

Stoney Creek Fishing & Hunting Club
9090 Ft. Smallwood Rd.
Pasadena, MD 21122

January 15, 2020

SB 39: Public Safety – Regulated Firearm – Definition

Testimony submitted by the Stoney Creek Fishing and Hunting Club

Opposed

The Stoney Creek Fishing and Hunting Club, which has some 300 members, **OPPOSES** SB 39. We oppose the Bill because its would: entrap and make instant criminals of many of Maryland's honest, law abiding citizens; it would violate the Maryland Constitution; and it will do nothing to reduce homicides in the State.

In 2013, the General Assembly passed into law the Maryland Firearms Safety Act of 2013 (SB 281). Accordingly, Section 4-303(a) of the Code states a person may not, with certain exceptions "transport an assault weapon into the State" nor "possess, sell, offer to sell, transfer, purchase or receive an assault weapon". Exceptions to these prohibitions (Section 4-303(b)) include firearm dealers who had such assault long guns in their possession on or before October 1, 2013; and most important "A person who lawfully possessed, has a purchase order for, or completed an application to purchase an assault long gun or a copycat weapon before October 1, 2013 may: (i) possess and transport the assault long gun or copycat weapons". It is readily a apparent the General Assembly grandfathered certain dealers and individuals from the prohibitions of the Act if they possessed assault long guns prior to October 1, 2013.

The 2013 Act also modified Section 4-301(b) and Public Safety Article 5-101(r)(2) to create a category and list of prohibited "assault long guns. The list includes, among other firearms, (5-101(r)XVI) the *Colt AR-15*, *CAR-15*, and all imitations except *Colt AR-15 Sporter H-BAR rifle*. All of these firearms are in the .223 caliber. Thus, the list includes the Anderson Manufacturing AM-15 in .223 caliber as it is an imitation. of the Colt AR-15, etc. However, the list of prohibited firearms does not include the Anderson Manufacturing AM-15 in .300 caliber.

Accordingly, SB 39 would, if enacted, turn dealers and individuals who posses, or have possessed, an AM-15 in .300 caliber since October 1, 2013 into instant criminals. They would be subjected to fines of up to \$5,000, imprisonment up to three years, or both, as of October 1, 2020. Truly, this would be a travesty of justice.

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Further, the Bill would violate the Maryland Constitution in several respects.

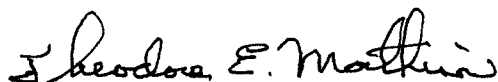
First, it violates Article 17: "That retrospective Laws, **punishing acts** (underscored) committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore, no *ex post facto* Law ought to be made; nor any retrospective oath or restriction be imposed, or required."

Secondly, Article III, Section 40, comes into play. It states: "the General Assembly shall enact no law authorizing private property to be taken for public use, without just compensation, as agreed upon between parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation." Clearly SB 39 would violate not only the spirit, but the intent of the Maryland Constitution.

Finally, we question whether adding the AM-15 in .300 caliber to the list of prohibited assault long guns would accomplish anything in terms of reducing the homicide rate in Maryland. Based upon the Federal Bureau of Investigation Unified Crime Report for 2018, there were 388 homicides in Maryland of which 345 were committed by handguns. Only one was committed using a rifle, and 10 by shotgun. In contract, 32 murders were committed using sharp objects, hands and other weapons.

The reality is that SB 39 would criminalize many law abiding Maryland citizens, unjustly seize their lawfully owned property and accomplish nothing in terms of reducing homicides within the State.

We strongly oppose SB 39 and respectfully request it receive an unfavorable report.



Theodore E. Mathison
Ch, Legislative Committee
410-987-9591
tem2@verizon.net