

SENATE BILL 509

E4

5lr3116
CF HB 592

By: **Senator Henson**

Introduced and read first time: January 23, 2025

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Prohibited Possession of Firearms – Assisted Outpatient Treatment**
3 **Respondents**

4 FOR the purpose of prohibiting a person from possessing a regulated firearm, rifle, or
5 shotgun if the person is currently a respondent subject to a court order to comply
6 with certain assisted outpatient treatment; requiring a court to promptly report
7 certain information through a certain data portal if the court orders a person to
8 comply with certain assisted outpatient treatment; and generally relating to persons
9 prohibited from possessing regulated firearms, rifles, and shotguns.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 10–6A–02(b)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)
15 (As enacted by Chapter 704 of the Acts of the General Assembly of 2024)

16 BY repealing and reenacting, with amendments,
17 Article – Public Safety
18 Section 5–133(b), 5–133.2, and 5–205(b)
19 Annotated Code of Maryland
20 (2022 Replacement Volume and 2024 Supplement)

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

23 **Article – Health – General**

24 10–6A–02.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (1) Any civil service ranking or appointment;

4 (2) The right to apply for voluntary admission to a facility under § 10–609
5 of this title; and

6 (3) [Any] **EXCEPT AS PROVIDED IN §§ 5–133 AND 5–205 OF THE**
7 **PUBLIC SAFETY ARTICLE**, ANY right relating to a license, permit, certification, privilege,
8 or benefit under any law.

9 Article – Public Safety

10 5–133.

11 (b) Subject to § 5–133.3 of this subtitle, a person may not possess a regulated
12 firearm if the person:

13 (1) has been convicted of a disqualifying crime;

14 (2) has been convicted of a violation classified as a common law crime and
15 received a term of imprisonment of more than 2 years;

16 (3) (i) has been convicted on or after October 1, 2023, of a second or
17 subsequent violation of § 4–104 of the Criminal Law Article; or

18 (ii) has been convicted on or after October 1, 2023, of a violation of §
19 4–104 of the Criminal Law Article if the violation resulted in the use of a loaded firearm by
20 a minor causing death or serious bodily injury to the minor or another person;

21 (4) subject to subsection (b–1) of this section, is on supervised probation
22 after being convicted:

23 (i) of a crime punishable by imprisonment for 1 year or more;

24 (ii) for a violation of § 21–902(b) or (c) of the Transportation Article;
25 or

26 (iii) for violating a protective order under § 4–509 of the Family Law
27 Article;

28 (5) is a fugitive from justice;

29 (6) is a habitual drunkard;

30 (7) is addicted to a controlled dangerous substance or is a habitual user;

1 (8) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health
2 – General Article and has a history of violent behavior against the person or another;

3 (9) has been found incompetent to stand trial under § 3–106 of the Criminal
4 Procedure Article;

5 (10) has been found not criminally responsible under § 3–110 of the
6 Criminal Procedure Article;

7 (11) has been voluntarily admitted for more than 30 consecutive days to a
8 facility as defined in § 10–101 of the Health – General Article;

9 (12) has been involuntarily committed to a facility as defined in § 10–101 of
10 the Health – General Article;

11 (13) is under the protection of a guardian appointed by a court under §
12 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the
13 appointment of a guardian is solely a result of a physical disability;

14 (14) except as provided in subsection (e) of this section, is a respondent
15 against whom:

16 (i) a current non ex parte civil protective order has been entered
17 under § 4–506 of the Family Law Article; or

18 (ii) an order for protection, as defined in § 4–508.1 of the Family Law
19 Article, has been issued by a court of another state or a Native American tribe and is in
20 effect; [or]

21 (15) if under the age of 30 years at the time of possession, has been
22 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if
23 committed by an adult; **OR**

24 **(16) IS CURRENTLY A RESPONDENT SUBJECT TO A COURT ORDER TO**
25 **COMPLY WITH ASSISTED OUTPATIENT TREATMENT UNDER § 10–6A–08 OF THE**
26 **HEALTH – GENERAL ARTICLE.**

27 5–133.2.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) “Facility” has the meaning stated in § 10–101 of the Health – General
30 Article.

1 (3) “NICS Index” means the Federal Bureau of Investigation’s National
2 Instant Criminal Background Check System.

3 (b) (1) A court shall promptly report information required in paragraph (2) of
4 this subsection through a secure data portal approved by the Department of Public Safety
5 and Correctional Services if a court:

6 (i) determines that a person is not criminally responsible under §
7 3–110 of the Criminal Procedure Article;

8 (ii) finds that a person is incompetent to stand trial under § 3–106 of
9 the Criminal Procedure Article; [or]

10 (iii) finds under § 13–201(c) or § 13–705 of the Estates and Trusts
11 Article that a person should be under the protection of a guardian, except for cases in which
12 the appointment of a guardian is solely a result of a physical disability; **OR**

13 **(IV) ORDERS A PERSON TO COMPLY WITH ASSISTED OUTPATIENT**
14 **TREATMENT UNDER § 10–6A–08 OF THE HEALTH – GENERAL ARTICLE.**

15 (2) On a finding or determination under paragraph (1) of this subsection,
16 the following information shall be reported to the NICS Index:

17 (i) the name and identifying information of the person; and

18 (ii) the date of the determination or finding.

19 (c) (1) A facility shall report information required in paragraph (2) of this
20 subsection regarding a person admitted to the facility under § 10–609 of the Health –
21 General Article or committed to the facility under Title 10, Subtitle 6, Part III of the Health
22 – General Article to the NICS Index through a secure data portal approved by the
23 Department of Public Safety and Correctional Services, if:

24 (i) the person has been admitted to a facility for 30 consecutive days
25 or more; or

26 (ii) the person has been involuntarily committed to a facility.

27 (2) On admission to a facility the following information shall be reported to
28 the NICS Index:

29 (i) the name and identifying information of the person admitted or
30 committed;

31 (ii) the date the person was admitted or committed to the facility;
32 and

1 (iii) the name of the facility to which the person was admitted or
2 committed.

3 5–205.

4 (b) A person may not possess a rifle or shotgun if the person:

5 (1) has been convicted of a disqualifying crime as defined in § 5–101 of this
6 title;

7 (2) has been convicted of a violation classified as a crime under common
8 law and received a term of imprisonment of more than 2 years;

9 (3) is a fugitive from justice;

10 (4) is a habitual drunkard as defined in § 5–101 of this title;

11 (5) is addicted to a controlled dangerous substance or is a habitual user as
12 defined in § 5–101 of this title;

13 (6) suffers from a mental disorder as defined in § 10–101(i)(2) of the Health
14 – General Article and has a history of violent behavior against the person or another;

15 (7) has been found incompetent to stand trial under § 3–106 of the Criminal
16 Procedure Article;

17 (8) has been found not criminally responsible under § 3–110 of the
18 Criminal Procedure Article;

19 (9) has been voluntarily admitted for more than 30 consecutive days to a
20 facility as defined in § 10–101 of the Health – General Article;

21 (10) has been involuntarily committed to a facility as defined in § 10–101 of
22 the Health – General Article;

23 (11) is under the protection of a guardian appointed by a court under §
24 13–201(c) or § 13–705 of the Estates and Trusts Article, except for cases in which the
25 appointment of a guardian is solely a result of a physical disability;

26 (12) except as provided in subsection (c) of this section, is a respondent
27 against whom:

28 (i) a current non ex parte civil protective order has been entered
29 under § 4–506 of the Family Law Article; or

1 (ii) an order for protection, as defined in § 4–508.1 of the Family Law
2 Article, has been issued by a court of another state or a Native American tribe and is in
3 effect; [or]

4 (13) if under the age of 30 years at the time of possession, has been
5 adjudicated delinquent by a juvenile court for an act that would be a disqualifying crime if
6 committed by an adult; **OR**

7 **(14) IS CURRENTLY A RESPONDENT SUBJECT TO A COURT ORDER TO**
8 **COMPLY WITH ASSISTED OUTPATIENT TREATMENT UNDER § 10–6A–08 OF THE**
9 **HEALTH – GENERAL ARTICLE.**

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
11 1, 2025, contingent on the taking effect of Chapter 704 of the Acts of the General Assembly
12 of 2024, and if Chapter 704 does not become effective, this Act, with no further action
13 required by the General Assembly, shall be null and void. This Act shall remain effective
14 until the taking effect of the termination provision specified in Section 3 of Chapter 704 of
15 the Acts of the General Assembly of 2024. If that termination provision takes effect, this
16 Act shall be abrogated and of no further force and effect. This Act may not be interpreted
17 to have any effect on that termination provision.