

# **Stoney Creek Fishing & Hunting Club**

## **9090 Ft. Smallwood Rd.**

### **Pasadena, MD 21122**

March 12, 2020

#### **SB 1050: Public Safety – Lost or Stolen Regulated Firearms – Reporting** **Oppose**

The Stoney Creek Fishing and Hunting Club, which has some 300 members and has been in existence for over 70 years, **OPPOSES SB 1050**. We oppose the Bill because it is the wrong approach to the issue of reporting lost or stolen firearms as it would impose extremely harsh penalties where there is no intended harm.

SB 1050 would change the failure to report a lost/stolen firearm from a civil to a criminal violation. It would also increase the penalties for first time and subsequent violations as shown below:

- First time violation:
  - Existing: Fine not exceeding \$500.
  - Proposed: Imprisonment not exceeding 6 months, or fine not exceeding \$1,000, or both.
  
- Second and subsequent violations:
  - Existing: Guilty of misdemeanor, imprisonment not exceeding 90 days, or fine not exceeding \$500, or both.
  - Proposed: Imprisonment not exceeding 1 year, or fine not exceeding \$2,000, or both.

These are very severe penalties for “acts of omission” versus “acts of commission” wherein there is no intent to cause harm or injury. By contrast, under Maryland Code Article 7-104(g)(2) the theft of a firearm valued at less than \$1,500 for a first conviction is imprisonment not to exceed 6 months, or a fine of up to \$500, or both. Certainly, the theft of a firearm is more of a public threat than failure to report the theft within a given time frame.

We recognize lost and stolen firearms are a concern in that stolen firearms can be involved with the commission of crimes. During 2019 a total of 186 firearms were lost or stolen in Maryland (*Statista*, “Number of Stolen or Lost Firearms in 2019 by State”, December 2019). It appears that perhaps 96 of these firearms were stolen from gun shops in Baltimore, Howard and Montgomery Counties during forced break ins (*Baltimore County News*, “Bill Protects Firearm Retail Establishment(s) and Prevents Gun Burglaries”, November 25, 2019, 11:05 AM EST). Thus, one could assume that some 90 or so of the remaining firearms were lost or stolen from private individuals during 2019.

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We were unable to ascertain how many reports were filed for the 90 firearms. Whether or not these firearms were eventually involved in serious crimes is difficult to ascertain. EurekAlert Science News, “What happens to stolen guns”, 25 April 2018, notes that “The tentative results tend to support a conclusion that stolen guns play only a minor role in crime” says Cook who notes that surveys of convicted felons indicate they rarely stole the guns they used...most of the convicted criminals interviewed indicated that they either bought, traded, shared, or were given the weapons they used to commit an offense.”

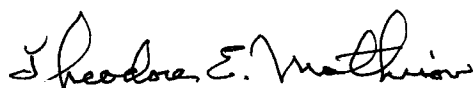
A Rand Corporation study, *The Effects of Lost or Stolen Firearms Reporting Requirements*, March 2, 2018, indicates its analysis of the effectiveness of reporting lost/stolen firearms was inconclusive. The study concluded “...required reporting policies could have the unintended effect of discouraging individuals from reporting lost or stolen weapons in order to avoid legal penalties from failing to report a loss or theft within a certain number of days...”.

Accordingly, we question whether the provisions of SB 1050 that would significantly increase the penalties for failing to report the loss/theft of a firearm will have the desired effect, that is, encourage more individuals to report lost/stolen firearms. In fact, the current penalties may actually discourage reporting. Individuals may be hesitant to report a lost/stolen firearm because they are unsure when the loss/theft occurred and fear they have missed the reporting deadline.

We note that when cities like Baltimore and other communities launch gun buy back programs, they usually are “no questions asked” when a firearm is turned in (*Journalist’s Resource*, “Gun buybacks: What the research says”, January 9, 2020). Further, the individuals are paid for the firearms they turn in! Might these or similar “incentives” be applied to encourage individuals to report lost/stolen firearms, so they would feel more comfortable doing so?

We also believe a public awareness program might have a positive effect. Currently, the only times an individual is formally made aware of the requirement to report a lost/stolen firearm is when they purchase a firearm from a licensed dealer or undergo some type of formal firearms training. If either of these events occurred a number of years ago, the warning could have been forgotten.

We urge SB 1050 receive an unfavorable report.



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