



March 15, 2022

WRITTEN TESTIMONY OF MICHAEL BURKE, CPP IN OPPOSITION TO SB 676

I write as a subject matter expert on Physical Security, as recognized by the preeminent Security Industry standards set by ASIS International. The Certified Protection Professional (CPP[®]) is considered the “gold standard” certification for security management professionals and demonstrates my knowledge and competency in seven key domains of security. This credential is globally recognized as the standard of excellence for security management professionals.

My background includes over 30 years of military service with the US Army and Maryland National Guard as a Military Police officer, Drill Instructor, and Counterintelligence Agent; as well as over 20 years as a Criminal Investigator/Special Agent with numerous Federal law enforcement agencies. 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 pistol instructor. I appear today as a voter and member of numerous other 2nd Amendment advocacy organizations in opposition to **SB 676 (Jaelynn’s Law)**.

The Bill:

The bill would modify existing law (13-39A-01) in the Healthy Article of the Maryland Code that would impose new storage requirements on all Maryland residents. Specifically, the bill states:

16 (4) THE PERSON WHO STORES OR LEAVES THE FIREARM
STORES OR
17 LEAVES:
18 (I) THE FIREARM UNLOADED;
19 (II)
 ANY AMMUNITION THAT THE PERSON OWNS OR CONTROLS
20 THAT IS SUITABLE FOR USE IN THE FIREARM IN A SECURE LOCATION
WHERE A
21 MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION; AND
22 (III) THE FIREARM:
23 1.

IS
24 SECURED IN A LOCKED CONTAINER THAT
EQUIPPED WITH A TAMPER-RESISTANT LOCK; OR
25 2. RENDERED INOPERABLE TO ANYONE OTHER THAN
AN
26 AUTHORIZED ADULT;...

The Bill is counterintuitive, poorly phrased, and unlikely to obtain the desired goal

The sponsor appears to believe that a “secure location” is necessary for public safety, but does not define what a “secure location” is. The intent is to prevent suicide or violent death by somehow preventing access to ANYTHING placed behind lock and key. This is not possible in a free and open society.

The very best firearms containers, safes, vaults and “tamper-resistant locks” available on the commercial market are only capable of preventing unauthorized access to their contents for a period of 2-15 minutes, at the maximum, against forced entry by mechanical means, or against penetration by children aged 3 to 18 who may obtain the combination by deduction, theft, deception, fraud or coercion.

As a security expert, I ask the Committee and the Senate to take note that police stations across all 23 Counties and Baltimore City do not require these standards in various precincts/stations, offices, training facilities – or police officers and Sheriff’s Deputies homes. Yet nearly every law enforcement facility, and over 150,000 armed officers, agents, Corrections Officers (to include retirees) store and keep their issued firearms and personal firearms AT HOME across Maryland. The General Assembly does not require law enforcement to install a locking device for firearms in each precinct, office, vehicle, or residence where firearms are stored. Never mind that children of any age are commonly present in these locations, with or without adult supervision.

On the other hand: common means of suicide include self-poisoning with prescription drugs frequently found in the home. This bill does NOT require locks or safes for the storage of prescription medication at home or in a business or school.

Children frequently attempt (or complete) suicide attempts by cutting open a vein in the arm or wrist. This bill does NOT require storage of all knives, razors, scissors, glass objects or other tools with sharp edges that a child “might” have access to.

Suicide is often committed or attempted by hanging- yet this bill does not require citizens to keep all ropes, belts, neckties, electrical cords, or other common items potentially useable for hanging or self-strangulation. *(that would include sheets, towels, T-shirts, other clothing).

Even if this bill were passed, it's fairly common knowledge that any lock-box, trigger or cable lock, vault, safe, or lock-box used to "secure" firearms, cash, or other valuable items can be opened by anyone with malicious intent and rather common household tools.

Youtube links available to ANY CHILD:

<https://www.youtube.com/watch?v=hKfYCCEH0Y4>

<https://www.youtube.com/watch?v=cSS15g5qb44>

<https://www.pinterest.com/pin/397020523399978670/>

This video show how to open about half of the commercially available "gun safes" on the market today.

<https://revolar.com/how-to-pick-a-tubular-lock-with-a-ballpoint-pen/>

Another high-end gun safe picked in less than 90 seconds:

<https://www.youtube.com/watch?v=-H3fPIcw6rY>

Vaults and safes can be broken into most easily by obtaining the keys or combination from the lawful owner, employees, friends or associates with knowledge of the means of access. More modern vaults and safes utilize electronic locks and switches which can be "hacked" by anyone with time and easily available "hacking" software. Locking mechanisms can be defeated by drilling, grinding, a hammer and chisel, or more powerful industrial tools. **Or a Bic pen.**

<https://www.ar15.com/forums/general/-ARCHIVED-THREAD-Gun-Safe-hacked-by-Bic-Pen-/5-302868/>

Posted: 12/8/2004 8:26:04 AM EDT

Story

*Gun cabinet locks no match for pen
By Barb Ickes : Viewpoint*

By putting two and two together, a Bettendorf father of three managed to break into his own gun cabinet using nothing but a Bic pen.

The man asked that only his first name, Mark, be used in this article, fearing that publishing his identity and the fact that he has guns in his home could invite trouble.

The company that made his gun cabinet was very familiar with Mark's name after he made several calls to them this week.

A Bettendorf man has learned it's easy to pick a lock on his gun cabinet using the slightly altered barrel of a Bic pen. He discovered that after reading an article about pens being used to pick an expensive brand of bicycle lock.

When news broke last week about a popular, high-end brand of bicycle lock, Kryptonite, being susceptible to a simple break-in method, the Bettendorf man recognized the type of tubular lock and round key that were described in the story. It sounded just like the lock on the gun cabinet bolted to the wall of his bedroom closet.

After reading the story, the man called Wauconda, Ill.-based Stack-On Products Co., which made his gun cabinet. Even though a company spokesperson assured him his cabinet was secure and the lock could not be opened with a pen, he was not convinced.

"I used three different kinds of pens," he said. "I need to be thorough. I've got three kids living in my house."

After doing a little research on the Internet and reading about the flaw in the Kryptonite locks, the man went to a Staples store to buy a box of the Bic pens that were specifically cited as the break-in tool. He pulled the ink cartridge out of a pen and widened one end of the barrel slightly by scraping it with his pocket knife, just like a Web site instructed.

"I had run home for lunch and was in a hurry," he said. "Within 30 seconds, I was into the safe with that pen."

Another call went into Stack-On, he said, and, this time the same employee told him an engineer would be dispatched to Bettendorf to inspect his gun cabinet.

On Wednesday afternoon, the man demonstrated how he could move the locking mechanism on his gun cabinet with a slightly altered Bic pen.

"You can find more expensive gun cabinets that will protect your weapons from fire and all that, but all I really needed was to keep my guns away from my kids," he said. "It turns out I had a false sense of security."

Susan Eckhoff, the vice president of administration for Stack-On, said the calls from Bettendorf launched the company's engineering department into an investigation of the tubular locks. She would neither confirm nor deny that the locks may be faulty.

"Right now, they're telling me they'll have something on our Web site next week — Monday or Tuesday," she said. "Not everything is finalized.

"(The Bettendorf man) is the only phone call we had," she said. "We're very grateful that he did call."

To hear some area retailers tell it, many gun owners have become increasingly security-savvy and are investing in more expensive gun safes and cabinets that use combination or electronic locks rather than the tubular locks. The less expensive models, such as the Stack-On cabinet that was opened with a Bic pen, are not as popular as they used to be, retailers say.

In fact, some stores have stopped stocking the tubular-lock models made by Stack-On.

"Security is a definite concern and that's why we stopped selling them," said Matt Meyer, a manager at K&K Hardware in Bettendorf. "If I wanted to keep my young children out of it, I would choose the heaviest-duty gun cabinet I could find.

"I have two kids and I wouldn't buy a cheap one."

The cabinets can range in price from less than \$100 to well over \$1,000, but, regardless of price, manufacturers boast that all of their cabinets are secure. In fact, the model the Bettendorf father owns is one of the products pictured on the Stack-On Web site, where it notes that the cabinet is "California Department of Justice Certified."

Even so, Kevin Nyberg, the manager of the Gander Mountain sporting goods store in Davenport, said an increasing number of gun owners are willing to pay the extra money for heavy-duty gun safes and cabinets. He estimated that, in the past six months, his store has sold only a couple of the Stack-On models that use a tubular lock.

Nyberg also said he is confident Stack-On will correct the problem.

"I wouldn't doubt at all that they'll be sending lock upgrades ... or complete return-to-vendor offers," he said. "Stack-On is a stand-up company, and I'm sure that when their engineers figure it out, they'll do something to fix the problem."

While the Bettendorf man said he is most alarmed by the apparent vulnerability of tubular locks on gun safes, he wonders how many other products are at risk.

“I’m guessing we’ll be seeing Bic pens sticking out of vending machines, pay phones and file cabinets all over the place,” he said. “But security doesn’t get any more important than when you’re talking about keeping guns out of the hands of children.”

On the other hand: Children of all ages have the innate HUMAN right to defend themselves – using firearms.

<https://lawnews.tv/examples-of-kids-using-guns-to-defend-themselves/>

<https://apnews.com/article/la-state-wire-shootings-bd4bfa1bed51c118944c787f18f05636>

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RELATED TOPICS

LA State Wire

Shootings

Sheriff: 12-year-old killed armed man who threatened mother

July 5, 2021

CLINTON, La. (AP) — A 12-year-old fatally shot an armed man who broke into his family’s house in Louisiana and threatened his mother, authorities said.

The home invasion happened June 30 near Clinton, news outlets reported. Brad LeBlanc, 32, was armed with a pistol when he encountered the unidentified woman outside her house that morning, according to East Feliciana Parish Sheriff Jeffery Travis.

LeBlanc forced the woman inside, and a struggle broke out between them. Her son, who authorities haven’t named, feared for his mother’s life and shot LeBlanc with a hunting rifle, Travis said. The Vidalia man was pronounced dead at a hospital.

Travis said his office doesn’t have evidence at this time that would incriminate the boy and there aren’t plans to bring charges against him, according to The Advocate. The local district attorney will decide whether the shooting was justified when the sheriff’s office finishes its investigation.

Johnathon Barker of Clinton was arrested in connection with the break-in. He was charged with second-degree murder, principal to aggravated burglary and principal to aggravated kidnapping. Travis told the newspaper that while Barker isn’t

directly accused of killing anyone, his participation in the burglary led to LeBlanc's death.

Jennifer Bond of Ethel was charged with one count of accessory after the fact. She and Barker were booked into the parish prison. It wasn't immediately clear if they had attorneys who could speak on their behalves.

The sheriff told WAFB-TV that he's been in close contact with the woman whose home was broken into and that she has started taking steps to get her son help after the shooting.

"The mother is understanding that he's going to need some treatment and need to talk to people and helping him understand that he's a very normal person that was put in an abnormal situation," Travis said.

Boy, Age 13, Shoots Man Assaulting Grandmother

by Dave Durringer - Protective Law Corp | Jan 28, 2020 | Defensive Gun Use

Next time some politician says you should block your kids from accessing your firearms, even if trained, consider this:

Deputies arrived and found an adult male with a gunshot wound to his lower back. Deputies learned that the subject that had been shot was actively assaulting his mother. Another family member, a 13 year-old male, shot the subject with a .30-30 cal. rifle because he was fearful that his grandmother was going to be killed. Deputies also learned that the subject that was shot had threatened several members of the family and had threatened to kill a juvenile family member.

Brownwood News – According to a press release from the Brown County Sheriff's Department, on Sunday, January 26, 2020, Brown County deputies responded to a domestic disturbance with reported shots fired.

Deputies arrived and found an adult male with a gunshot wound to his lower back. Deputies learned that the subject that had been shot was actively assaulting his mother. Another family member, a 13 year-old male, shot the subject with a .30-30 cal. rifle because he was fearful that his grandmother was going to be killed. Deputies also learned that the subject that was shot had threatened several members of the family and had threatened to kill a juvenile family member.

The subject that was shot was transported by helicopter to an out of town hospital. No arrests are anticipated, according to the Brown County Sheriff's Department.

The Bill Is Vague

The bill is also vague, as it does not define the meaning of “access to a firearm.” This term is susceptible to a multitude of meanings. “Access” is not defined and it is simply impossible to know what sort of construction would be deemed sufficient. Should the home of someone who owns firearms be required to install a door made of steel, 2” thick? Would that “prevent access?” Would this bill require all windows in a home or apartment to be covered by wire mesh or bars to prevent entry? As others I know have asked “since no guidance is offered in the law, we have no way to know whether we are in compliance and how such compliance would be interpreted until, of course, our freedom is taken as per this law.” The General Assembly has an “obligation to establish adequate guidelines for enforcement of the law.” *Ashton v. Brown*, 339 Md. 70, 88, 660 A.2d 447, 456 (1995). This bill fails that test. Defining the terms used in a statute, especially one that threatens people’s personal safety, their homes, their livelihood, should be the rule. Simple fairness demands nothing less.

The Bill Raises Constitutional Issues Under the Second Amendment

This impact on citizens also has constitutional implications. Law-abiding citizens have a Second Amendment right to acquire or purchase firearms under *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. 742, 768 (2010). The Second Amendment also confers “ancillary rights necessary to the realization of the core right,” including the ancillary right to sell firearms to law-abiding citizens. *Teixeira v. City of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017) (en banc). See also *Richmond Newspapers v. Virginia*, 448 U.S. 555, 579–80 (1980) (“[F]undamental rights, even though not expressly guaranteed, have been recognized by the Court as indispensable to the enjoyment of rights explicitly defined.”). That right to acquire firearms necessarily implies a right to sell firearms because the right to acquire would be meaningless in the absence of sellers. Thus, *Teixeira* and other courts have recognized that “[c]ommerce in firearms is a necessary prerequisite to keeping and possessing arms for self-defense.” *Teixeira*, 873 F.3d at 682. See also *United States v. Marzzarella*, 614 F.3d 85, 92 n.8 (3d Cir. 2010) (“If there were somehow a categorical exception for [commercial] restrictions, it would follow that there would be no constitutional defect in prohibiting the commercial sale of firearms. Such a result would be untenable under *Heller*.”).

Plainly, under these principles, the State may not make it illegal for a citizen to buy, sell or store firearms in their homes. Nor may the State accomplish the same result by making it so burdensome to store firearms that few citizens would buy or possess arms. See, e.g., *Fairbank v. United States*, 181 U.S. 283 (1901) (noting “the great principle that what cannot be done directly because of constitutional restriction cannot be accomplished indirectly by legislation which accomplishes the same result.”); *Lebron v. Secretary*, 710 F.3d 1202, 1217 (11th Cir. 2013) (“where an

individual's federal constitutional rights are at stake, the state cannot accomplish indirectly that which it has been constitutionally prohibited from doing directly”).

I submit that we would do better to prevent suicide, violent crimes and other injuries o (or committed by) our children by promoting parental responsibility, not by this poorly defined legislation. Make firearms safety training MANDATORY from age 3 to 21, in every day care center, kindergarten, primary and secondary schools and college – perhaps 10 hours per quarter, every year for every child. EDUCATION prevents theft, violence, and poor mental health, and suicidal ideation. Not more “locks.”

I am a member of Maryland Shall Issue (“MSI”). **Maryland Shall Issue** is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. My associates and I seek to educate the community, including the Maryland General Assembly, about the right of self-protection, the safe handling of firearms, and the responsibility that goes with possessing and/or carrying a firearm in public.

I urge an unfavorable report on this bill.

Sincerely;

Michael Burke, CPP
Certified Fire and Explosives Investigator
Sergeant First Class, US Army (Retired)
Senior Special Agent (Retired)