



February 26, 2020

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 880

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 880.

This bill simply amends MD Code Public Safety § 5-111 and MD Code Public Safety § 5-309 to direct the Maryland State Police to mail a notice of renewal for State firearms licenses and to holders of a Maryland wear and carry permit at least 60 days prior to the expiration of these licenses. These amendments are imminently sensible. Allowing these licenses to expire inadvertently usually means that the licensee must start all over from scratch, as if there had never been any license at. Other states provide notice to licensees, including carry permits issued to out of state residents.

For example, 42 states, including states such as Florida, Utah, Virginia, Pennsylvania, issue carry permits and many, if not most, of these states provide renewal notices. Florida has issued nearly permits to over 2 million persons and manages to provide notice of renewal to each of these persons. <https://www.tampabay.com/florida-politics/2019/04/11/florida-nears-milestone-2-million-concealed-weapon-permit-holders/>. As of 2016, Utah had issued approximately 663,000 carry permits. https://www.standard.net/police-fire/utah-concealed-weapons-permits-now-numbering-k-see-surge-in/article_04739588-b02c-5d93-91a9-62c0e1ece68b.html. It likewise provides renewal notices. Pennsylvania has issued over 1 million carry permits. It likewise provides renewal notices, albeit from the County Sheriffs, who are the issuing authority under Pennsylvania law. See generally https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3463357&download=yes.

In contrast, Maryland has issued a little more than 27,000 carry permits, which is a tiny fraction of the number of permits issued in these other states. If other states can issue renewal notices, there is no apparent reason that the State Police in Maryland cannot do likewise. It is simply matter of sending out automated notices generated by a computer. That information is already being automated in Maryland for carry permits. Indeed, as of

October 1, 2019, the State Police moved to a fully automated application and renewal process for carry permits.

<https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Firearms/WearandCarryPermit.aspx>. The renewal period in Maryland is 2 years for the first renewal and 3 years for subsequent renewals for carry permits. See MD Code, Public Safety, § 5-309. Thus, within 3 years, all the data, including expiration dates, for every existing permit holder will be fully incorporated into this automated system. There is no reason that the State Police cannot use that automated process to generate renewal notices for every person whose data is stored within that automated system. The cost would truly be *de minimis*.

While the State Police have not yet automated their dealers' licenses application and renewal process, the State Police will undoubtedly will do so soon, just as the State Police has automated the carry permit process and the process for purchasing a regulated firearm and the process for issuing Handgun Qualification Licenses. See

<https://mdsp.maryland.gov/Organization/Licensing%20Division%20Documents/LD-FRU-16-002A%20Automation%20Update.pdf>. Indeed, the Maryland State Police have already created an on-line Licensing Portal which will could (and probably will) be used for this purpose. See

<https://mdsp.maryland.gov/Organization/Pages/CriminalInvestigationBureau/LicensingDivision/Portal.aspx> ("In accordance with the Firearms Safety Act of 2013, the Maryland State Police have developed a web/mobile accessible Licensing Portal where citizens may submit, and Maryland firearms dealers have the ability to access, firearms applications. The Portal is a web 'dashboard' that provides citizens the ability to submit and track multiple application types."). Upon incorporation of dealers' licenses into that automated process, the State Police could easily generate automated renewal notices to dealers as well. We urge a favorable report.

Sincerely,



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