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February 26, 2020

The Honorable Luke Clippinger
Chairman, House Judiciary Committee
House Office Building, Room 101
Annapolis, Maryland 21401

Re: HB 910 Criminal Law – Untraceable Firearms

Dear Chairman Clippinger,

I am writing you in support of HB 910. This bill seeks to address significant public safety risks in our communities related to undetectable and untraceable firearms. I appreciate the efforts of primary sponsor Kathleen Dumais along with the organization, Moms Demand Action for Gun Sense in America in this effort to achieve more effective firearm regulations and I support this bill with amendments. Any testimony I provide in support of this bill would be consistent with the views contained in this letter.

HB 910 may gain broader support and withstand constitutional challenges, if the legislation is more narrowly crafted to address those who will commit crime with such untraceable firearms. Inserting language that provides a legal mechanism for hobbyists and law-abiding citizens to apply for and install serial numbers on their firearms would address these concerns. Such a mechanism would address the public safety risks of untraceable firearms but still permit a legal avenue to register firearms and deem them traceable for those hobbyists and law-abiding citizens. Such a mechanism can be applied to the manufacture of undetectable firearms and component parts as well. California has enacted legislation to address untraceable and undetectable firearms as well as component parts but has also implemented such a mechanism to apply for serial numbers so that hobbyists and law-abiding citizens can continue to possess and manufacture such firearms.

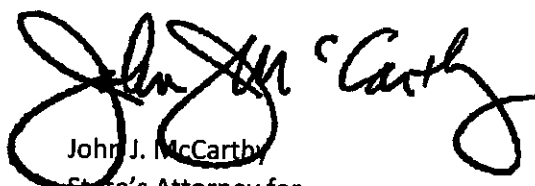
From the perspective of a prosecutor, looking for legislation that provides a robust tool to hold criminals responsible and protect the public safety, the penalty section of these proposed bill could also be amended. The current penalty for a violation of this legislation is a maximum sentence of 2 years. All current firearms laws in Maryland carry a period of incarceration between 3 and 15 years, with most of these laws carrying 5 years. From a practical perspective, that means that it would be a rare fact pattern that would give rise to a prosecutor choosing to prosecute under this

The Honorable Luke Clippinger
February 26, 2020
Page Two

proposed statute, instead of the other firearms laws currently enacted under 4-203 of the Criminal Law Article and 5-133 of the Public Safety Article. In most fact scenarios where a person would be charged in violation of this new statute, they could also be charged with at least one of the current firearms laws. Since this law would carry the least significant penalty relative to the other applicable statutes it would not have the intended efficacy.

Once again, I praise this effort to address these significant issues and urge a favorable report on this bill with amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "John J. McCarthy". The signature is fluid and cursive, with the first name "John" and last name "McCarthy" clearly legible.

John J. McCarthy
State's Attorney for
Montgomery County Maryland

cc: Kathleen Dumais

JJM:dlb