S PRESENCE, IF**
6 **NECESSARY, TO ANY PLACE WHERE THE LAW ENFORCEMENT OFFICER HAS**
7 **PROBABLE CAUSE TO BELIEVE A FIREARM IN THE POSSESSION OF THE RESPONDENT**
8 **IS LOCATED TO ENSURE THAT THE RESPONDENT DOES NOT GAIN ACCESS TO A**
9 **FIREARM.**

10 **(2) ON APPLICATION BY THE STATE'S ATTORNEY OR A LAW**
11 **ENFORCEMENT OFFICER, BASED ON PROBABLE CAUSE TO BELIEVE THAT THE**
12 **RESPONDENT HAS FAILED TO SURRENDER A FIREARM IN ACCORDANCE WITH THIS**
13 **SECTION OR IS IN POSSESSION OF OTHER FIREARMS, THE COURT MAY AUTHORIZE**
14 **THE EXECUTION OF A SEARCH WARRANT FOR THE REMOVAL OF A FIREARM AT ANY**
15 **LOCATION AT WHICH THE COURT HAS PROBABLE CAUSE TO BELIEVE A FIREARM**
16 **POSSESSED BY THE RESPONDENT IS LOCATED.**

17 **(3) IF AN ORDER UNDER THIS SUBTITLE PROHIBITS A RESPONDENT**
18 **FROM RETURNING TO THE SCENE OF DOMESTIC VIOLENCE OR ANOTHER PLACE**
19 **WHERE A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE A**
20 **FIREARM IN THE POSSESSION OF THE RESPONDENT IS LOCATED, THE LAW**
21 **ENFORCEMENT OFFICER SHALL PROCEED WITHOUT THE RESPONDENT'S PRESENCE.**

22 4-509.

23 (a) A person may not fail to comply with the relief granted in an interim protective
24 order under § 4-504.1(c)(1), (2), (3), (4)(i), (7), or (8) **OR (D)** of this subtitle, a temporary
25 protective order under § 4-505(a)(2)(i), (ii), (iii), (iv), **OR (v)**, [or (viii)] **OR (4)** of this subtitle,
26 or a final protective order under § 4-506(d)(1), (2), (3), (4), or (5), or (f) of this subtitle.

27 SECTION 2. AND BE IT FURTHER ENACTED, That:

28 (a) There is a Task Force to Study the Use of Firearms in Domestic Violence
29 Situations.

30 (b) The Task Force consists of the following members:

31 (1) two members of the Senate of Maryland, appointed by the President of
32 the Senate;

33 (2) two members of the House of Delegates, appointed by the Speaker of
34 the House;

1 (3) the following members, appointed by the Secretary of Public Safety and
2 Correctional Services:

3 (i) one representative of the Maryland Chiefs of Police Association;
4 and

5 (ii) one representative of the Maryland Sheriffs' Association; and

6 (4) the following members, appointed by the Governor:

7 (i) one representative of a statewide domestic violence awareness
8 group;

9 (ii) one representative of a gun safety advocacy group; and

10 (iii) one representative of the Administrative Office of the Courts.

11 (c) (1) The President of the Senate shall designate one of the members
12 appointed from the Senate as cochair of the Task Force.

13 (2) The Speaker of the House of Delegates shall designate one of the
14 members appointed from the House as cochair of the Task Force.

15 (d) The Center for Firearm Violence Prevention and Intervention shall provide
16 staff for the Task Force.

17 (e) A member of the Task Force:

18 (1) may not receive compensation as a member of the Task Force; but

19 (2) is entitled to reimbursement for expenses under the Standard State
20 Travel Regulations, as provided in the State budget.

21 (f) The Task Force shall examine approaches to:

22 (1) ensure stakeholder accountability in the surrender of firearms used in
23 domestic violence; and

24 (2) create a pilot program in urban, rural, and suburban communities to
25 implement the Task Force's recommendations.

26 (g) On or before November 15, 2025, the Task Force shall submit a report on its
27 recommendations to the Maryland General Assembly, in accordance with § 2-1257 of the
28 State Government Article.

1 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
2 effect October 1, 2025.

3 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
4 3 of this Act, this Act shall take effect June 1, 2025. Section 2 of this Act shall remain
5 effective for a period of 6 months and, at the end of November 30, 2025, Section 2 of this
6 Act, with no further action required by the General Assembly, shall be abrogated and of no
7 further force and effect.