

HOUSE BILL 1306

E4

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CF SB 942

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

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:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General

10–6A–02.

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

(1) Any civil service ranking or appointment;

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

(3) [Any] **EXCEPT AS PROVIDED IN §§ 5–133 AND 5–205 OF THE PUBLIC SAFETY ARTICLE AND THE PROVISIONS OF THIS SUBTITLE RELATING TO A COURT’S ORDER PROHIBITING POSSESSION OF A FIREARM, ANY** right relating to a license, permit, certification, privilege, or benefit under any law.

10–6A–08.

(a) If, after hearing all relevant evidence, the court does not find by clear and convincing evidence that the respondent meets the criteria for assisted outpatient treatment, the court shall deny the petition.

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

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

(i) Is limited in scope to the elements included in the treatment plan 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.

10–6A–08.1.

(A) IN THIS SECTION, “FIREARM” HAS THE MEANING STATED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE.

(B) (1) IF A COURT ORDERS A RESPONDENT TO COMPLY WITH ASSISTED OUTPATIENT TREATMENT UNDER § 10–6A–08 OF THIS SUBTITLE, THE COURT SHALL 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.**

1 **(3) A LAW ENFORCEMENT AGENCY MAY NOT PLACE ANY MARK ON A**
2 **SEIZED OR SURRENDERED FIREARM FOR IDENTIFICATION OR OTHER PURPOSES.**

3 **(4) (I) ON EXPIRATION OR TERMINATION OF AN ORDER UNDER**
4 **THIS SECTION, A LAW ENFORCEMENT AGENCY THAT HOLDS A FIREARM**
5 **SURRENDERED OR SEIZED IN ACCORDANCE WITH THE ORDER SHALL NOTIFY THE**
6 **RESPONDENT THAT THE RESPONDENT MAY REQUEST THE RETURN OF THE**
7 **FIREARM.**

8 **(II) A LAW ENFORCEMENT AGENCY SHALL RETURN A FIREARM**
9 **TO A RESPONDENT ONLY AFTER THE LAW ENFORCEMENT AGENCY VERIFIES THAT**
10 **THE RESPONDENT IS NOT OTHERWISE PROHIBITED FROM POSSESSING THE**
11 **FIREARM.**

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.**

16 **(5) (I) A RESPONDENT WHO DOES NOT WISH TO RECOVER A**
17 **FIREARM OR AMMUNITION SEIZED OR SURRENDERED IN ACCORDANCE WITH AN**
18 **ORDER UNDER THIS SECTION OR WHO IS PROHIBITED FROM POSSESSING FIREARMS**
19 **UNDER TITLE 5 OF THE PUBLIC SAFETY ARTICLE MAY:**

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

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

22 **B. ANOTHER INDIVIDUAL WHO IS NOT PROHIBITED**
23 **FROM POSSESSING THE FIREARM UNDER FEDERAL OR STATE LAW AND WHO DOES**
24 **NOT LIVE IN THE SAME RESIDENCE AS THE RESPONDENT; OR**

25 **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:**

30 **1. THE LICENSED FIREARMS DEALER OR INDIVIDUAL**
31 **PROVIDES WRITTEN PROOF THAT THE RESPONDENT HAS AGREED TO TRANSFER THE**
32 **FIREARM TO THE DEALER OR INDIVIDUAL; AND**

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

3 **(III) ON REQUEST OF THE RESPONDENT, A LAW ENFORCEMENT**
4 **AGENCY MAY DESTROY FIREARMS SEIZED OR SURRENDERED IN ACCORDANCE WITH**
5 **AN ORDER UNDER THIS SECTION.**

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.**

14 **(7) IF A FIREARM IS NOT RECLAIMED WITHIN 6 MONTHS AFTER THE**
15 **PROVISION OF NOTICE TO A RESPONDENT UNDER PARAGRAPH (4) OF THIS**
16 **SUBSECTION:**

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.