

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

March 4, 2020

HB 591: 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 HB 591**. We oppose the Bill because it is the wrong approach to the issue of reporting lost or stolen firearms, and it would impose extremely harsh penalties where there is no intended harm.

HB 591 would change the failure to report a lost or 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 major concern as stolen firearms, in particular, are likely to 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 guns shops in Baltimore, Howard and Montgomery Counties during forced entries (*Baltimore County News*, “Bill Protects Firearm Retail Establishment(s) and Prevents Gun Burglaries”, November 25, 2019 11:05 AM EST). Thus, 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 or so firearms. Nonetheless, the number lost or stolen is still of serious concern.

The Giffords Law Center's *Reporting Lost and Stolen Guns*, 2018, indicates that only 11 states, including Maryland, plus the District of Columbia, require owners to report lost or stolen firearms to law enforcement agencies. The mandatory times for reporting vary from "immediate" to 24 hours, 36 hours, 72 hours, 5 days and 7 days.

However, 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. While reporting such requirements "may" have some positive effects on the number of lost/stolen firearms reported, the study concluded that: "...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, the provisions of HB 591 that would significantly increase the penalties for failing to report the loss/theft of a firearm are likely to have a negative effect on reporting. In fact, the current penalties may have the same effect. Individuals often may be hesitant to report a lost or 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). And the individuals are paid for turning in firearms! 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 time 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. In many cases, the purchase may have occurred a number of years ago, and the "caution" has long since been forgotten.

In summary, we believe the provisions of HB 591 are overbearing for the intended result, and by offering incentives and providing a public awareness program, more positive results could be obtained.

We urge HB 591 receive an unfavorable report.


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