

Chairman Joseph F. Vallario, Jr. and Members of the House Judiciary Committee
Room 101, House Office Building
Annapolis, MD 21401

House Bill 1302 - Family Violence - Seizure of Lethal Weapons - Lethal Violence Protective Order

Position: SUPPORT

March 1, 2018

Chairman Vallario and Members of the Judiciary Committee,

Governor Hogan supports House Bill 1302, legislation which would establish a process by which law enforcement or a family member may seek to restrict another individual's access to firearms under certain specified circumstances if the court finds the individual poses a significant danger of injury to himself or others.

Governor Hogan has long said that more must be done to keep firearms out of the hands of the mentally ill and people with violent criminal backgrounds. As the governor announced yesterday, the Administration supports "red flag" policies like House Bill 1302 and believes it is important to seriously consider such policies.

House Bill 1302 would allow family members to petition a court for a lethal violence protective order issued by a judge which would prohibit an individual from having any firearms or ammunition if the court determines by clear and convincing evidence the individual poses a significant danger to themselves or others by having in their custody or control or by owning, purchasing, possessing, or receiving a firearm or ammunition. The legislation also allows for a court to issue an ex parte lethal violence protective order for 14 days pending a hearing for the one-year lethal violence protective order.

As the Committee considers House Bill 1302, we urge due process considerations, such as a high evidentiary standard in order to issue a lethal violence protective order, an opportunity for the respondent to address the petition made against him or her, expedited hearing timelines, and a limited scope of who can petition the court under this process be given proper consideration.

Policies such as House Bill 1302 will help keep firearms out of the hands of those who pose a significant danger to themselves or others and will make Maryland a safer place.

The Governor's Office looks forward to working with the Committee and General Assembly to pass House Bill 1302. For additional information, please contact Cara Sullivan, Deputy Legislative Officer, at 410-974-3336 or cara.sullivan@maryland.gov.