

Baranauskas_FAV_SB672

Uploaded by: baranauskas, andy

Position: FAV



GOVERNOR'S COORDINATING OFFICES

Community Initiatives · Service & Volunteerism · Performance Improvement
Crime Prevention, Youth, & Victim Services · Small, Minority, & Women Business Affairs
Banneker-Douglass Museum · Volunteer Maryland · Deaf & Hard of Hearing

FROM THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES

March 3, 2020

Chair William C. Smith Jr.
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 672/674 Criminal Law - Theft of a Handgun/Gun Theft Felony Act of 2020

POSITION: Letter of Support

Dear Chair Smith and Members of the Committee,

The Governor's Office of Crime Prevention, Youth, and Victim Services ("Office") is providing this letter of support for both Senate Bill 672 and Senate Bill 674 that deal with stronger penalties for theft of a firearm.

Senate Bill 672 excludes handgun theft from the general theft statute and creates a separate felony offense and penalties for theft of a handgun. Upon first conviction the individual would be eligible for a term of incarceration up to 5 years, with a two year minimum sentence. For a second or subsequent conviction, the individual would be eligible for a term of imprisonment up to 10 years, with a minimum sentence of five years.

Senate Bill 674 excludes theft of a firearm from the general theft statute and creates a separate felony offense and penalties for theft of a firearm. First conviction also carries a 5 year maximum prison sentence, with a mandatory minimum of two. For a second or subsequent conviction, the individual would be eligible for up to 10 years in prison with a mandatory minimum sentence of five years.

Both of these bills are similar to legislation introduced by the Governor, SB273: Violent Firearms Offender Act of 2020. SB 273 also set a minimum sentence for theft of a firearm.

These bills would contribute to combating the ongoing crime problem in Baltimore City. In 2018 there were 309 murders in Baltimore City, of which 273 were committed with a firearm. In 2019, there were 348 murders committed in Baltimore, of which 312 were committed with a

firearm. In addition there were 771 non-fatal shootings in 2019, an increase of 14% over the 677 in 2018.

The Governor's Office of Crime Prevention, Youth, and Victim Services urges a favorable report. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Fueston, Jr.", with a stylized flourish at the end.

V. Glenn Fueston, Jr.
Executive Director
Governor's Office of Crime Prevention, Youth, and Victim Services

For all inquiries, please contact
Andy Baranauskas, Legislative Affairs Manager
410-855-2538
Anthony.Baranauskas@maryland.gov

SCOTT G. DAVIS_fav_SB672

Uploaded by: davis, scott

Position: FAV

March 3, 2020

WRITTEN TESTIMONY OF SCOTT G. DAVIS IN FAVOR OF SB672

I appreciate the opportunity to present my testimony in favor of SB672 to the members of this committee this afternoon.

I have been a business owner of 20 years and a law abiding gun owner of over 8 years.

I am happy to see a bill such as this presented before the MGA that focuses on real gun crime in lieu of the bills that attack the law abiding gun owner. Stealing a handgun is a serious offense and it is disheartening to know that under current law, the penalty for doing so is very light. I welcome the change from this crime being a misdemeanor to a felony with a first time penalty of imprisonment for not less than 2 years, not exceeding 5 years and/or a fine not exceeding \$1,000.00. I also support the penalties for a second or subsequent conviction of imprisonment for not less than 5 years and not exceeding 10 years and/or a fine not exceeding \$2,500.00.

Laws like this will help get this portion of the criminals out of free society and behind bars for a significant period of time where they belong. We already know that the overwhelming majority of gun crimes are committed with stolen handguns. This will be a sure fire way to process the criminals through the court system that are caught with stolen guns. This will make them pay for their crime instead of a light slap on the wrist. Unfortunately under the current system they can return to the streets the next day to keep doing business as usual.

If this bill becomes law then it will send a clear message to the real gun criminals in this state that their egregious activities are no longer welcome and they are not going to get away with their crimes as they so easily have in the past.

I am happy to see the MGA going after the bad guys instead of the law abiding gun owners.

I request a favorable report.

Sincerely,

A handwritten signature in black ink that reads "SCOTT G. DAVIS". The signature is stylized with large, sweeping loops for the letters "S" and "D".

Scott G. Davis

SCOTT G. DAVIS_fav_SB672

Uploaded by: davis, scott

Position: FAV

March 3, 2020

WRITTEN TESTIMONY OF SCOTT G. DAVIS IN FAVOR OF SB672

I appreciate the opportunity to present my testimony in favor of SB672 to the members of this committee this afternoon.

I have been a business owner of 20 years and a law abiding gun owner of over 8 years.

I am happy to see a bill such as this presented before the MGA that focuses on real gun crime in lieu of the bills that attack the law abiding gun owner. Stealing a handgun is a serious offense and it is disheartening to know that under current law, the penalty for doing so is very light. I welcome the change from this crime being a misdemeanor to a felony with a first time penalty of imprisonment for not less than 2 years, not exceeding 5 years and/or a fine not exceeding \$1,000.00. I also support the penalties for a second or subsequent conviction of imprisonment for not less than 5 years and not exceeding 10 years and/or a fine not exceeding \$2,500.00.

Laws like this will help get this portion of the criminals out of free society and behind bars for a significant period of time where they belong. We already know that the overwhelming majority of gun crimes are committed with stolen handguns. This will be a sure fire way to process the criminals through the court system that are caught with stolen guns. This will make them pay for their crime instead of a light slap on the wrist. Unfortunately under the current system they can return to the streets the next day to keep doing business as usual.

If this bill becomes law then it will send a clear message to the real gun criminals in this state that their egregious activities are no longer welcome and they are not going to get away with their crimes as they so easily have in the past.

I am happy to see the MGA going after the bad guys instead of the law abiding gun owners.

I request a favorable report.

Sincerely,

A handwritten signature in black ink that reads "SCOTT G. DAVIS". The signature is stylized, with the first letters of each name being large and prominent.

Scott G. Davis

Nicholas_DeTello_FAV_SB0672

Uploaded by: DeTello, Nicholas

Position: FAV

Testimony in favor of Bill SB0672/SB0674

Hello ladies and gentlemen, my name is Nick DeTello, I'm a Software Engineer, an Eagle Scout, and I've been a resident of Maryland my entire life. I'm supporting SB0672 and SB0674 because it will address the elephant in the room, theft of firearms in Maryland. The vast majority of crime in Maryland occurs with handguns that were acquired on the black market and had their serial number filed off. This bill will finally address that issue by going after the criminals who were already caught violating the existing law. As the law stands right now, they simply get a slap on the wrist and a quick release. It's embarrassing how weak handed we are to criminals while law after law gets introduced penalizing the law abiding for practicing their rights. I'm sure you've heard us reference this in other bills proposed this year – it won't be a point of contention any longer if the sentence given to criminals at the very least matches what's being put on the law-abiding. Thank you for your time.

Jesse_Ferguson-FAV_SB_0672 (002)

Uploaded by: Ferguson, Jesse

Position: FAV

Written Testimony of Jesse Ferguson, resident of Caroline County, Maryland, in Support of SB0672

I am a hard-working husband, father of two young girls, and a native of Maryland's Eastern Shore. I am an avid hunter, firearms collector, and participant in all manners of competition involving shooting and firearms.

This bill is one of the few common sense bills I've seen this legislative session. When the majority of the violent crime committed in the state is done so with criminals in possession of stolen firearms, the penalties for stealing a firearm need to be stiffer.

I fully support SB0672 and urge a favorable report from the committee.

Sincerely,

Jesse Ferguson

Federalsburg, MD

jessebferguson@gmail.com

Jefferyfolk_FAV_SB672

Uploaded by: Folk, Jeffrey

Position: FAV

Testimony on behalf of Jeffrey S. Folk

IN SUPPORT OF:

SB672 – Criminal Law – THEFT OF A FIREARM

Judicial Proceedings

March 3, 2020

I am a citizen of Garrett County, a loving husband and caring father of two. I am writing today in SUPPORT OF SB672.

It is time for the Senate to inject reason and remove emotion when it comes to legislation impacting the civil rights of our citizens in Maryland. Year after year, bills are proposed that only tack on criminal penalties at the time of an arrest, yet they do nothing to deter or even stop criminals from committing crimes with a firearm. This piece of legislation does something to deter theft by making it a felony.

Please focus your time, energy and effort to punish true criminals who break the law and wish to cause others harm. Removing violent criminals from society for stealing a firearm, will reduce firearms related injures and deaths in Maryland.

It is for these reasons that I am in SUPPORT of SB672 and ask that the committee return a favorable report.

Sincerely,

Jeffrey Folk

Kohler_fav_sb672

Uploaded by: Kohler, Gene

Position: FAV

March 2, 2020

Testimony in regard to SB 0672 and 0674

Gene Kohler
3231 Chrisland Dr.
Annapolis, MD 21402

410 295 6686
gmkoh@comcast.net

Position on bill: Support

Finally two common sense bills that may actually impact the runaway violence plaguing Maryland in general and Baltimore in particular.

This is a bill that targets the criminal, not burdening law abiding citizens with *ineffective laws that restrict their rights to self defense, add expense to the exercise of those rights and create a new class of criminals by the swipe of the legislative pen.

*Ineffective: Since the passage of the sweeping firearms safety act of 2013, after a decade of decreasing violent crime, violence in Maryland has increased over 70% reaching record rates and earning Baltimore the distinction of the most dangerous city in the country. Common sense dictates that when a course of action is not only ineffective, but actually increases the problem, a different course of action is called for.

Instead of punishing law abiding citizens and creating criminals of them, these bills punishes individuals who are actually criminals! And bring the punishment in line with other crimes.

Maryland comes close to leading the nation in the decrease of the numbers of incarcerated individuals over the last 5 years. It is disturbing that while Maryland becomes more lenient, She also becomes more violent.

Maryland has a recidivism rate of over 40%. If keeping these potentially violent criminals off the street longer saves just one life..... And it can be assumed that they are potentially violent otherwise they would not need to steal a firearm

These bills are real deterrents to violent firearms crime, if they are utilized and followed by the courts. The revolving door justice system now, where criminals know if they steal a firearm, it will not cost them any extra time, and probably be pleabargained out of the charges anyway is not much of a credible deterrent.

V/R
Gene Kohler, DMD
Capt, USN (ret)

Art_Novotny_FAV_SB672

Uploaded by: Novotny, Art

Position: FAV

Support SB672

Criminal Law - Theft of a Handgun

Art Novotny

3/3/2020

So much of our testimony this session has been against bills that, instead of punishing bona fide criminals, create traps and pitfalls to inadvertently criminalize law abiding citizens like my wife, Katie, and me, who never intend to harm anyone. Most of the bills we oppose lack *mens rea*. This one does not.

No one “inadvertently” steals a handgun, and someone who does steal a handgun does so for nefarious intent. At the very least, these dangerous thieves will not be able to hurt anyone while they are incarcerated. Hopefully, during that time, they can get the help they need to turn around their lives. Keeping them, and their influence, out of vulnerable communities may help break the cycle of violence.

This bill goes after the bad guys, for once, and we support it.

Thank you.

Katie_Novotny_FAV_SB672

Uploaded by: Novotny, Katie

Position: FAV

Written Testimony of Katie Novotny in Support of SB672 and SB674

March 3, 2020

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Associated Gun Clubs, Maryland State Rifle and Pistol Association, and the National Rifle Association. I am a certified Range Safety Officer with the NRA. I compete in multiple shooting events such as Steel Challenge, 3-gun, small bore, and vintage military rifle matches. I am an avid firearms collector. I support SB672 and SB674.

Under current law, the theft of a handgun or any firearm is treated as simple theft, generally in the \$100-\$1,500 category. The penalty for this is only 6 months imprisonment and/or a fine of \$500 for a first offense, and 1 year and/or \$500 fine for second or subsequent convictions. Therefore, stealing a firearm does not make a person a prohibited person for future lawful firearms purchases. I think that most would agree that stealing a firearm should prohibit a person from lawfully purchasing a firearm in the future.

I believe it is common sense that the theft of a firearm should be a separate crime than theft of property or services. Any theft is bad, but theft of a handgun, or any firearm is especially egregious. The only reason anyone would steal a firearm would be for nefarious purposes. The punishment must match the seriousness of the crime. With the current state of affairs with murders by handgun in this state, an increased penalty is in order.

Because of these reasons above, I request a favorable report.

Katherine Novotny

District 7

443-617-7568

Katie.Novotny@hotmail.com

Katie_Novotny_FAV_SB672

Uploaded by: Novotny, Katie

Position: FAV

Written Testimony of Katie Novotny in Support of SB672 and SB674

March 3, 2020

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Associated Gun Clubs, Maryland State Rifle and Pistol Association, and the National Rifle Association. I am a certified Range Safety Officer with the NRA. I compete in multiple shooting events such as Steel Challenge, 3-gun, small bore, and vintage military rifle matches. I am an avid firearms collector. I support SB672 and SB674.

Under current law, the theft of a handgun or any firearm is treated as simple theft, generally in the \$100-\$1,500 category. The penalty for this is only 6 months imprisonment and/or a fine of \$500 for a first offense, and 1 year and/or \$500 fine for second or subsequent convictions. Therefore, stealing a firearm does not make a person a prohibited person for future lawful firearms purchases. I think that most would agree that stealing a firearm should prohibit a person from lawfully purchasing a firearm in the future.

I believe it is common sense that the theft of a firearm should be a separate crime than theft of property or services. Any theft is bad, but theft of a handgun, or any firearm is especially egregious. The only reason anyone would steal a firearm would be for nefarious purposes. The punishment must match the seriousness of the crime. With the current state of affairs with murders by handgun in this state, an increased penalty is in order.

Because of these reasons above, I request a favorable report.

Katherine Novotny

District 7

443-617-7568

Katie.Novotny@hotmail.com

Pennak_President_MSI_FAV_SB 672

Uploaded by: Pennak, Mark

Position: FAV



March 3, 2020

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 672, SB 674 AND HB 914

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is an all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in SUPPORT of SB 672, SB 674 and HB 914

These Bills

The purpose of these bills is to provide for greatly enhanced penalties for the theft of a firearm. Under current law, theft of a firearm is treated just like the theft of any other piece of personal property. For example, under MD Code Criminal Law § 7-104(g)(2), “a person convicted of theft of property or services with a value of at least \$100 but less than \$1,500, is guilty of a misdemeanor and: (i) is subject to: 1. for a first conviction, imprisonment not exceeding 6 months or a fine not exceeding \$500 or both; and 2. for a second or subsequent conviction, imprisonment not exceeding 1 year or a fine not exceeding \$500 or both.

All of these bills would change these penalties to a felony. SB 672 would apply only to theft of **a handgun** and punish a first offense as a felony, imposing a sentence of at least 2 years and not exceeding 5 years and/or a fine of \$5,000. SB 674 and its cross-filed bill, HB 914, would apply to the theft of **any firearm** and would impose, on the first offense, imprisonment of at least 2 years and not exceeding 5 years and and/or a fine of \$1,000. All the bills would impose minimum sentences of at 2 years on the first offense.

These Bills Are Necessary For the Public Safety:

Simply put, it is unbelievable that theft of a firearm is punishable so lightly under current law. The value of most firearms, including most handguns, fall into the range of between \$100 and \$1,500 and thus theft of such firearms is currently punished **at most** by 6 months in prison and/or a small fine. In reality, persons convicted of such a crime are very unlikely to see any jail time at all, as the Maryland Sentencing Guidelines classify this property crime as a Category VII offense (even on a second offense), which is the least serious offense listed in the Guidelines and one that can be punished by mere probation.

See <http://www.msccsp.org/Guidelines/Matrices.aspx#property>. Yet, it should be obvious that stealing a firearm is a serious threat to the community and, as such, well deserving of actual punishment. See David J. Cherrington, *Crime and Punishment: Does Punishment Work?* at 4 (2007) (“Studies of punishment have shown that individuals who have observed others being punished change their behavior almost as much as those who were actually punished.”), available at <https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1953&context=facpub>.

Indeed, the mild, non-punishment accorded to the theft of firearms is particularly striking in light of the **severe penalties** that Maryland law metes out to otherwise law-abiding citizens of Maryland who happen to run afoul of one of the many criminal provisions of Maryland’s firearms law. For example, a new resident of Maryland who knowingly neglected to register his or her regulated firearm within 90 days of becoming a Maryland resident, as required by MD Code Public Safety § 5-143, is subject to imprisonment for **5 years** and/or a \$10,000 fine under MD Code Public Safety § 5-144(b). A law-abiding person who knowingly “receives” a handgun in Maryland without possessing a Handgun Qualification License issued under by MD Code Public Safety § 5-117.1, can likewise be punished by **5 years** imprisonment and/or fined under Section 5-144.

Other provisions of Maryland firearms law do not even require a *mens rea*. An otherwise innocent “transport” in Maryland of a so-called “assault weapon” banned by MD Code Criminal Law §4-303, is punishable by up to **3 years** imprisonment and/or a fine of \$5,000 under MD Code Criminal Law §4-306, regardless of whether the person even knew of the prohibition. Under MD Code Criminal Law § 4-203, a person is “subject to imprisonment **for not less than 30 days and not exceeding 3 years** or a fine of not less than \$250 and not exceeding \$2,500 or both” for as little as leaving an unloaded handgun in the car’s trunk while doing grocery shopping on the way home from the range. No *mens rea* required.

And severe punishment is not restricted to firearms. Absentmindedly taking a penknife (e.g., a Swiss Army knife) anywhere onto school “property” is a violation of MD Code Criminal Law §4-102, and that crime is punishable by imprisonment not exceeding **3 years** or a fine not exceeding \$1,000 or both, regardless of scienter. Under MD Code Criminal Law, § 4-101, merely carrying **pepper spray** in one’s pocket can be punished by **3 years** of imprisonment and/or a \$1,000 fine.

Maryland should not be punishing mistakes by otherwise innocent persons so severely while letting actual **thieves of firearms** off the hook with the proverbial “slap on the wrist.” After all, thieves actually know that stealing is criminal. Nothing good can come from stealing a firearm. We urge a favorable report for either one of these bills.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

Ready_FAV_SB672

Uploaded by: Senator Ready, Senator Ready

Position: FAV

JUSTIN READY
Legislative District 5
Carroll County

Judicial Proceedings Committee



James Senate Office Building
11 Bladen Street, Room 414
Annapolis, Maryland 21401
410-841-3683 · 301-858-3683
800-492-7122 Ext. 3683
Fax 410-841-3729 · 301-858-3729
Justin.Ready@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 3, 2020

SB 672 Criminal Law - Theft of a Handgun

Chairman Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

Senate Bill 672 would classify the theft of a handgun as a separate felony offense. The first conviction would impose an additional 5 years imprisonment with a minimum of 2, and/or \$1,000 fine. The second conviction would impose an additional 10 years imprisonment with a minimum of 5 and/or up to \$2,500 fine.

In 2018, the total number of firearms recovered and traced in Maryland was 11,096¹. From the Maryland State Police Database (see attachment, there were 569 murders in Maryland in 2017, 401 of those murders were committed with handguns. Also in 2017, 45% of robberies in Maryland were committed with a handgun.

From this information, we can see that handguns are popular for criminals for obvious reasons – effectiveness, and concealability. We have heard know that most of the handguns used for crimes are stolen. We need to get illegal guns off of the streets of Maryland and reduce the crimes they are used to commit.

I respectfully request a favorable report on Senate Bill 672

¹ “Bureau of Alcohol, Tobacco, Firearms and Explosives,” Firearms Trace Data - 2018 | Bureau of Alcohol, Tobacco, Firearms and Explosives, accessed March 2, 2020, <https://www.atf.gov/resource-center/firearms-trace-data-2018>)

Readyattachment_FAV_SB672

Uploaded by: Senator Ready, Senator Ready

Position: FAV

Murder by County

	2017	2016	2015	2014	2013	5 Year Average (rounded)
Allegany	4	5	3	2	4	4
Anne Arundel	21	25	17	14	15	18
Baltimore	35	35	32	25	20	29
Baltimore City	342	318	344	211	233	290
Calvert	2	1	2	0	4	2
Caroline	0	0	0	2	0	0
Carroll	0	2	0	2	4	2
Cecil	3	3	9	4	5	5
Charles	8	6	3	2	3	4
Dorchester	0	4	1	3	0	2
Frederick	5	2	7	4	5	5
Garrett	0	0	0	0	0	0
Harford	10	9	7	6	5	7
Howard	5	6	2	5	5	5
Kent	1	0	0	0	0	0
Montgomery	26	15	29	18	9	19
Prince George's	81	88	78	56	56	72
Queen Anne's	1	0	0	0	2	1
St. Mary's	4	2	2	0	3	2
Somerset	1	2	0	0	2	1
Talbot	0	0	0	0	1	0
Washington	9	3	9	6	6	7
Wicomico	9	5	7	2	3	5
Worcester	2	3	1	1	2	2
*Statewide Agencies	0	0	0	0	0	0
State Total	569	534	553	363	387	481

* Statewide agencies report offenses but do not identify county of occurrence.

POPULATION: 6,016,447 ANNUAL MURDER BREAKDOWN REPORT STATE OF MARYLAND PERIOD 1 (P.1): 01/2016 TO 12/2016 PERIOD 2 (P.2): 01/2017 TO 12/2017

TOTAL COUNTS ACTUAL RATE COUNT PERIOD 1 PERIOD 2 % CHANGE
 8,87 534 9.40 569 6.6%+
 JUSTIFIABLE 0.14 9 0.33 20 122.2%+

BY RACE, ETHN	RATE	# OF ACTUALS	% OF TOTAL	% CHANGE	RATE	# OF ACTUALS	% OF TOTAL	% CHANGE	WEAPON USED	RATE	# OF ACTUALS	% OF TOTAL	% CHANGE
White	P.1 1.41	85	15.9%	20.0%+	P.1 1.06	64	11.9%	66.7%-	B.HANDGUN	P.1 6.11	368	68.9%	9.0%+
Black	P.1 7.41	446	83.5%	2.5%+	P.1 5.03	305	53.6%	60.5%+	C.RIFLE	P.1 0.03	2	0.3%	150.0%+
Asian	P.1 0.03	2	0.3%	350.0%+	P.1 0.03	6	1.1%	66.7%-	D.SHOTGUN	P.1 0.11	7	1.2%	250.0%+
American Indian	P.1 0.00	0	0.0%	0.0%	P.1 0.00	0	0.0%	0.0%	E.OTHER GUN	P.1 0.01	1	0.1%	0.0%
Pacific	P.1 0.00	0	0.0%	0.0%	P.1 0.00	0	0.0%	0.0%	KNIFE	P.1 1.06	64	11.9%	1.6%-
Unknown Race	P.1 0.01	1	0.1%	0.0%	P.1 4.75	288	50.6%	15.0%-	BLUNT OBJECT	P.1 0.21	13	2.4%	2.2%
Hispanic	P.1 0.28	17	3.1%	100.0%+	P.1 0.36	22	3.8%	340.0%+	PERSONAL WEAPON	P.1 0.29	18	3.1%	18.2%-
NonHispan	P.1 8.22	495	92.6%	3.4%+	P.1 5.50	211	39.5%	59.2%+	POISON	P.1 0.01	1	0.1%	100.0%-
Unknown	P.1 0.36	22	4.1%	4.5%+	P.1 6.14	370	69.2%	20.0%-	EXPLOSIVES	P.1 0.00	0	0.0%	0.0%
BY AGE GROUPS	P.2 0.38	23	4.0%	4.5%+	P.2 4.89	296	52.0%	20.0%-	FIRE	P.1 0.04	3	0.5%	0.0%
Under 18	P.1 0.44	27	5.0%	21.0%-	P.1 1.05	64	11.2%	16.4%+	NARCOTICS	P.1 0.00	0	0.0%	N/A N
18 - 21	P.1 1.34	81	15.1%	8.4%+	P.1 1.49	90	16.8%	13.3%+	DROWNING	P.1 0.00	0	0.0%	0.0%
22 - 29	P.1 2.97	179	33.5%	1.68	P.1 1.68	102	17.9%	17.6%+	STRANGULATION	P.1 0.06	4	0.7%	25.0%+
30 & over	P.1 4.05	244	45.6%	1.76	P.1 1.76	107	18.8%	17.6%+	ASPHYX-IATION	P.1 0.00	0	0.0%	N/A N
Unknown	P.1 0.04	3	0.5%	5.76	P.1 0.34	384	67.4%	10.7%+	OTHER WEAPONS	P.1 0.41	25	4.6%	24.0%-

*NOTE: "RATE" = NUMBER OF MURDERS PER 100,000 POPULATION. 17

MDJudiciary_UNF_SB672

Uploaded by: Jones, Tyler

Position: UNF

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 672
Criminal Law – Theft of a Handgun
DATE: February 12, 2020
(3/3)
POSITION: Oppose

The Maryland Judiciary opposes Senate Bill 672. This legislation provides that a person convicted of theft of a firearm is guilty of a felony and subject to certain penalties. The court is prohibited from imposing less than or suspending any part of the mandatory minimum sentence of two years and for a second or subsequent conviction, five years. The sentence imposed must be separate from and consecutive to a sentence for any other offense.

The Judiciary traditionally opposes legislation that includes mandatory penalties. The Judiciary believes it is important for judges to weigh the facts and circumstances for each individual case when imposing a sentence. Provisions that place restrictions on the sentencing judge prevent the judge from considering legislative intent or factors unique to the case. Recognizing that lawmakers are responsible for enacting penalties for crimes, judges are mindful of various mitigating factors in crafting a sentence that most appropriately fits the individual defendant and the crime.

cc. Hon. Justin Ready
Judicial Council
Legislative Committee
Kelley O'Connor