

# HOUSE BILL 1306

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CF SB 942

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By: **Delegates Phillips, Guzzone, Lehman, Patterson, Ruff, Ruth, Taveras, Taylor, and White Holland**

Introduced and read first time: February 12, 2026

Assigned to: Judiciary and Health

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## A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Outpatient Treatment – Surrender or Seizure of Firearms**

3 FOR the purpose of requiring a court, under certain circumstances, to order a respondent  
4 who has been ordered to comply with assisted outpatient treatment to surrender to  
5 law enforcement any firearm in the respondent's possession and not to purchase or  
6 possess any firearm for the duration of the assisted outpatient treatment order;  
7 establishing procedures related to the surrender or seizure of a firearm to law  
8 enforcement under this Act; and generally relating to the surrender or seizure of  
9 firearms by respondents ordered to comply with assisted outpatient treatment.

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 2025 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Health – General

17 Section 10–6A–08

18 Annotated Code of Maryland

19 (2023 Replacement Volume and 2025 Supplement)

20 BY adding to

21 Article – Health – General

22 Section 10–6A–08.1

23 Annotated Code of Maryland

24 (2023 Replacement Volume and 2025 Supplement)

25 **SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,**

26 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Health – General

2 10-6A-02.

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

5 (1) Any civil service ranking or appointment;

6 (2) The right to apply for voluntary admission to a facility under § 10-609  
7 of this title; and

12 10-6A-08.

16 (b) (1) If, after hearing all relevant evidence, the court finds by clear and  
17 convincing evidence that the respondent meets the criteria for assisted outpatient  
18 treatment, the court shall order the respondent to comply with assisted outpatient  
19 treatment for a period not to exceed 1 year.

20 (2) The order of the court shall incorporate a treatment plan that:

21 (i) Is limited in scope to the elements included in the treatment plan  
22 presented to the court under § 10-6A-06 of this subtitle; and

(ii) Includes only those elements that the court finds by clear and convincing evidence to be essential to the maintenance of the respondent's health or safety.

25 10-6A-08.1.

26 (A) IN THIS SECTION, "FIREARM" HAS THE MEANING STATED IN § 5-101 OF  
27 THE PUBLIC SAFETY ARTICLE.

28       (B) (1) IF A COURT ORDERS A RESPONDENT TO COMPLY WITH ASSISTED  
29 OUTPATIENT TREATMENT UNDER § 10-6A-08 OF THIS SUBTITLE, THE COURT SHALL  
30 MAKE A DETERMINATION AS TO WHETHER THE RESPONDENT IS LIKELY TO

1 ENDANGER OR CAUSE PHYSICAL INJURY TO THE RESPONDENT OR ANOTHER IF THE  
2 RESPONDENT HAS ACCESS TO A FIREARM.

3 (2) IF THE COURT DETERMINES THAT THE RESPONDENT IS LIKELY TO  
4 ENDANGER OR CAUSE PHYSICAL INJURY TO THE RESPONDENT OR ANOTHER IF THE  
5 RESPONDENT HAS ACCESS TO A FIREARM, THE COURT SHALL ORDER THE  
6 RESPONDENT:

7 (I) TO SURRENDER TO LAW ENFORCEMENT AUTHORITIES ANY  
8 FIREARM IN THE RESPONDENT'S POSSESSION; AND

9 (II) NOT TO PURCHASE OR POSSESS ANY FIREARM FOR THE  
10 DURATION OF THE ORDER REQUIRING THE RESPONDENT TO COMPLY WITH  
11 ASSISTED OUTPATIENT TREATMENT.

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

19 (2) (I) A COURT MAY ENFORCE AN ORDER UNDER THIS SECTION  
20 THROUGH ITS CONTEMPT POWERS.

21 (II) THE COURT MAY IMPOSE ANY REASONABLE SANCTION FOR  
22 A VIOLATION OF ITS ORDER UNDER THIS SECTION.

23 (D) AN ORDER UNDER SUBSECTION (B) OF THIS SECTION SHALL EXPIRE  
24 WHEN THE RESPONDENT IS NO LONGER SUBJECT TO AN ORDER TO COMPLY WITH  
25 ASSISTED OUTPATIENT TREATMENT UNDER § 10-6A-08 OF THIS SUBTITLE.

26 (E) IF A RESPONDENT SURRENDERS A FIREARM UNDER SUBSECTION (B) OF  
27 THIS SECTION, A LAW ENFORCEMENT OFFICER SHALL:

28 (1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS  
29 FOR RETAKING POSSESSION OF THE FIREARM; AND

30 (2) TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF  
31 ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE  
32 FIREARM DURING THE TIME THE ORDER UNDER THIS SECTION IS IN EFFECT.

1       (F) THE RESPONDENT MAY RETAKE POSSESSION OF A SURRENDERED  
2 FIREARM AT THE EXPIRATION OF THE COURT'S ORDER UNDER THIS SECTION,  
3 UNLESS THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR  
4 POSSESS THE FIREARM.

5       (G) NOTWITHSTANDING ANY OTHER LAW, A RESPONDENT MAY TRANSPORT  
6 A FIREARM IF THE RESPONDENT IS CARRYING AN ORDER ISSUED UNDER THIS  
7 SECTION AND:

8           (1) THE FIREARM IS UNLOADED;

9           (2) THE RESPONDENT HAS NOTIFIED THE LAW ENFORCEMENT UNIT,  
10 BARRACKS, OR STATION THAT THE FIREARM IS BEING TRANSPORTED IN  
11 ACCORDANCE WITH THE COURT'S ORDER; AND

12           (3) THE RESPONDENT TRANSPORTS THE FIREARM DIRECTLY TO THE  
13 LAW ENFORCEMENT UNIT, BARRACKS, OR STATION.

14       (H) (1) A LAW ENFORCEMENT OFFICER WHO TAKES POSSESSION OF A  
15 FIREARM IN ACCORDANCE WITH AN ORDER UNDER THIS SECTION SHALL, AT THE  
16 TIME THE FIREARM OR AMMUNITION IS SURRENDERED OR SEIZED:

17           (I) ISSUE A RECEIPT IDENTIFYING, BY MAKE, MODEL, AND  
18 SERIAL NUMBER, ALL FIREARMS THAT HAVE BEEN SURRENDERED OR SEIZED;

19           (II) PROVIDE A COPY OF THE RECEIPT TO THE RESPONDENT;

20           (III) RETAIN A COPY OF THE RECEIPT; AND

21           (IV) PROVIDE INFORMATION TO THE RESPONDENT ON THE  
22 PROCESS FOR RETAKING POSSESSION OF THE FIREARMS ON THE EXPIRATION OF  
23 THE ORDER.

24       (2) A LAW ENFORCEMENT AGENCY SHALL TRANSPORT AND STORE  
25 ANY FIREARM SURRENDERED OR SEIZED IN ACCORDANCE WITH AN ORDER UNDER  
26 THIS SECTION:

27           (I) IN A PROTECTIVE CASE, IF ONE IS AVAILABLE; AND

28           (II) IN A MANNER INTENDED TO PREVENT DAMAGE TO THE  
29 FIREARM DURING THE TIME THE ORDER IS IN EFFECT.

12 (III) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON  
13 REQUEST OF THE RESPONDENT, A LAW ENFORCEMENT AGENCY SHALL RETURN ALL  
14 FIREARMS BELONGING TO THE RESPONDENT NOT LATER THAN 48 HOURS AFTER  
15 THE EXPIRATION OF AN ORDER UNDER THIS SECTION.

**1. SELL OR TRANSFER TITLE TO THE FIREARM TO:**

**A. A LICENSED FIREARMS DEALER; OR**

B. ANOTHER INDIVIDUAL WHO IS NOT PROHIBITED FROM PURCHASING A FIREARM UNDER FEDERAL OR STATE LAW AND WHO DOES NOT RESIDE IN THE SAME RESIDENCE AS THE RESPONDENT; OR

## 2. REQUEST THE DESTRUCTION OF THE FIREARM.

26 (II) A LAW ENFORCEMENT AGENCY SHALL TRANSFER  
27 POSSESSION OF A FIREARM OR AMMUNITION TO A LICENSED FIREARMS DEALER OR  
28 AN INDIVIDUAL DESCRIBED IN SUBPARAGRAPH (I)1B OF THIS PARAGRAPH ONLY  
29 AFTER:

2. THE LAW ENFORCEMENT AGENCY VERIFIES THE  
2 AGREEMENT WITH THE RESPONDENT.

6 (6) IF AN INDIVIDUAL OTHER THAN THE RESPONDENT CLAIMS  
7 OWNERSHIP OF A FIREARM SEIZED OR SURRENDERED IN ACCORDANCE WITH AN  
8 ORDER UNDER THIS SECTION, THE LAW ENFORCEMENT AGENCY SHALL RETURN THE  
9 FIREARM TO THE INDIVIDUAL IF:

10 (I) THE INDIVIDUAL PROVIDES PROOF OF OWNERSHIP OF THE  
11 FIREARM; AND

12 (II) THE LAW ENFORCEMENT AGENCY DETERMINES THAT THE  
13 INDIVIDUAL IS NOT PROHIBITED FROM POSSESSING THE FIREARM OR AMMUNITION.

17 (I) NO PARTY SHALL HAVE THE RIGHT TO ASSERT OWNERSHIP  
18 OF THE FIREARM; AND

19 (II) THE LAW ENFORCEMENT AGENCY HOLDING THE FIREARM  
20 MAY DESTROY THE FIREARM.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 2026. It shall remain effective until the taking effect of the termination provision  
23 specified in Section 3 of Chapter 704 of the Acts of the General Assembly of 2024. If that  
24 termination provision takes effect, this Act shall be abrogated and of no further force and  
25 effect. This Act may not be interpreted to have any effect on that termination provision.