

Testimony - Support - HB 307 - Jaelynn'sLaw-Treuth

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of HB 307 - Firearms Safe Storage-Jaelynn's Law

TO: Delegate Luke Clippinger, Chair and Members of the Judiciary Committee
FROM: Treuth Hicks, Unitarian Universalist Legislative Ministry of Maryland
DATE: February 15, 2023

My name is Treuth Hicks and I am a student in Annapolis, MD. As a 14 year old, I see many people, like the kids in my school, being irresponsible with things they have that can be dangerous. In my class, I have seen other kids playing with things like glass bottles or a BB gun.

So knowing that, you can understand why I'm concerned. If young people are careless with these "safe items", imagine what they could do with a gun?

If Jaelynn's law is not passed, then we could see another soul lost to gun violence because someone either doesn't know how to handle a weapon, isn't in the right state of mind, or knows what they are doing and doesn't care.

You should also note that it is scary to see a weapon in a public space. So I also propose that people who are not required by their job to have guns, should not have a gun in public or with them in public as well.

Please take this into consideration in passing Jaelynn's law.

Thank you,
Treuth Hicks

Testimony - Support - SB 858 - Jaelynn's Law -Elij

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Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 858 - Firearms Safe Storage/Jaelynn's Law

TO: Senator Will Smith, Jr, Chair and Members of the Judicial Proceedings Committee
FROM: Elijah Hicks, Unitarian Universalist Legislative Ministry of Maryland
DATE: February 21, 2023

My name is Elijah Hicks, I'm a student at Annapolis High School in Maryland. I'm writing to ask that you please help pass Jaelynn's Law which aims at keeping guns out of the hands of children.

Unfortunately, guns are being used to kill more than they are to protect. It's inhumane to freely allow individuals to easily obtain weapons that can murder an entire room of people in seconds. Hundreds of families destroyed, people who will never see their children, mothers, fathers, brothers or sisters, ever again. We need to make massive changes to our laws and we need this now.

Recently, there was a 6 year old boy in Virginia who shot his teacher with a 9mm Taurus handgun while his teacher Abigail Zwerner was teaching the class. Fortunately, the teacher survived with serious bullet wounds, but the event shows that we need stronger gun laws and we need them now.

Gun laws work.

The measure before you today is another tool to protect all of us from gun violence. We ask you to stand on the side of love and justice. We urge you to vote for this bill and others that strengthen Maryland's gun violence prevention laws.

I'll be awaiting your response and thank you for your time.

Elijah Hicks

Testimony - Support - SB 858 - Jaelynn'sLaw-Latici

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Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 858 - Firearms Safe Storage/Jaelynn's Law

TO: Senator Will Smith, Jr, Chair and Members of the Judicial Proceedings Committee

FROM: Laticia Hicks, Unitarian Universalist Legislative Ministry of Maryland

DATE: February 21, 2023

As a retired Federal Law Enforcement Officer, I understand the necessity of legitimate gun ownership for trained individuals who accept the responsibility and obligation to protect life and serve in the interest of public safety. I am also the mother of two teenage boys and I am appalled and deeply concerned, no, scared, for my children's safety.

According to the CDC, everyday more than 110 Americans are killed by guns. In Maryland, 62% of gun deaths are by firearm homicide, 83% of all gun deaths among children and teens are homicides and 16% of those are suicides. While the rate of suicide saw an overall decrease between 2019-2021 during that same time it increased for African-American and Hispanic youths. The rate of gun deaths has increased 46% from 2011 to 2020 in Maryland, compared to a 33% increase nationwide. These numbers are frightening and very frustrating, especially knowing these deaths are preventable.

I know the importance of gun safety and practicing safe storage. Unfortunately, the presence of a gun often creates a permanent solution to what is often a temporary problem. I don't want to rob my children of having a normal childhood by keeping them from being with their friends. However, I don't want someone's negligence to put my child in danger, either as a victim or perpetrator of gun violence. Responsible adults need to help young people in crisis, not enable them to shoot their friends unintentionally.

I urge you to vote for this bill and others like SB 858- Firearms Safe Storage- Jaelynn's Law that strengthen Maryland's gun violence prevention laws and help to strengthen our sense of safety.

Sincerely,

Laticia Hicks

Testimony-Support- SB 858 -Jaelynn's Law- Ken Shil

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of SB 858 - Firearms Safe Storage/Jaelynn's Law

TO: Senator Will Smith, Jr, Chair and Members of the Judicial Proceedings Committee

FROM: Ken Shilling, UULM-MD Gun Violence Prevention, Lead Advocate
Unitarian Universalist Legislative Ministry of Maryland.

DATE: February 21, 2023

Unitarians Universalists recognize that there are legitimate reasons for gun ownership. There must be a balance of rights and responsibilities. Owning a gun comes with responsibilities to prevent gun violence.

Firearms are the leading cause of death in Maryland children under 18. I am also deeply concerned about the alarming number of gun suicides in minors who should not have access to guns. Clearly, we are failing to meet our responsibility to our youth.

Strong child access prevention laws have been shown to reduce youth-involved shootings. The measure before you today is another tool to protect all of us from gun violence. We must take action.

We urge you to vote for Senate Bill 858. We ask you to stand on the side of love and justice. We ask this in memory of Jaelynn Willey, and so many other children who have lost their lives in Maryland due to gun violence.

We urge a favorable report,

Ken Shilling

Gun Violence Prevention Lead Advocate

SB858_MSEA_Bost_FAV.pdf

Uploaded by: Cheryl Bost

Position: FAV

**Testimony in Support of Senate Bill 858
Firearm Safety – Storage Requirements and Youth Suicide Prevention
(Jaelynn’s Law)**

**Judicial Proceedings
February 21, 2023**

**Cheryl Bost
President**

The Maryland State Education Association supports Senate Bill 858, Jaelynn’s Law. This much needed legislation imposes common sense measures to ensure guns are safely and securely stored to prevent negligent or intentional life threatening harm. The bill also requires the Deputy Secretary for Public Health Services to develop a youth suicide prevention and firearm safe storage guide. The guide will describe the firearm and ammunition safe storage requirements, identify risks associated with unsafe firearm storage for minors, and highlight best practices to safely store firearms and ammunition. The guide will be made publicly available and distributed to a variety of actors, including the Maryland State Department of Education and local school systems. The bill also appropriates funding to enable grants to local school systems, health departments, and non-profit agencies to support the education of families on recommended safe storage practices.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Gun violence continues to wreak havoc across our nation and across our state. For too long, and too often, senseless gun violence has robbed Marylanders of their loved ones. Families, schools, and communities continue to be devastated and shattered by the unimaginable high number of lives taken from gun violence, whether these acts were accidental or intentional.



Everyone should be alarmed by the statistics and research connected to this issue. Fifty-four percent of gun owners do not securely store all of their guns.¹ Approximately 350 children under the age of 18 shoot themselves or somebody else on an annual basis.² Across the U.S., nearly 4.6 million children live in a home that has at least one unlocked and loaded firearm.³ In 105 cases of school shootings where the source of the weapon was identified, eighty percent of the weapons used were taken from the child's home or those of relatives or friends.⁴ These conditions are unacceptable and contribute to the unnecessary loss of life every day across our nation and across our state.

Lawmakers in Maryland have the chance to enact common sense gun safety legislation that will save countless lives and make our communities safer. States and cities across the country are enacting responsible measures to curb the spread of gun violence and reduce the number of lives lost to senseless tragedies.⁵ We urge the committee not to pass on the opportunity to save additional lives and immediately pass this critical legislation.

We urge the committee to issue a Favorable Report on Senate Bill 858.

¹ Cassandra K. Crifasi, et al., *Storage Practices of US Gun Owners in 2016*, Am. J. Public Health (Apr. 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5844398/pdf/AJPH.2017.304262.pdf>.

² Everytown for Gun Safety. “#NotAnAccident Index”. *Everytown for Gun Safety*. (2019). everytownresearch.org/notanaccident.

³ Matthew Miller and Deborah Azrael, *Firearm Storage in US Households with Children: Findings from the 2021 National Firearm Survey*, JAMA Network Open 5, no. 2 (2022), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789269>.

⁴ John Woodrow and Steven Rich, ‘*The gun’s not in the closet*,’ The Washington Post (Aug. 1, 2018), https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/?utm_term=.ec4e148350a5.

⁵ See Everytown for Gun Safety, *Secure Gun Storage*, (compiling recent legislative efforts by states and cities to enact secure storage gun safety measures), <https://www.everytown.org/solutions/responsible-gun-storage/#by-the-numbers> (last visited 2/11/2023).

senate testimony.pdf

Uploaded by: cheryl brooks

Position: FAV

Good Afternoon Chair Smith,
Vice Chair Waldstreicher and members of the Judiciary Committee,

My name is Cheryl Brooks and I reside in Westminster, Md.
I am in favor of SB858

I am a parent who lost a son to suicide, my son was 30 years old at the time of his death, February 14th was the ninth anniversary. I often wonder if I would have lost him as a child or adolescent if I had an unsecured gun in my home. Michael was never diagnosed with a mental disorder so I would have been unaware of any suicidal ideation.

With our now ever-increasing gun ownership along with an increase in mental health issues, we as adults need to implement policies that limit easy access to lethal firearms to children and adolescents. Suicide is now the third leading cause of death for young americans. Secure gun storage is a commonsense approach to prevent these tragedies from occurring. For these reasons along with the increase in unintentional accidental gun injuries and death, I ask for your support in passing SB858.

Thank you for your time.

SB 858_Firearm Safety_Youth Suicide Px - BHSB_FAVO

Uploaded by: Dan Rabbitt

Position: FAV



February 21, 2023

**Senate Judicial Proceedings Committee
TESTIMONY IN SUPPORT**

SB 858 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Behavioral Health System Baltimore (BHSB) is a nonprofit organization that serves as the local behavioral health authority (LBHA) for Baltimore City. BHSB works to increase access to a full range of quality behavioral health (mental health and substance use) services and advocates for innovative approaches to prevention, early intervention, treatment and recovery for individuals, families, and communities. Baltimore City represents nearly 35 percent of the public behavioral health system in Maryland, serving over 78,000 people with mental illness and substance use disorders (collectively referred to as “behavioral health”) annually.

Behavioral Health System Baltimore strongly supports SB 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law). This bill would update Maryland’s current child access prevention (CAP) laws for the first time in 20 years to reflect advancements in technology for safely storing guns and the need for public health education. These commonsense measures will help prevent youth suicide and other unintentional firearm-related injuries.

Death by suicide is on the rise and presents a critical public health challenge. Suicide deaths have increased by 30% in recent decades and is the second leading cause of death for young people aged 15-24. Many middle school and high school aged children seriously consider suicide and go on to make a suicide attempt. In the most recent Youth Risk Behavior Surveillance Survey, 23% of middle school students and 18% of high school students seriously considered suicide and 9% of middle school students reported a suicide attempt. Suicide impacts all age groups and racial/ethnic identities, but suicide risk for Black youth is particularly alarming. Black youth suicide is increasing at the fastest rate of any group and Black youth under 13 are now twice as likely to die by suicide than other racial/ethnic groups.¹

Access to firearms is a significant contributor to youth suicide risk. Adolescents and children in households with unlocked or loaded firearms are twice as likely to die of suicide.² About 2/3 of firearms are stored unlocked and 82% of youth who attempt suicide with a firearm obtained it from a parent or other family member in their household.³ This connection is even more concerning considering demand for firearms in Maryland has skyrocketed. According to the FBI National Instant Criminal Background Check System (NICS), firearm background checks in Maryland have almost doubled since early March 2020 when compared to the previous five years.⁴

As the LBHA for Baltimore City, we believe our state must use every tool in our toolbox to reduce and reverse the increase in youth suicide risk. Commonsense improvements to our CAP laws will reduce youth access to unlocked and loaded firearms and help in the effort to reduce suicide. Addressing loopholes in our current CAP laws and implementing a public awareness campaign to drive behavior can save the lives of vulnerable young people. **We urge a favorable report on SB 858.**

For more information, please contact BHSB Policy Director Dan Rabbitt at 443-401-6142

Endnotes:

¹ Governor's Commission on Suicide Prevention. *Maryland's State Suicide Prevention Plan 2020*. Available at: <https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>.

² Society for Research in Child Development. *Access to Firearms Increases Child and Adolescent Suicide*. Available at: <https://www.srcd.org/research/access-firearms-increases-child-and-adolescent-suicide>.

³ Harvard School of Public Health. *Means Matter Campaign*. Available at: <https://www.hsph.harvard.edu/means-matter/means-matter>.

⁴ Governor's Commission on Suicide Prevention. *Maryland's State Suicide Prevention Plan 2020*. Available at: <https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>.

Zeller-Moms-SB858-Support.pdf

Uploaded by: Eileen Zeller

Position: FAV

**Senate Bill 858: Firearm Safety – Storage Requirements and Youth Suicide
Prevention (Jaelynn’s Law)
Judicial Proceedings Committee
February 21, 2023
Position: SUPPORT**

My name is Eileen Zeller and I live in Clarksville, Howard County, in District 9.

I am submitting this testimony as a volunteer for the Maryland Chapter of Moms Demand Action, and as someone who retired after a career in suicide prevention and public health. In retirement, I also chair the Governor’s Commission on Suicide Prevention and am on the board of the Mental Health Association of Maryland. But for this testimony, I’m speaking as a Moms volunteer.

I support SB858 because it would raise awareness about secure storage, and can reduce youth suicide by helping parents remove the deadliest method available to their children.

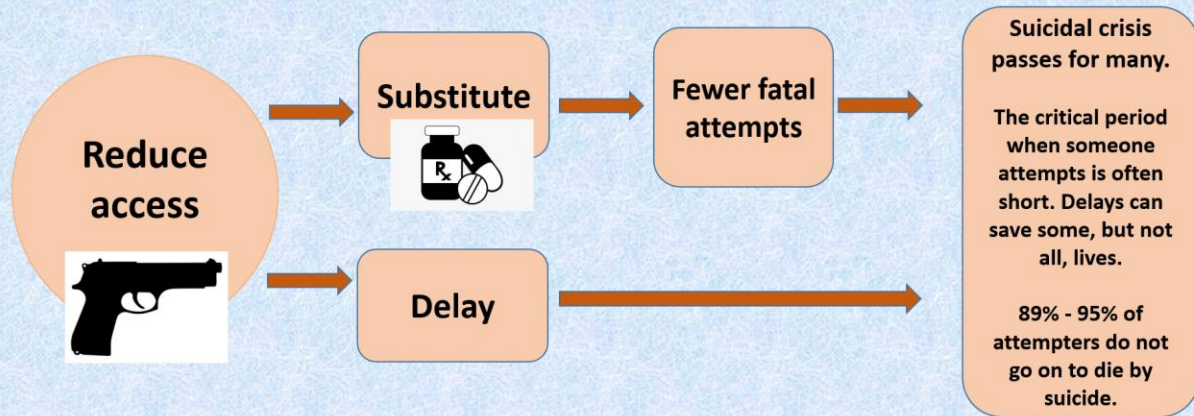
Research consistently shows higher suicide rates among people who live in homes with a firearm. That is not because gunowners and their families are more suicidal—it’s because if they become suicidal, they have access to an extremely lethal way to kill themselves.

Some people take their lives after careful planning and deliberation. But for many others, suicide attempts are impulsive acts, driven by temporary life crises. Studies that interview people who survive suicide attempts report that—although they may have considered suicide days, weeks, and months before the attempt—the actual decision to kill themselves was made hours or in as little as 5 minutes before the attempt. This is especially true for adolescents. The method they can get their hands on during that brief period can be the difference between life and death.

If parents prevent access to a firearm during that brief period of impulsivity, they can prevent the attempt, or drastically reduce the lethality of the attempt and the chance that their child will ever go on to die by suicide. (See evidence-based graphic below.)

OVER

Means Reduction Model



Adapted from: Barber CW & Miller MJ. (2014). [Reducing a suicidal person's access to lethal means of suicide: A research agenda](#). *American Journal of Preventative Medicine*.

No parent should ever have to go through that agony. But between 2016 and 2020, 178 Maryland adolescents (age 10 – 19) died by suicide. Those families will never recover. We need to educate parents to help them keep their children safe. I believe SB 858 will help do that.

I ask for a favorable report on SB 858.

Eileen Zeller, MPH
12808 Brighton Dam Road
Clarksville, MD 21029

2023-02-21 SB 858 (Support).pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
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February 21, 2023

TO: The Honorable William C. Smith Jr.
Chair, Judicial Proceedings Committee

FROM: Hannibal G. Williams II Kemerer
Chief Counsel, Legislative Affairs, Office of the Attorney General

RE: SB858 – Firearm Safety – Storage Requirements and Youth Suicide
Prevention (Jaelynn’s Law) **SUPPORT**

The Office of Attorney General supports Senate Bill 858, Chairman Smith’s bill prohibiting the storage of firearms and ammunition in a manner that allows access by juveniles. This carefully crafted legislation permits lawful firearm owners to continue possessing and maintaining their firearms but only in a secure fashion.

Access to an unsecured firearm elevates suicide and homicide risks for all members of a household. With increased gun ownership in Maryland during the COVID-19 pandemic and in the wake of the Supreme Court’s decision in *New York State Rifle and Pistol Association, Inc. v. Bruen*, 597 U.S. ___, 142 S.Ct. 2111 (2022), additional safety requirements are necessary to prevent future deaths among Maryland’s youth.

For the foregoing reasons, the Office of Attorney General urges the Judicial Proceedings Committee to favorably report SB 858.

cc: Committee Members

This bill letter is a statement of the Office of Attorney General’s policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

Senate 858 Testimony Support Pauliukonis.pdf

Uploaded by: Jenifer Pauliukonis

Position: FAV

Testimony in Support of Senate Bill 858
Jaelynn's Bill: Safe Storage Requirements and Youth Suicide Prevention
Senate Judicial Proceedings Committee
Jen Pauliukonis, MPH

February 21, 2023

Dear Chair Smith, Vice Chair Waldstreicher, and members of the committee,

I am the Policy and Programming Director at The Johns Hopkins Center for Gun Violence Solutions conducts and translates rigorous research to inform effective policy solutions, and develops, advocates for, and defends equitable and innovative policies and programs. My testimony is offered by me as an individual and does not represent the views of Johns Hopkins University. **I urge the committee to support Senate Bill 858: Jaelynn's Law for Safe Storage Requirements and Youth Suicide Prevention.**

The research is clear: safe gun storage saves lives. Child access prevention (CAP) laws can reduce gun deaths and injuries resulting from suicide, interpersonal violence, and unintentional shootings for youth. Strong, negligence-based CAP laws have been associated with lower rates of hospitalization for pediatric firearm injuries than states with weak CAP laws.ⁱ CAP laws have also been associated with a 26% decrease in nonfatal gun injuries for minors and lower rates of teen suicide by firearm.^{ii,iii} Also, an investigation found that 80% of school shooter from 1999-2018 obtained the gun they used in the shooting from their home or the home of a friend.^{iv} Safe and secure gun storage practices prevent those who cannot legally have guns, potential thieves, and individuals within the household including children and those at elevated risk of suicide or other types of violence, from accessing guns.

This evidence is supported by not only the Johns Hopkins Center for Gun Violence Solutions, but other respected research institutions across the country. In fact, in the RAND Corporation's recent annual review of all academic studies related to firearm violence, they concluded that there is strong evidence supporting the efficacy of child access prevention laws. In their comprehensive literature review, they found that child access prevention laws may reduce unintentional firearms injuries and death and firearm homicides among youth.^v They also found that child access prevention laws could decrease the total number of suicides among youth.^{vi}

Additionally, the Johns Hopkins Center for Gun Violence Solutions has conducted public opinion polling for decades showing widespread support for policies related to safe storage and child access prevention.^{vii}

Maryland experienced 915 gun deaths in 2021 according to the Center for Disease Control and Prevention, and 72 of those killed were children and teens 19 and under. **Firearms were the leading cause of death for youth ages 1-19 years of age.**^{viii} Enacting Senate Bill 858 could have a significant impact on these numbers; numbers that represent real children and real families.

Maryland has adopted several measures to address child access prevention but there are important gaps in the law that would make it more effective. Senate Bill 858 does just that. The

bill expands current law to include safe storage requirement for all minors, not just those under the age of 16. Additionally, the bill creates a criminal misdemeanor penalty for three different levels of crimes related to access.

While I support the bill, I recommend the following changes to make the bill even stronger and more equitable. First, we recommend reducing the two penalties associated with access to ensure fairness and mitigate any potential disparities in sentencing:

- Reduce d(2) from up to 2 years imprisonment and fine not exceeding \$2500 to **up to 6 months imprisonment and a fine not exceeding \$1500.**
- Reduce d(3) from up to 3 years imprisonment and a fine not exceeding \$5,000 to **up to 1 year imprisonment and a fine not exceeding \$3,000.**

Finally, we recommend that a state agency collect data on the arrests and criminal penalties resulting from the law available for analysis to determine if racial disparities occur.

I urge all the members of the committee to support Senate Bill 858.

Thank you,

Jen Pauliukonis

ⁱ Hamilton EC, Miller CC 3rd, Cox CS Jr, Lally KP, Austin MT. "Variability of child access prevention laws and pediatric firearm injuries". *J Trauma Acute Care Surg*. 2018 Apr;84(4):613-619.

ⁱⁱ, DeSimone, Jeffrey, Markowitz, Sara, Xu, Jing. "Child Access Prevention Laws and Nonfatal Gun Injuries". *Southern Economic Journal*. 2013.

ⁱⁱⁱ Webster, Daniel, Vernick, Jon, Zeoli, April. "Association Between Youth-Focused Firearm Laws and Youth Suicide". *JAMA*. 2004.

^{iv} Cox, John Woodrow, Rich, Steve. "The Gun's Not in the Closet". *Washington Post*. 1 August 2018.

^v The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects on Gun Policies in the United States. The RAND Corporation. 2018. Updated 2023.

^{vi} The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects on Gun Policies in the United States. The RAND Corporation. 2018. Updated 2023.

^{vii} Barry CL, Stone, E, Crifasi CK, Vernick JS, Webster DW, McGinty EE. "Trends in Public Opinion on US Gun Laws: Majorities of Gun Owners and Non-Gun Owners Support a Range of Measures". *Health Affairs*. 2019.

^{viii} Centers for Disease Control and Prevention. National Center for Health Statistics. About Underlying Cause of Death. 1999-2021.

SB 858 CIF testimony 2-22-23.pdf

Uploaded by: Jim Lieberman

Position: FAV



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY, MARYLAND
ON FEBRUARY 21, 2023
BEFORE THE MARYLAND SENATE HOUSE JUDICIAL PROCEEDINGS COMMITTEE
REGARDING SB 858 - FIREARM SAFETY – STORAGE
REQUIREMENTS AND YOUTH SUICIDE PREVENTION (JAELYNN’S LAW)**

FAVORABLE

Honorable Chair Senator William C. Smith, Jr. and Vice Chair Senator Jeff Waldstreicher, and Members of the Judicial Proceedings Committee:

The Critical Issues Forum: *Advocacy for Social Justice* (CIF), provides this testimony in support of Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law) - SB 858. This legislation provides essential provisions to promote the safe storage of firearms and ammunition to prevent child access. Child Access Prevention (CAP) laws provide specific liability for adults who negligently leave firearms accessible to children and youth.

Composed of Temple Beth Ami, Kol Shalom, and Adat Shalom, CIF is a coalition of synagogues that include over 1,750 families and three denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF is a vehicle for our congregations to speak out on policy issues that relate to our shared values, including the Jewish tradition’s emphasis on the primary value of human life. Gun violence prevention is a top priority.

The sponsors of SB 858 choose a short title—Jaelynn’s Law, to honor Jaelynn Willey, a 16-year-old student at Great Mills High School, who was murdered by a 17-year-old classmate. That classmate used a Glock handgun legally owned by his father. The current law, which relates to children under age 16, did not apply to this horrific tragedy. Jaelynn’s Law amends and improves current law by requiring:

- minors up to 18 years of age be covered by changing “child” to “minor”;
- safe storage of unloaded and loaded guns as well as ammunition;
- safe storage when “prohibited persons” are present in the household;
- a clearer liability standard and a graduated penalty;
- development of a youth suicide prevention and firearm safe storage guide;
- a grant program to support education on safe gun storage; and,
- funding to support the development of the guide and grant program

Firearms are the leading cause of death in children and youth ages 1 to 21 in Maryland and the United States, surpassing injuries and death from motor vehicle crashes.¹ Nationally, deaths by suicide and homicide, particularly from firearms, increase with age. In Maryland, 135 children and teens died by gun violence in 2020. This was more than twice the number of deaths from motor vehicle crashes.² Thirteen percent (13%) of the firearm deaths in Maryland were by suicide and 87% were homicides.³ It is outrageous and intolerable that gun violence is now the leading cause of death for our children in 2020.

To help keep children safe, the American Academy of Pediatrics (AAP), representing 67,000 pediatricians, has called for stronger common-sense firearm legislation, including strengthening background checks, supporting effective extreme risk protection orders, encouraging safe firearm storage, banning assault weapons, and addressing firearm trafficking.⁴ The AAP reports that about one-third of American children live in homes with firearms and 43% of those households have at least 1 unlocked firearm. Thirteen percent (13%) of households with guns contain at least 1 firearm that is unlocked and loaded or stored with ammunition. Tragically, suicide attempts involving a lethal firearm are fatal (91%) compared with those involving drug overdoses (23%). The increased risk of suicide is particularly striking for younger persons where guns are stored loaded and/or unlocked.⁵

Marylanders, like so many other Americans, are struggling with staggering loss, isolation, and the resultant mental health impacts resulting from the COVID19 pandemic. Properly securing firearms prevents access to lethal weapons and the likelihood of unintentional firearm injury, death by suicide, and interpersonal / domestic violence. Maryland's Child Firearm Access Prevention law needs to be strengthened so that firearms are securely stored, while still allowing gun owners reasonable access to them when needed.

SB 858 provisions are particularly important given the increased gun sales in Maryland—a more than 76% increase in the first 11 months of 2020 over 2019 as evidenced by FBI background investigations.⁶ Gun sales of January 2021 compared to January 2020 increased by 134 percent.⁷ A significant portion of those gun purchases, 40%, were first time gun owners who may or may not know about the best safe storage practices.⁸

¹ CDC Wisqars On-line Causes of Injury-Related Death Data Base, Violence-related Firearm Deaths; Both Sexes; Age Range: <1 – 21; All Races and Ethnicity; US and Maryland; 2020.

² Ibid

³ Ibid

⁴ <https://www.aap.org/en/advocacy/gun-violence-prevention/>

⁵ <https://www.aap.org/en/advocacy/state-advocacy/safe-storage-of-firearms/>

⁶ Rising gun sales put more lives at risk | COMMENTARY; Baltimore Sun Editorial Board; Baltimore Sun; Dec 07, 2020.

⁷ <https://www.washingtonpost.com/business/2021/02/03/gun-sales-january-background-checks/>

⁸ Background Checks. A Metric for Gun Sales, Hit All-time High, Baltimore Sun, July1, 2020.

A 2017 study concluded: “Pediatric firearm injuries and deaths are an important public health problem in the United States contributing substantially each year to premature death, illness, and disability of children.”⁹ The study authors found that “most children who died of unintentional firearm injuries were shot by another child in their own age range and most often in the context of playing with a gun or showing it to others...children are curious about firearms and will touch a firearm even when instructed not to do so, which points to the importance of adult supervision and the need to store firearms safely and out of the reach of children.”⁹

Although the American Academy of Pediatrics recommends that household firearms be stored safely, fewer than 1 in 3 households with children follow this guidance.¹⁰ Yet the research literature demonstrates that adherence to these guidelines by safely storing firearms can significantly reduce adolescent and young adult injuries and deaths. This study concluded that youth suicides could decline substantially if only an additional 20% of gun owning households began safely storing their firearms. A 1997 study concluded that the first 12 state laws limiting child access to firearms resulted in a 23% lower than expected number of unintentional firearm-related deaths.¹¹ A later study found that these laws were associated with a 10.8% reduction in firearm suicides overall and an 11.1% reduction in suicide rates for older youth age 18-20.¹² As this study noted, these “laws may encourage gun owners... [with young children] to adopt safe practices that endure” after their children are older, and “may increase awareness and change social norms to encourage gun owners to secure firearms...” In short, these laws can save our children’s lives.

Maryland’s leaders understood the great importance of preventing firearm access to young people when they passed our state’s current law. Now, the straightforward amendments that are proposed in Jaelynn’s Law will make that law consistent with other Maryland Laws and laws in other states that require safe storage for homes with children. Further, raising the safe storage age will send an important message that storing lethal firearms safely is critical. Safe storage of medications, alcohol, toxic materials, building pool fences and securing children in car safety seats and or with seatbelts practiced diligently by parents has saved the lives of children! Securing lethal weapons safely should be no different. It is feasible, inexpensive, non-compromising and simply makes good sense. Using a biometric / pin code to open a gun safe only takes seconds similar to dialing 911 on a smartphone.

⁹ Fowler KA, Dahlberg LL, Haileuesus T, et al. Childhood Firearm Injuries in the United States. *Pediatrics*. 2017; 140(1): e20163486.

¹⁰ Monuteaux, Michael C., et al. Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Death Among US Youths, *JAMA Pediatrics* , 2019; 173(7):657-662. doi:10.1001/jamapediatrics.2019.

¹¹ Cummings P, Grossman DC, Rivara FP, Koepsell TD. State gun safe storage laws and child mortality due to firearms. *JAMA*. 1997; 278: 1084-1086.

¹² Webster, Daniel W., et al. “Association Between Youth-Focused Firearm Laws and Youth Suicides.” *JAMA*, 2004; 292: 594. doi:10.1001/jama.292.5.594

In addition to raising the age where safe storage is required, SB 858 modifies the current law in other important respects. The current law requires that only **loaded** guns be safely stored. The SB 858 requires safe storage of **unloaded** guns as well. The bill also changes the standard to impose liability when a person “knew or reasonably should have known that it would be likely that a prohibited person or unsupervised minor is likely to gain access to the firearm” rather than the current standard, which only imposes liability if a minor “would” get access.

Under current law, the maximum penalty for violating the law, no matter how dire the consequences, is a \$1000 fine. Under SB 858, the penalty solely for failing to safely store a firearm would include possible time in jail not to exceed 90 days. The potential penalty is graduated, with more severe penalties where a minor gains access to a firearm and where the firearm causes harm to the minor or another person.

Given the increasing risk of death by suicide involving a firearm, Senate Bill 858 smartly calls for the Maryland Deputy Secretary for Public Health Services to develop a youth suicide prevention and firearm safe storage guide. It directs the guide to be developed from recommendations by a representative stakeholder advisory committee to make recommendations and be disseminated widely. It is an essential element of alerting responsible gun owners what’s at stake and the import of prevention. Importantly, funding is provided to develop the guide and the grant program required by this bill.

We repeat for emphasis: Safe storage laws are effective. Scientific evidence from an evaluation of over 200 combinations of policies and outcomes conclusively demonstrated that “child-access prevention laws, or safe storage laws, reduce self-inflicted fatal or nonfatal firearm injuries — including unintentional and intentional self-injuries — among youth. Evidence also supports the conclusions that such laws reduce firearm homicides among youth.”¹³

SB 858’s common sense modifications to Maryland’s current law for the safe storage of firearms will enhance the safety of our state’s youth, protecting them and their parents from needless tragedy. The provisions are consistent with the latest recommendations of the American Academy of Pediatrics.¹⁴

CIF urges the committee to produce a favorable report supporting Senate Bill 858 to strengthen existing child access prevention provisions and save lives.

¹³ Smart, Rosanna, Andrew R. Morral, Rajeev Ramchand, Amanda Charbonneau, Jhacova Williams, Sierra Smucker, Samantha Cherney, and Lea Xenakis, *The Science of Gun Policy: A Critical Synthesis of Research Evidence on the Effects of Gun Policies in the United States*, Third Edition, RAND Corporation, RR-A243-4, 2023. As of February 1, 2023: https://www.rand.org/pubs/research_reports/RR-A243-4.html

¹⁴ Lee, L; et al; Firearm-Related Injuries and Deaths in Children and Youth: Injury Prevention and Harm Reduction. *PEDIATRICS* Volume 150, number 6, December 2022:e2022060070

WDC 2023 Testimony SB0858 _Final.pdf

Uploaded by: JoAnne Koravos

Position: FAV



MONTGOMERY COUNTY, MARYLAND
WOMEN'S DEMOCRATIC CLUB

P.O. Box 34047, Bethesda, MD 20827

www.womensdemocraticclub.org

Senate Bill 858
Firearm Safety-Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
Judicial Proceedings Committee - February 21, 2023
SUPPORT

Thank you for this opportunity to submit written testimony concerning an important priority of the **Montgomery County Women's Democratic Club** (WDC) for the 2023 legislative session. WDC is one of Maryland's largest and most active Democratic clubs with hundreds of politically active members, including many elected officials.

WDC urges the passage of SB0858. According to a November 2021 report by the [Children's Safety Network](#):

- Firearm suicides are the fourth leading cause of injury/death for children ages 10-19.
- Approximately nine children and adolescents ages 10-19 die by firearm each day in the United States; three of those deaths are suicide-related firearm injury.
- Firearm injury/suicide death rates increased by 6.3% per year on average between 2010 and 2019.

According to a 2019 study published in [JAMA Pediatrics](#), "it is estimated that 6% to 32% of youth firearm deaths (by suicide and unintentional firearm injury) could be prevented, depending on the probability that an intervention motivates adults who currently do not lock all household firearms to instead lock all guns in their home."

This is the sixth time a bill to restrict minors' access to firearms has been introduced in the Maryland General Assembly, dating back to 2013 following the Sandy Hook tragedy in December 2012. That was ten years ago. We can only speculate how many children's lives would have been saved if the General Assembly had passed restrictions in 2013. Perhaps Jaelynn Willey would still be with us. It's clear that children's lives can be saved if we prevent access to firearms. We urge the Maryland General Assembly to enact these more robust gun storage requirements, to prevent those exercising their rights to have firearms in their homes from careless storage leading to the injury and death of children. As the *New York Times*' Thomas Friedman wrote in his February 8, 2022 column, "the pervasive claim that 'I have my rights' but 'I don't have responsibilities' is unraveling our country today." The right to keep and bear firearms is not an unrestricted right and must be paired with requirements for responsible gun ownership that can save lives, including preventable deaths of young people by suicide.

We know that Maryland's existing gun laws are not sufficiently stringent to prevent access to weapons by children. That is why we strongly support the enactment of legislation to strengthen Maryland's gun storage requirements and hold gun-owning adults accountable for the consequences of unsafe storage practices and negligent behavior. To quote New Mexico State Senator Daniel Ivey-Soto, "A law without penalties is simply a suggestion."

We ask our Maryland legislators to prioritize protecting children from injury and death, over unfettered right to gun ownership. **We ask for your support for SB0858 and strongly urge a favorable Committee report.**

Diana E. Conway
WDC President

Lynn Olson
WDC Advocacy Committee

2023 SB858 (CAP) Testimony.pdf

Uploaded by: Karen Herren

Position: FAV



Testimony in **Support** of

Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

SB858/HB307

Executive Director Karen Herren
Marylanders to Prevent Gun Violence

February 21, 2023

Dear Chair Smith, Vice-Chair Waldstreicher, and Distinguished Members of the Committee,

Marylanders to Prevent Gun Violence is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. **We urge the committee for a FAVORABLE report on Senate Bill 858 to require firearms be stored unloaded and locked, inaccessible to minors, and to establish an education campaign to provide accurate information on child firearm access prevention.**

JAELYNN'S LAW

On March 20, 2018, a 17-year-old student gained access to his father's gun, entered Great Mills High School in Maryland and shot and killed 16-year-old Jaelynn Willey and injured a 14-year-old boy. A strong Child Access Prevention law can help reduce unintentional shootings and youth suicides as well as incidents where a youth in crisis impulsively acts to harm others. At least 80% of school shooters obtain the firearm used from their home or those of relatives or friends.¹ In honor of Jaelynn Willey and aiming to save others, Maryland's Child Access Prevention bill has been designated "Jaelynn's Law."

CHILD ACCESS PREVENTION or CAP laws are laws that permit authorities to criminally charge adults who, knowingly or through negligent behaviors, permit children to have access to firearms. There are no CAP laws at the federal level and no federal laws mandating safe storage. Current federal law does require gun transfers to include "a secure gun storage or safety device" and provides some legal immunities to the lawful owner who uses these devices. There is proposed CAP legislation (Ethan's Law) at the federal level.

¹<https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/>

Maryland has a current CAP law that provides little guidance, does not address older children, and has minor consequences for violations. Maryland does not have a generally applicable safe gun storage mandate for gun owners. Strong CAP laws can significantly reduce:

- Unintentional incidents involving children,
- Youth suicide,
- Intentional incidents by youth in crisis (including school shootings), and
- Gun thefts which lead to legal firearms being diverted into the criminal market.

The presence of unlocked guns in the home increases the risk of both unintentional and intentional gun injuries. In the U.S. approximately 4.6 million kids live in homes with a loaded, unlocked gun.² Between 2009 and 2018, gun suicides of minors increased by 82%.³ With respect to youth suicides, approximately 80% of the time the owner of the firearm was either a parent or another relative.⁴ Firearms are the leading cause of death for children under 18 both in the U.S. and in Maryland. Between 2015 and 2018 more than 35,000 American children were shot before their 18th birthdays. **91% of children killed with guns in high-income countries are killed in the U.S.**

National youth firearm numbers;

- In 2019, 3,817 children were killed or injured by firearms in the U.S.
- In 2020, that number jumped to 5,141.
- In 2021, it jumped again to 5,708.
- In 2022, it was 6,137.

Maryland youth firearm numbers:

- In 2019, at least 143 children were killed or injured with firearms in Maryland.
- In 2020, at least 149 children were killed or injured with firearms in Maryland.
- In 2021, the number rose to 194.
- In 2022, the number was more than 251.⁵

² Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, "Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey," *Journal of Urban Health* 95, no. 3 (2018): 295–304.

³ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), "Fatal Injury Reports," last accessed June 26, 2020, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 10–17.

⁴ Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, "Who are the owners of firearms used in adolescent suicides?" *Suicide and Life-Threatening Behavior* (December 2010)

⁵ 2022 numbers through 11/23/22; all numbers sourced from www.gunviolencearchive.org.

Gun violence has become so normalized in this country that some look at these numbers and dismiss the problem as inconsequential. None of this is normal. And critically, unintentional youth access to guns is preventable. Modest improvements in firearm storage practice have been shown to notably reduce youth firearm deaths.⁶ Laws preventing children's access to guns are associated with significant reductions of suicides by guns.⁷

YOUTH ACCESS TO FIREARMS IS A PUBLIC HEALTH CRISIS

Premature death among youth, especially from preventable causes, is an enormous loss of potential life. In 2020, firearms surpassed motor vehicle accidents as the leading cause of death in children. The 29.5% increase was seen across most demographic characteristics and types of firearm related death (suicide, homicide, unintentional, and undetermined.)⁸

Public and behavioral health experts tell us that when we reduce the lethality of suicide attempts, we provide the person in crisis with the opportunity to get the help that they need to get well. Fewer than 10% of people who attempt suicide and survive go on to die by suicide. Restricting youth access to firearms is one way that we can help youth in crisis from hurting themselves or others. According to the [Harvard T.H. Chan School of Public Health](#) in their extensive "Means Matter" analysis, "every study that has examined this issue to date has found that within the U.S., access to firearms is associated with increased suicide risk." In fact, in one study adolescent suicides were 72% more likely to have a gun in the home. About 85% of attempts with a firearm are fatal. Firearms are quick and irreversible. There is no turning back once the trigger is pulled.

"Too often youths use their parents' guns. An [NVISS study](#)⁹ of firearm suicides among youths ages 17 and under occurring over a two-year period in four states and two counties found that 82% used a firearm belonging to a family member, usually a parent. When storage status was noted, about two-thirds of the firearms had been stored [unlocked](#)."

THE STATE OF AFFAIRS IN MARYLAND

Current Maryland law requires gun owners to store firearms away from where a child under the age of 16 would gain access. There is no requirement to lock firearms or to store them unloaded. The American Academy of Pediatrics recommends that gun owners store all household firearms locked and unloaded. Maryland's current law is not in line with this recommendation and does not apply if the child is 16 or 17 years old. The [National](#)

⁶ Monuteaux MC, Azrael D, Miller M. "Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths." *JAMA Pediatr*. Published online May 13, 2019. doi:10.1001/jamapediatrics.2019.1078

⁷ Daniel W. Webster, ScD, MPH; Jon S. Vernick, JD, MPH; April M. Zeoli, MPH; Jennifer A. Manganello, PhD, MPH; et al, "Association Between Youth-Focused Firearm Laws and Youth Suicides." *JAMA*. 2004;292(5):594-601

⁸ <https://www.nejm.org/doi/full/10.1056/nejmc2201761>

⁹ NVISS or National Violent Injury Statistics System maintained by the Harvard School of Public Health

[Shootings Sports Foundation](#) recommends that *unloaded* firearms be secured with a locking device and/or in a locked cabinet, safe, firearm vault or storage case. They further recommend that ammunition be stored in a locked location separate from firearms and out of the reach of children. Jaelynn's Law is needed to provide clearer gun storage guidelines for Marylanders to follow and to reduce the number of these completely preventable tragedies.

Compounding the risk created by unsecured firearms is the escalating number of gun owners in the state of Maryland. Gun sales in Maryland more than doubled in 2020.¹⁰ The number of approved licenses to buy or own a regulated firearm jumped from 47,093 in 2019 to 95,502 in 2020. An estimated 40% of these buyers were first time gun owners.¹¹ The combination of these numbers and the percentage of gun purchasers who are not utilizing adequate storage methods is a deadly combination for our children.

Safer storage of firearms will reduce youth and young adult suicides by making it harder for those acting impulsively to gain access. Firearms are an extremely effective method of attempting and completing suicide. Behavioral characteristics associated with adolescence, such as impulsivity, feelings of invincibility, and curiosity about firearms make this a particularly important age to protect.

NOTABLE CAP CASES IN MARYLAND

As illustrated in shocking detail by the shooting at Oxford High School in Michigan in November 2021, parents and gun owners need to take more responsibility in assuring that the firearms that they own are kept out of the hands of youth. We have reached a crisis point and we must take steps to shift the culture on this issue. But we need not look to Michigan for egregious examples of gun owners' failures to secure their firearms. Instances of children gaining access to firearms happen regularly here in Maryland and are not isolated cases.

- In September 2020, an 11-yr-old Baltimore boy was injured when he gained access to a firearm while home [alone](#).
- Also in September of 2020, a three-year-old gained access to a gun and shot himself in the [hand](#).
- On Christmas Day 2020 in Charles County, 17-year-old Edwin [Juarez](#) was shot and killed when his 13-year-old friend inadvertently fired the weapon the teenagers were handling.
- In March of 2018 at Great Mills High School in St. Mary's County, a 17-year-old, used his father's firearm to kill 17-year-old Jaelynn Willey and injure 14-year-old Desmond Barnes before taking his own life.
- In [January](#) of 2022 a rookie NYPD officer was killed and another officer wounded with a gun stolen five years ago by a 13-year-old Baltimore boy from his security guard mother.

¹⁰ Over 2019 numbers.

¹¹ <https://thedailyrecord.com/2021/04/22/gun-sales-booming-in-maryland-data-shows/>

- In [January](#) of 2022, a 15-year-old boy shot and killed his mother and eight-year-old brother, and wounded his father with a firearm registered to his father just a few months after the boy had demonstrated significant signs of mental distress and urges to commit violence.
- In [August](#) of 2023, a 9-year-old boy shot and killed his 15-year-old neighbor after he obtained his grandmother's unsecured firearm.

None of these kids should have had access to a firearm. Safe storage would have prevented these tragedies and many more like them. We can prevent future tragedies by making sure that youth access to firearms is reduced through mandates to store them in the safest way possible.

The sensible strategies set forth in this piece of legislation provide much needed protection while respecting the right to own and possess a firearm. **MPGV urges the committee to vote FAVORABLY on SB 858 to strengthen Maryland's law governing a child's access to firearms.**

SB 0858 - Favorable.pdf

Uploaded by: Kenneth Phelps, Jr.

Position: FAV



THE EPISCOPAL DIOCESE OF MARYLAND

**TESTIMONY IN SUPPORT OF SB0858:
Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)
FAVORABLE**

TO: Sen. William C. Smith, Jr., Chair, Sen. Jeff Waldstreicher, Vice Chair and the members of the Senate Judicial Proceedings Committee

FROM: Rev. Kenneth O. Phelps, Jr., Co-Chair, Maryland Episcopal Public Policy Network, Diocese of Maryland

DATE: February 21, 2023

Non-violence is at the core of Christian faith and practice. The teachings of Jesus – as contained in the New Testament – call the faithful to a rejection of a system of retribution and righteous violence and into an alternative way of living that is based on unconditional love of neighbor and accountability for the common good.

We cannot normalize violence or contemplate its use ever as being for the right. And we do not believe that the answer to escalating gun violence is an increase in the number of guns on the street.

Over the years, our bishops have called for common sense gun safety measures that enjoy the support of gun owners and non-gun owners alike: handgun purchaser licensing; background checks on all gun purchasers; restrictions on gun ownership by domestic abusers; classification of gun trafficking as a federal crime; encouragement for the development of “smart gun” technology; federal funding for research into gun violence prevention strategies, and, legislation for gun safety that will help to prevent this most dire form of domestic violence and suicide. We know the statistics about guns stored at home.

Our Church has passed numerous resolutions calling for many of these measures. We now add to that list our support of this safety measure in the hope that it will save lives.

The Diocese of Maryland requests a favorable report.

2023 LCPCM SB 858 Senate Side FAV.pdf

Uploaded by: Larry Epps

Position: FAV



Committee: Senate Judicial Proceedings Committee

Bill Number: Senate Bill 858

Title: Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Hearing Date: February 21, 2023

Position: Support

The Licensed Clinical Professional Counselors of Maryland (LCPCM) supports *Senate Bill 858 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)*.

This bill is needed to help address youth suicide in the state. According to state data, 16.2% of high school students reported they had planned how they would attempt suicide in the past 12 months.ⁱ Firearms are the most common method of suicide, and a suicide attempt with a firearm is more likely to be fatal than attempts involving other methods.ⁱⁱ Because 48% of suicides involve less than 10 minutes of deliberation, it is imperative that children do not have unsupervised access to lethal firearms.ⁱⁱⁱ

We also think it is essential that this bill includes a requirement that MDH develop a youth suicide prevention guide for youth service providers. The vast majority of firearm owners want to be responsible with their firearms, but they may not fully understand the importance of storing their firearms in a way that is inaccessible to older children. It is vital that providers have the resources they need to discuss the importance of firearm storage with families.

We ask for a favorable report. If we can provide any further information, please contact Robyn Elliott at relliott@policypartners.net

i

<https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>

ii <https://www.acpjournals.org/doi/10.7326/M13-1301>

iii <https://www.hsph.harvard.edu/means-matter/means-matter/duration/>

MD SB 858 Jaelynn's Law Support.pdf

Uploaded by: Madelyn Cobb

Position: FAV



Monday, February 20, 2023

RE: Support for Maryland Senate Bill 858: Jaelynn's Law

Dear Chairman Smith & Vice-Chairman Waldstreicher:

On behalf of the March for Our Lives, a courageous youth-led movement dedicated to promoting civic engagement, education, and direct action by youth to eliminate the epidemic of gun violence, I write this letter to register our support for SB 858. This measure would prohibit the storage of firearms and ammunition in a manner that allows access by a certain person who is prohibited from possessing a firearm.

Many studies have shown the effects of improperly storing guns. A study by Harvard and Northwestern Universities in 2017 showed that gun owners who did not secure their guns were more than twice as likely to have their guns stolen and used in violent crimes. An increasing number of school shootings have involved unsecured guns from their homes. Gun owners must do their part and realize the impact of improperly stored firearms.

In honor of Jaelynn Wiley and the many other children who lost their lives due to gun violence in Maryland, we must continue to push for strong child access prevention laws. For these reasons, we are proud to express support for SB 858 and urge the passage of this important legislation.

Sincerely,

Madelyn A. Cobb

Madelyn Cobb
Policy & Government Affairs Manager
March for Our Lives

SB0858 Firearm Safety - Jaelynn's Law.pdf

Uploaded by: Margo Quinlan

Position: FAV

**Senate Bill 858 Firearm Safety – Storage Requirements and Youth Suicide Prevention
(Jaelynn’s Law)**

Judicial Proceedings Committee

February 21, 2023

Position: SUPPORT

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health, mental illness and substance use. We appreciate this opportunity to present testimony in support of Senate Bill 858.

SB 858 establishes additional requirements for firearm storage to prevent access to unsupervised minors. It also requires Public Health Services at the Maryland Department of Health to develop a Youth Suicide Prevention and Firearm Safe Storage guide for families, health and social services providers, and others interested in youth suicide prevention.

The 2018 Youth Risk Behavior Surveillance Survey reported 22.9% of Maryland’s middle school students had seriously thought about killing themselves, with higher rates among female students and students of color. Additionally, 18% of Maryland’s high school students had seriously considered suicide in the past 12 months. Suicide rates are consistently higher amongst LGBTQ youth, black youth, and individuals who have interacted with the juvenile justice and child welfare system.¹

In 2019, suicide was the 3rd leading cause of death for ages 10-34, 35.40% of firearm deaths were suicides, and 40.79% of all suicides were by firearms.² A National Violent Injury Statistics System (NVISS) study across four states and two years found 82% of firearm suicides among youths ages 17 and younger used a firearm belonging to a family member. An additional study found among gun-owning parents who believed their child had never handled their firearm, 22% of the children said that they had.³ Firearms are the most common method of suicide in the United States, and access to a firearm triples the risk of death by suicide.¹

Access to an unsecured firearm elevates suicide risk for all members of the household. With increased gun ownership in Maryland during the COVID-19 pandemic, additional safety requirements and access to critical suicide prevention information are necessary to prevent future deaths by suicide among Maryland’s youth. For these reasons, MHAMD supports SB 858 and urges a favorable report.

¹Governor’s Commission on Suicide Prevention (2020),

<https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>

²American Foundation for Suicide Prevention (2021), <https://aws-fetch.s3.amazonaws.com/state-fact-sheets/2021/2021-state-fact-sheets-maryland.pdf>

³Harvard School of Public Health, <https://www.hsph.harvard.edu/means-matter/means-matter/youth-access/>

For more information, please contact Emily Allen at (443) 901-1588

NASW Maryland - 2023 SB 858 FAV - Youth Suicide Pr

Uploaded by: Mary Beth DeMartino

Position: FAV

Senate Judicial Proceedings Committee
February 21, 2023
Senate Bill 858: Firearm Safety - Storage Requirements and
Youth Suicide Prevention
Jaelynn's Law

*****SUPPORT*****

On behalf of Maryland's Chapter of the National Association of Social Workers (NASW-MD), we ask you to support Senate Bill 858 - Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn's Law). Suicide has been a growing public health crisis for many years and according to the CDC, suicide rates have increased from 1999 to 2019¹. Even more concerning is a 2016 study that found more than 40% of youth (13-17) suicides were the result of a firearm². Since the start of the pandemic in 2020, one in five teens in Maryland have considered suicide³. Given these troubling statistics, social workers are committed to supporting policies to prevent suicide.

What SB 858 does is specify that a firearm must be locked in homes with youth up to the age of 18, so adults must ensure 16 and 17 year old's also do not have access. It also requires gun owners to insure prohibited persons (e.g. those with protective orders) do not have access to firearms. The bill in no way interferes with the right to own guns.

Just as importantly, the bill requires the Maryland Department of Health (MDH) to convene a workgroup and create a guide for families on safe storage practices that can be used by schools and other organizations to distribute. The bill includes a \$1 million appropriation to support outreach and engagement by MDH on this issue.

Social workers are frequently behavioral health providers for youth experiencing severe mental health crises. When youth report suicidal ideation, social workers assess the suicidal intent, plans, and means to determine risk. Safety planning includes minimizing youths' access to deadly weapons through proper storage of firearms. SB 858 provides clear guidance for how to do that, and the Youth Suicide Prevention and Firearm Safe Storage Guide will publicize that guidance.

¹ <https://www.cdc.gov/suicide/facts/index.html>

² Crifasi, CK, et al., "Storage Practices of Gun Owners in 2016. *American Journal of Public Health Association*. April 2018: 532-37.

³ <https://health.maryland.gov/newsroom/Pages/Maryland-Department-of-Health-launches-Youth-Suicide-Prevention-Toolkit-and-MD-Young-Minds-progra.aspx>

Suicide is preventable and SB 858 will decrease youth's risk for suicide by limiting access to loaded guns. SB 858 also requires a much-needed information guide to make safety guidance explicit for families and public resources.

Suicide prevention is critical to save lives and decrease the number of preventable deaths amongst young people. As the greatest provider of behavioral health care in the country, social workers stand ready to participate in the Stakeholder Advisory Committee. We ask you to support SB 858.

10a - X - SB 858 - JPR - MACHO - LOS.docx.pdf

Uploaded by: Maryland State of

Position: FAV



**2023 SESSION
POSITION PAPER**

BILL: SB 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law)
COMMITTEE: Senate Judicial Proceedings
POSITION: Letter of Support
BILL ANALYSIS: SB 858 would change requirements for storage location of firearms and ammunition, restrict access by unsupervised child or person prohibited from firearm possession, repeals negligence provision, require development of a youth suicide prevention and firearm safe storage guide, for local health departments and others to post that guide on their websites, and make grants to conduct related education available to local health departments and others eligible to apply.

POSITION RATIONALE: The Maryland Association of County Health Officers (MACHO) supports Senate Bill (SB) 858. SB 858 would make firearms less accessible to minors and persons prohibited from possessing firearms. The bill requires guns to be stored unloaded, in a locked container, and where unsupervised minors would not be able to easily access them. It requires ammunition to be stored securely. Persons who violate these requirements would be subject to fines and/or imprisonment. Additionally, the bill amends existing law, such that violating these requirements could be considered negligent. The bill also requires the Deputy Secretary for Public Health Services to develop a “youth suicide prevention and firearms safe storage guide” and would make grant funds available to local health departments and other organizations to provide education to families on safe firearms storage. *SB 858 has the potential to be lifesaving, as it could prevent young people from harming themselves – either accidentally or in an attempt to take their own lives.*

Suicide is the third leading cause of death for young people ages 10-24 in the United States.¹ For 10-14-year-olds, it is the second leading cause.¹ Reducing access to lethal means is one of the most effective ways to prevent suicide.² Nearly a quarter of people who attempt suicide go from considering the action to attempting to kill themselves in *as little as five minutes*.³ Making weapons more difficult to access can delay suicide attempts, give people time to reconsider their actions, and give family members more time to intervene. The education funded by the grants made available by this bill could give families the resources to support their children and provide an avenue through which to seek professional help.

While suicide is a complex problem that must be addressed through a multi-pronged approach (e.g., a safe and supportive home environment, access to mental health care, and community and peer support), removing an easily accessible means to commit suicide is a crucial step. Local health departments are willing and able to post the developed guide on their websites and are interested in the funding availability to conduct related education.

For these reasons, the Maryland Association of County Health Officers submits this LOS for SB 858. For more information, please contact Ruth Maiorana, MACHO Executive Director at rmaiora1@jhu.edu or 410-937-1433.

615 North Wolfe Street, Room E 2530 // Baltimore, Maryland 21205 // 410-937-1433

¹ Centers for Disease Control and Prevention. (2022). Suicide Prevention – Facts About Suicide. Retrieved from <https://www.cdc.gov/suicide/facts/index.html>

² Centers for Disease Control and Prevention. (2022). Suicide Prevention – Prevention Strategies. Retrieved from <https://www.cdc.gov/suicide/prevention/index.html#print>

³ Harvard T.H. Tan School of Public Health. (2023). Means Matter – Duration of Suicidal Crises. Retrieved from <https://www.hsph.harvard.edu/means-matter/means-matter/duration/>

Edited -- Use this one please Mike Song Testimony

Uploaded by: Mike Song

Position: FAV

Mike Song Testimony for SB 858

I would like to present via Zoom.

My heart is heavy as I stand here today to share my story with you. My name is Mike Song and my son Ethan's life was taken from him in a split second, all because of an unsecured weapon in a neighbor's home. It was a day of celebration, the day my son got his braces off, and I still remember the joy I felt when my wife texted me his photo. But that joy was short-lived, as an hour later, I received a call that shattered my world. My son was shot and killed by an unsecured weapon.

I stand here before you today, not just as a grieving father, but as a voice for the countless lives that have been lost due to the negligence of gun owners who fail to secure their weapons. This is not just my story, it's a story that is repeated over and over again across the country and even here in Maryland. Every day, we hear of another child who has lost their life because a gun owner couldn't take the time to pop their weapon in a gun safe.

My heart goes out to Jaelynn's family, who are experiencing an unimaginable pain that no parent should ever have to endure. Their daughter's life was cut short because a gun owner failed to secure their weapon. My thoughts and prayers are with them during this difficult time.

We need to take action now to prevent more lives from being lost. It's time to realize that safe gun storage can reduce deaths like Ethan's, school shootings like Jaelynn's, stolen gun deaths, and most importantly, teen suicide. With new technology, securing firearms is easier than ever before. **Gun owners who secure their weapons will not only be protecting their loved ones but also decreasing the number of stolen guns – There are over 200,000 guns stolen each year.**

Imagine a world where guns are locked down, where there are no more Parklands or Sandy Hooks, and where Ethan and Jaelynn get to live their lives, graduate high school, get jobs, get married, and have kids of their own. It's up to us to make this a reality. Let's pass Jaelynn's Law, for the love of all that it means to be a good person. Let's protect our children, our families, and our communities. Let's make a change today.

info@songstrong.org 203-915-4391.

NCADD-MD - 2023 SB 858 FAV - Youth Suicide Prevent

Uploaded by: Nancy Rosen-Cohen

Position: FAV



Senate Judicial Proceedings Committee

February 21, 2023

Senate Bill 858

Firearm Safety - Storage Requirements and Youth Suicide Prevention

Jaelynn's Law

Support

NCADD-Maryland supports Senate Bill 858. Suicide has been a growing public health crisis for many years. Young people have suffered greatly since the start of the pandemic and that can be seen in the numbers of people with depression, anxiety and increased drug and alcohol use.

House Bill 307 specifies that a firearm must be locked in homes with youth up to the age of 18, so adults must ensure 16 and 17 year olds do not have access. It also requires gun owners to insure prohibited persons, such as those with protective orders, do not have access to firearms. The bill in no way interferes with the right to own guns. What it does do is decrease a young person's risk for suicide by limiting access to loaded guns.

Just as importantly, the bill requires the Maryland Department of Health (MDH) to convene a workgroup and create a guide for families on safe storage practices that can be used by schools and other organizations to distribute. The bill includes a \$1 million appropriation to support outreach and engagement by MDH on this issue. Ensuring that information is disseminated widely is crucial to educating communities both about safe storage and how to prevent suicides.

We urge this Committee give a favorable report to Senate Bill 858.

The Maryland Affiliate of the National Council on Alcoholism and Drug Dependence (NCADD-Maryland) is a statewide organization that works to influence public and private policies on addiction, treatment, and recovery, reduce the stigma associated with the disease, and improve the understanding of addictions and the recovery process. We advocate for and with individuals and families who are affected by alcoholism and drug addiction.

SB 858 Firearm Safety-Storage Requirements and You

Uploaded by: Nicole Stallings

Position: FAV



Maryland
Hospital Association

February 20, 2023

To: The Honorable [William C. Smith Jr.](#), Chair, [Senate Judicial Proceedings Committee](#)

Re: [Letter of Support- Senate Bill 858- Firearm Safety- Storage Requirements and Youth Suicide Prevention \(Jaelynn's Law\)](#)

Dear Chair [Smith](#):

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on Senate Bill 858. According to the nonprofit [Gun Violence Archive](#), 865 Maryland children under 17 have been killed or injured in a gun-related incident since 2014. Further, according to [The Baltimore Sun](#), one in eight victims of gun violence brought to a Baltimore-area hospital is a child.

The presence of unlocked guns in the home increases the risk of both accidental and intentional gun injuries. Between 2009 and 2018, gun suicides of minors increased by 82%.¹ In approximately 80% of these cases, the owner of the firearm was either a parent or another relative.²

Safe Storage and Child Access Prevention (CAP) laws permit authorities to charge adults who, knowingly or through negligent behaviors, fail to properly secure their firearms when the gun owner is not in immediate control of their weapon. There are no CAP laws at the federal level and no other types of federal laws mandating safe storage. Maryland's CAP law provides little guidance, negates the adult gun owner's responsibility when older children are involved, and has only minor consequences for violations. SB 858 will improve Maryland's law and save lives by specifying guns and ammunition need to be locked, expanding the scope of the law to include children as young as 15, and creating and funding a youth suicide prevention outreach program.

For these reasons, we request a *favorable* report on SB 858.

For more information, please contact:

Nicole Stallings, Executive Vice President and Chief External Affairs Officer
Nstallings@mhaonline.org

¹ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), "Fatal Injury Reports," last accessed June 26, 2020, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 10–17.

² Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, "Who are the owners of firearms used in adolescent suicides?" *Suicide and Life-Threatening Behavior* (December 2010)

SB0858-JPR-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

Office of Government Relations
88 State Circle
Annapolis, Maryland 21401

SB 858

February 21, 2022

TO: Members of the Senate Judicial Proceedings Committee
FROM: Nina Themelis, Interim Director of Mayor's Office of Government Relations
RE: Senate Bill 858 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 858.

This bill aims to prevent youth suicides by implementing safe storage requirements, imposes penalties for violating the requirements, and amends existing law such that violations could be considered negligent. Further, BCA also supports the subsections of this bill that would require the Deputy Secretary of Public Health Services to develop a suicide prevention and firearm safe storage guide with stakeholder input, as well as the grant funds that would be made available for local health departments and other interested organizations to provide safe firearms storage education.

Reducing access to lethal means via safe storage practices among persons at risk of suicide can be lifesaving. Research indicates that the interval between deciding to act and attempt suicide can be as short as five or ten minutes.¹ When a highly lethal method is unavailable or difficult to access, people tend NOT to substitute a different method, meaning the person's life was saved. Research shows that policies restricting access to lethal means – including firearms – have been effective in reducing suicides.² Incidentally, this can be true not only for those contemplating self-harm, but also for those contemplating harm to others.

Mandated firearm safety training and safe storage guidance are important, but research shows that they alone may not be enough to change gun owners' behavior. In some studies, respondents did not store unloaded guns or ammunition separately because it might prohibit quick access for self-defense purposes. For example, a 2015 survey of gun owners found that while 60% of respondents had participated in formal firearms training, only 32% reported storing all guns unloaded and locked. 46% reported storing at least one gun unloaded and unlocked or loaded and locked. Additionally, the survey showed that receipt of safety training was *negatively* associated with safe storage.³ The penalties proposed in this bill are important, as they would provide additional incentives for gun owners to store their firearms safely.

This bill could be lifesaving, as it could prevent young people from harming themselves or others. For these reasons, the BCA respectfully requests a **favorable** report on SB 858.

¹ Simon OR, Swann AC, Powell KE, Potter LB, Kresnow MJ, O'Carroll PW. Characteristics of impulsive suicide attempts and attempters. *Suicide Life Threat Behav.* 2001;32(1 Suppl):49-59. doi:10.1521/suli.32.1.5.49.24212

² Sale E, Hendricks M, Weil V, Miller C, Perkins S, McCudden S. Counseling on Access to Lethal Means (CALM): An Evaluation of a Suicide Prevention Means Restriction Training Program for Mental Health Providers. *Community Ment Health J.* 2018;54(3):293-301. doi:10.1007/s10597-017-0190-z

³ Berrigan J, Azrael D, Hemenway D, Miller M. Firearms training and storage practices among US gun owners: a nationally representative study. *Inj Prev.* 2019;25(Suppl 1):i31-i38. doi:10.1136/injuryprev-2018-043126

MPA Testimony 2023 - Support - Senate Bill 858 - F

Uploaded by: Pat Savage

Position: FAV



10480 Little Patuxent Parkway, Ste 910, Columbia, MD 21044. Office 410-992-4258. Fax: 410-992-7732. www.marylandpsychology.org

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Senator William C. Smith, Jr., Chair
Senator Jeff Waldstreicher, Vice Chair
Miller Senate Office Building, 2 East
Annapolis, MD 21401

February 20, 2023

RE: Bill: SB 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law)

Position: Support

Dear Chair, Vice Chair, and Members of the Committee,

The Maryland Psychological Association (MPA), which represents over 1,000 doctoral-level psychologists from throughout the state, is writing in SUPPORT of SB 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention.

With the onset of the recent pandemic, anxiety and stress has increased for all age groups, but particularly for children. Sadly, suicide has become a leading cause of death for young people. Between 2009 and 2018, gun suicides of minors increased by 82%. With respect to youth suicides by firearms, approximately 80% of the time the owner of the firearm was either a parent or another relative.

Not only do children harm themselves, but they can harm others when firearms are not stored safely. The recent shooting of a teacher in nearby Virginia is an example.

Unintentional youth access to guns is preventable. Modest improvements in firearm storage practice can significantly reduce youth firearm deaths, and laws preventing children’s access to guns are associated with significant reductions of suicides by guns. Reasonable safety requirements for firearm storage make sense. We are also pleased to see that part of this bill includes the development and distribution of educational materials regarding firearm safety. For these reasons, the Maryland Psychological Association asks for a **FAVORABLE report on Senate Bill 858**.

Thank you for considering our comments on SB 858. If we can provide any additional information or be of any assistance, please do not hesitate to contact MPA’s Legislative Chair, Dr. Pat Savage at mpalegislativcommittee@gmail.com.

Respectfully submitted,

Rebecca Resnik, Psy.D.
Rebecca Resnick, Psy.D.
President

R. Patrick Savage, Jr., Ph.D.
R. Patrick Savage, Jr., Ph.D.
Chair, MPA Legislative Committee

cc: Richard Bloch, Esq., Counsel for Maryland Psychological Association
Barbara Brocato & Dan Shattuck, MPA Government Affairs

2023 ACNM SB 858 Senate Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV



Committee: Senate Judicial Proceedings Committee

Bill: Senate Bill 858 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Hearing Date: February 21, 2023

Position: Support

The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports *Senate Bill 858 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)*. This bill will help reduce youth suicide and other firearm deaths by ensuring that firearms are stored in a way that is inaccessible to children.

Access to firearms is a significant risk factor for adolescent suicides.ⁱ Nationally, between 2015 and 2016, a firearm has been involved in 40% of the over 2,000 annual youth suicides.ⁱⁱ Extensive evidence shows that access to firearms increases the likelihood of death by suicide among youth:

- When a home contains unlocked guns the odds of a child or adolescent dying by firearm suicide is more than **twice** as high as in households where guns are locked.ⁱⁱⁱ
- The risk of suicide by gun is more than **twice** as high in households with loaded guns, as compared to households with unloaded guns.^{iv}

This legislation takes a commonsense approach by codifying best practice for safe firearm storage for adults around youth. We can save lives of our most vulnerable youth with this legislation. We ask for a favorable report on this legislation. If we can provide additional information, please contact Robyn Elliott at relliott@policypartners.net.

ⁱ <https://www.hsph.harvard.edu/means-matter/means-matter/risk/#:~:text=Twelve%20or%20more%20U.S.%20case,live%20in%20homes%20with%20guns.&text=Firearm%20access%20was%20a%20risk,for%20both%20males%20and%20females>.

ⁱⁱ <https://www.usnews.com/news/healthiest-communities/articles/2019-01-17/youth-suicide-rates-higher-in-states-with-more-gun-ownership>

ⁱⁱⁱ <https://www.srcd.org/research/access-firearms-increases-child-and-adolescent-suicide>

^{iv} <https://www.srcd.org/research/access-firearms-increases-child-and-adolescent-suicide>

2023 MASBHC SB 858 Senate Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV



Committee: Senate Judicial Proceedings Committee

Bill: Senate Bill 858 - Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

Hearing Date: February 21, 2023

Position: Support

The Maryland Assembly on School-Based Health Care supports *Senate Bill 858 – Maryland Medical Assistance – Adult Dental Coverage*. The bill seeks to improve children safety and reduce youth suicide by requiring firearms be stored in ways to prevent unsupervised access.

Nationwide, we have repeatedly seen school shooting incidents involving a child using a parent’s unsecured firearm. Additionally, there is a plethora of research that show that a firearm in the home increases a child suicide risk. Because of these risks, it is imperative that firearm owners store their firearms and ammunition in a way that prevents access by all children not just children under the age of 16 as is required by current law. This requirement aligns with the best practices that the vast majority of firearm owners follow. The *Youth Suicide Prevention and Firearm Safe Storage Guide* created by this bill is also essential in that it ensures that providers are prepared to discuss the importance of safe firearm storage with families.

We ask for a favorable report on this legislation. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.

2023 MOTA SB 858 Senate Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV



Maryland Occupational Therapy Association

PO Box 36401, Towson, Maryland 21286 ♦ mota-members.com

Committee:	Senate Judicial Proceedings Committee
Bill:	Senate Bill 858 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
Date:	February 21, 2023
Position:	Support

The Maryland Occupational Therapy Association (MOTA) supports *Senate Bill 858 – Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)*. This bill will help reduce youth suicide and other firearm deaths by ensuring that firearms are stored in a way that is inaccessible to children.

In our work in schools, we have seen an increase in the number of children impacted directly by gun violence. We believe the combined strategy of increasing access to behavioral health services and decreasing access to firearms is essential in addressing rising rates of youth suicide and school shootings.

We know that 82% of youth under the age of 18 who attempted suicide by gun used a firearm belonging to a family member, usually a parent.¹ This legislation is urgently needed to save the lives of our students. We ask for a favorable report. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net or (443) 926-3443.

¹ <https://www.hsph.harvard.edu/means-matter/means-matter/youth-access/#:~:text=Source%20of%20Firearms%20in%20Youth%20Suicides&text=An%20NVISS%20study%20of%20firearm,family%20member%2C%20usually%20a%20parent.>

2023 MSCA SB 858 Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV

Maryland School Counselor Association

To: Senate Judicial Proceedings Committee
Bill: SB 858 - Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
Date: February 21, 2023
Position: Favorable

The Maryland School Counselor Association supports SB 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law). It is imperative that our law be updated to protect Maryland’s youth.

Youth Suicide: The Crisis in Maryland

Youth suicide is a public health crisis in Maryland. Based on a 2018 survey conducted in Maryland, 22.9% of middle schoolers reported seriously thinking about killing themselves and 18% of high schoolers reported they had seriously considered attempting suicide.ⁱ

Suicide rates are not equal across demographics. The Journal of Community Health reported that the suicide rate among Black females between the ages of 13-19 nearly doubled from 2001-2017.ⁱⁱ During the same time period for Black males ages 13-19, the rate of suicide rose 60%.

Youth Suicide and Firearms Access

Access to firearms is a significant risk factor for adolescent suicides.ⁱⁱⁱ Nationally, between 2015 and 2016, a firearm has been involved in 40% of the over 2,000 annual youth suicides.^{iv} Extensive evidence shows that access to firearms increases the likelihood of death by suicide among youth:

- When a home contains unlocked guns the odds of a child or adolescent dying by firearm suicide is more than **twice** as high as in households where guns are locked.^v
- The risk of suicide by gun is more than **twice** as high in households with loaded guns, as compared to households with unloaded guns.^{vi}

Sound evidence exemplifies the heightened behavioral and public health risks associated with youth access to firearms:

- 85% of suicide attempts with a gun are fatal compared to every other method which has a 5% fatality rate.^{vii}

- 82% of youth under the age of 18 who attempted suicide by gun used a firearm belonging to a family member, usually a parent.^{viii}
- About two-thirds of firearms in homes are stored unlocked.^{ix}
- 75% of children report knowing exactly where firearms are stored in their homes – ultimately risking tragic outcomes.^x

Firearm Deaths by Youth

Maryland’s Child Access Prevention legislation is named “Jaelynn’s Law” in honor of 17-year-old Jaelynn Willey who was killed at Great Mills High School in St. Mary’s County in 2018 when a student in crisis obtained a firearm from a family member. School shootings often imply suicide intentions on the part of the perpetrators, either by themselves or expecting a fatal outcome from authoritative personnel. One of the highest risk factors or warning signs for youth who may be considering a school shooting incident is “access to and experience with weapons” along with indicators such as recent history of violence, past history of violence, history of suicidal behavior and more.^{xi}

Peer-Reviewed Research supports an update to Maryland’s law:

- Estimates suggest that modest increases in the number of American homes safely storing firearms could prevent almost a third of youth gun deaths due to suicide and unintentional firearm injury.^{xii}
- A number of studies over the past 20 years have found that child access prevention laws can reduce suicide and unintentional gun deaths and injuries among children and teens by up to 54% with the greatest reductions occurring in states which require safe storage of firearms.^{xiii}
- A recent study estimated that approximately 100 suicides among 5- to 19-year-olds could be prevented annually if the proportion of unlocked firearms in households with children or adolescents decreased from 50% to 30%.^{xiv}

Conclusion

We ask for a favorable report. If more information would be helpful, please contact Robyn Elliott at relliott@policypartners.net.

i

<https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>

ii [The Changing Characteristics of African-American Adolescent Suicides, 2001-2017 | Request PDF \(researchgate.net\)](#)

iii <https://www.hsph.harvard.edu/means-matter/means-matter/risk/#:~:text=Twelve%20or%20more%20U.S.%20case,live%20in%20homes%20with%20guns.&text=Firearm%20access%20was%20a%20risk,for%20both%20males%20and%20females.>

iv <https://www.usnews.com/news/healthiest-communities/articles/2019-01-17/youth-suicide-rates-higher-in-states-with-more-gun-ownership>

v <https://www.srkd.org/research/access-firearms-increases-child-and-adolescent-suicide>

vi <https://www.srkd.org/research/access-firearms-increases-child-and-adolescent-suicide>

vii <https://www.hsph.harvard.edu/means-matter/means-matter/risk/>

viii <https://www.hsph.harvard.edu/means-matter/means-matter/youth-access/#:~:text=Source%20of%20Firearms%20in%20Youth%20Suicides&text=An%20NVISS%20study%20of%20firearm,family%20member%2C%20usually%20a%20parent.>

ix <https://www.hsph.harvard.edu/means-matter/means-matter/youth-access/>

x <https://www.nationwidechildrens.org/research/areas-of-research/center-for-injury-research-and-policy/injury-topics/general/gun-safety>

xi <http://jaapl.org/content/jaapl/36/4/544.full.pdf>

xii <https://giffords.org/lawcenter/gun-laws/policy-areas/child-consumer-safety/safe-storage/>

xiii Emma C. Hamilton, et al., “Variability of Child Access Prevention Laws and Pediatric Firearm Injuries,” *Journal of Trauma and Acute Care Surgery* 84, no. 4 (2018): 613–619. See also, Peter Cummings, David C. Grossman, Frederick P. Rivara, and Thomas D. Koepsell, “State Gun Safe Storage Laws and Child Mortality Due to Firearms,” *JAMA* 278, no. 13 (1997): 1084–1086; Daniel W. Webster, Jon S. Vernick, April M. Zeoli, and Jennifer A. Manganello, “Association Between Youth–focused Firearm Laws and Youth Suicides,” *JAMA* 292, no. 5 (2004): 594–601; Jeffrey DeSimone, Sara Markowitz, and Jing Xu, “Child Access Prevention Laws and Nonfatal Gun Injuries,” *Southern Economic Journal* 80, no. 1 (2013): 5–25.

xiv <https://www.srkd.org/research/access-firearms-increases-child-and-adolescent-suicide/#:~:text=A%20recent%20study%20estimated%20that,case%20today%2C%20to%2030%25.>

Please join Marylanders to Prevent Gun Violence &
National Association of Social Workers – Maryland Chapter
in Support of Child Access Prevention Legislation
in the 2022 Maryland General Assembly

American Academy of Pediatrics – Maryland Chapter
American College of Emergency Physicians – Maryland Chapter
Advocates for Children and Youth
Baltimore Behavioral Health Systems
City of Takoma Park
Community Behavioral Health Association of Maryland
Disability Rights Maryland
Licensed Clinical Professional Counselors of Maryland
LifeBridge Health
Maryland Academy of Advanced Practice Clinicians
Maryland Assembly of School-Based Health Care
Maryland Association of Youth Service Bureaus
Maryland State Council Emergency Nurses Association
Maryland Clinical Social Work Coalition
Maryland Nurses Association
Maryland Occupational Therapy Association
Marylanders to Prevent Gun Violence
Maryland Psychiatric Society
Maryland Psychological As

testimony SB 858. Sarah Edwards.pdf

Uploaded by: Sarah Edwards

Position: FAV

Written Testimony for SB 858

Dear Hon. Will Smith and Jeff Waldstreicher,

My name is Sarah Edwards and I am a board-certified child and adolescent psychiatrist at the University of Maryland Medical Center and I am writing to support SB 8585 Firearm Safety. Suicide is the 2nd leading cause of death among youth ages 10-24 and we know that many suicide attempts happen with little planning during a short-term crisis. The means of a suicide attempt matter; firearms are the most lethal among suicide methods.

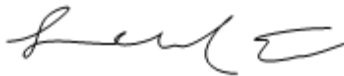
Please consider two case examples:

There is a 14-year-old boy who has been feeling down over the past several months due to school and family stressors. He was upset that despite studying for his midterm he received a low grade and he also learned that his girlfriend cheated on him. He became distressed and overwhelmed by intense feelings of failure and disappointment. He went to his father's nightstand and overdosed on his dad's blood pressure medications. His parent found him and took him to the hospital where he received medical and psychiatric care

Now imagine the exact same case except when the youth's intense feelings of failure and disappointment overwhelmed him, he went to his father's nightstand and didn't overdose on medications. Instead, he took his father's gun and shot himself. He was taken to the hospital where he received medical care but suffered fatal wounds.

Reducing access to lethal means of self-harm saves lives. Families, organizations, and policymakers must take action to reduce access to lethal means and Senate Bill 858 supports important firearm safety precautions.

Thank you



Sarah Edwards, DO



SB858 - Firearm Storage.pdf

Uploaded by: Sarah Miicke

Position: FAV

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B'nai Israel Congregation
B'nai Jacob Shaarei Zion Congregation
Bolton Street Synagogue
Chevra Ahavas Chesed, Inc.
Chevrei Tzedek Congregation
Chizuk Amuno Congregation
Congregation Beit Tikvah
Congregation Tiferes Yisroel
Federation of Jewish Women's
Organizations of Maryland
Hadassah
Har Sinai - Oheb Shalom Congregation
J Street
Jewish Federation of Howard County
Jewish Labor Committee
Jewish War Veterans
Jewish War Veterans, Ladies Auxiliary
Jewish Women International
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Hebrew Congregation
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Ner Tamid Congregation
Rabbinical Council of America
Religious Zionists of America
Shaarei Tfiloh Congregation
Shomrei Emunah Congregation
Suburban Orthodox Congregation
Temple Beth Shalom
Temple Isaiah
Zionist Organization of America
Baltimore District

WRITTEN TESTIMONY

**Senate Bill 858 – Firearm Safety – Storage Requirements and Youth
Suicide Prevention (Jaelynn's Law)**

Judicial Proceedings Committee

February 21, 2023

SUPPORT

Background: Senate Bill 858 (SB858) would require gun owners to securely store their firearms so that unsupervised minors and prohibited persons are unable to gain access to them. Additionally, this bill would require the Department of Health to develop a youth suicide prevention and firearm safe storage guide, with recommendations from a stakeholder committee.

Written Comments: Since the beginning of the pandemic, accidental gunshot deaths by children handling a gun have increased by 31% according to a report by Everytown for Gun Safety. The report further details that instances of children taking hold of a gun and mistakenly shooting themselves, or others happens almost every single day somewhere in the country. 91% of the victims in these cases were under the age of 18. It is estimated that 5.4 million children are living in a household with a least one loaded and unlocked gun. This is deadly combination for tragedy, which the consequences are already being realized. Most of these shootings take place in homes of the shooter, the victim, a relative or a friend. The solution to this rapidly growing problem is simple: properly locking firearms so that no child can access them.

As Jews we believe that nothing is more important than preserving life. Countless more tragedies involving young people will happen if they are able to continue to access guns in their own homes. Firearms do not belong in the hands of minors or prohibited persons.

With this in mind, the Baltimore Jewish Council urges a favorable report of SB858.

The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.

SB 858 MSPA Letter of Support.pdf

Uploaded by: Sarah Peters

Position: FAV



February 20, 2023

Bill: Senate Bill 858– Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn’s Law)

Position: Support

Dear Chair, Vice Chair, and Members of the Committee:

I am writing on behalf of the Maryland School Psychologists’ Association (MSPA), a professional organization representing about 500 school psychologists in Maryland. We advocate for the social-emotional, behavioral, and academic wellbeing of students and families across the state.

We support Senate Bill 858 which strengthen storage requirements of firearms, and also creates and disseminates materials to prevent youth suicide as a result of firearm usage. The American Association of Suicidology report that gun ownership, even when controlling for depression, substance use, suicidal thoughts, poverty, education, access to care, religion, and many other factors, is strongly correlated with suicide rates by state. Individuals are five times more likely to die by suicide when there is a firearm in their home, especially when firearms are not stored safely. Firearms are the most common method of suicide; firearms result in death in 85-95% of suicide attempts.

We must keep our students safe. The National Association of School Psychologists and Maryland School Psychologists’ Association supports legislation that eliminates youth access to firearms and improves awareness of gun safety practices. In fact, firearms are now the leading cause of death for children under 19. Six out of every ten firearm-related deaths are suicides. Senate Bill 858 would keep Maryland’s students safe and prioritize preventative programs to prevent youth suicide.

For these reasons, we urge a favorable report on SB 858. If we can provide any further information or be of assistance, please contact us at legislative@mspaonline.org or Sarah Peters at speters@hbstrategies.us or 410-322-2320.

Respectfully submitted,

Katie Phipps, M.Ed., Ed.S., NCSP
Committee Chair, Legislative Committee
Maryland School Psychologists’ Association.

SB 858 - Testimony - Favorbale with Amendment Flna

Uploaded by: Henry J. Meiser

Position: FWA

GOVERNOR'S COMMISSION ON SUICIDE PREVENTION

Henry J. Meiser – Student Commissioner

Term: October 2021 to July 2023

TO: Senate Judicial Proceedings Committee

RE: Senate Bill 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelyn's Law)

POSITION: Favorable With Amendment

Chair Smith, Vice-Chair Waldstreicher and members of the Senate Judicial Proceedings Committee:

My name is Henry J. Meiser, and I have had the pleasure of serving as the Student Commissioner to the Governor's Commission on Suicide Prevention since 2021, and my subsequent reappointment in 2023 by the Moore-Miller Administration. In this role, I represent all 900,00+ primary and secondary school students within the State of Maryland. While not here to testify on behalf of the commission as a whole, I am here to testify in my capacity as the Student Commissioner in favor, with amendment for Senate Bill 858.

SB 858 seeks to amend certain provisions of the Maryland Annotated Code, specifically by amending §4-104 of the Criminal Provision of the Code and by adding to §13-39A of the Health Article of the Code. These provisions hold gun owners accountable for the safe storage of firearms in our State. It supports important firearm safety precautions, all of which go to protect our young people

However, the bill also proposes a stakeholder review committee, charged with providing recommendations on a youth suicide prevention and firearm safety guide. This "stakeholder" committee does not include student representation. While it does include a spot at the table for "youth advocates", it does not specifically allow a young person a seat at the table, and therefore, their voice to be heard. Young people are more than capable of articulating their views and are without a question a stakeholder in this matter.

Students carry invaluable insight to the creation of this guide, allowing to reach its target audience (students) and objectives much more effectively.

We rely on young people to represent the views of their peers on many boards, commissions, and task forces across the State (myself being one), so why can we not provide them a venue to share their thoughts on a guide, which is being developed for them? I also believe that we are not in need of another commission

**SB858 – Firearm Safety – Storage Requirements
and Youth Suicide Prevention (Jaelyn’s Law)**

to conduct this review. The Governor’s Commission is full of stakeholders, subject-matter experts, and is already full of connections and existing resources.

There is no question that SB 858 is a great piece of legislation to help and protect our young people. However, it is my contention that, a panel of stakeholders who are charged with providing insight on a youth-related guide must include youth – they are the MOST important stakeholder in this process without question.

It is for this reason that I urge this committee to produce a favorable report on SB 858, pending appropriate adoption of one of the two following amendments:

- (1) That §2(b) of SB 858 be amended, such that the Governor’s Commission on Suicide Prevention be charged with the review of aforementioned youth guide; or,
- (2) That §2(b) of SB 858 be amended, such that there is at least one (1) position for a young person (below 18) which resides in the State of Maryland.

Most Respectfully,



Henry J. Meiser
Student Commissioner
**Gov.’s Commission on
Suicide Prevention**

SB 858 - FAV - Women's Law Center of Maryland.pdf

Uploaded by: Laure Ruth

Position: FWA

BILL NO: Senate Bill 858
TITLE: Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
COMMITTEE: Judicial Proceedings
HEARING DATE: February 21, 2023
POSITION: **SUPPORT WITH AMENDMENTS**

Senate Bill 858 would require the safe storage of firearms away from both children and prohibited persons. The Women's Law Center (WLC) supports Senate Bill 858 because increasing protections from inappropriate people having access to firearms is good public policy.

Senate Bill 858 is a common sense update to existing law regarding storage of firearms. It seeks to add protections so that minors, people experiencing suicidal thoughts or "prohibited persons" as defined cannot easily obtain access to firearms. We refer the Committee to the Maryland Network Against Violence's testimony for statistics regarding the use of firearms in domestic violence fatalities. Owners of firearms should always keep their firearms safely locked, separate from ammunition, and not accessible to people who should not have access to them.

We suggest that the definition of "prohibited person" in SB 858 should be amended to specifically include those persons identified in Md. Family Law Code Ann. to § 4-506, rather than relying on a catch-all provision.

Therefore, the Women's Law Center of Maryland, Inc. strongly urges a favorable report on Senate Bill 858 with amendments.

The Women's Law Center of Maryland is a private, non-profit, membership organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change.

SB 858_MNADV_FWA.pdf

Uploaded by: Melanie Shapiro

Position: FWA



BILL NO: Senate Bill 858
TITLE: Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)
COMMITTEE: Judicial Proceedings
HEARING DATE: February 21, 2023
POSITION: **SUPPORT WITH AMENDMENTS**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Judicial Proceedings Committee to issue a favorable report with amendments on SB 858.**

MNADV would request that the definition of prohibited persons be amended to specifically include prohibited persons pursuant to § 4-506 of the Family Law Article.

The risk of homicide for women increases by 500% with the presence of a gun in the home.¹ The 2021 domestic violence homicide numbers were the highest they have been in over ten years.² There were 58 Marylanders that lost their lives as the result of domestic violence in 2021. At least 47 children were left behind as a result of these deaths. A firearm was used in 76% of the deaths.

The most dangerous time for a victim of domestic violence is when they leave, increasing the risk of homicide as well as increased violence.³ Pursuant to a final order of protection a court, “shall order the respondent to surrender to law enforcement authorities any firearm in the respondent's possession, and to refrain from possession of any firearm, for the duration of the protective order.”⁴ It is within the court’s discretion whether to order the surrender of firearms for interim and temporary orders of protection. In January 2023 firearms were ordered to be surrendered by 882 individuals pursuant to final orders of protection and 274 orders to vacate a home were rendered.⁵

¹ The National Domestic Violence Hotline, Retrieved 1/29/21, <https://www.thehotline.org/resources/safety-planning-around-guns-and-firearms/>

² https://www.mnadv.org/wp-content/uploads/2022/02/2022-Memorial-Program-Trifold_Final-Version.pdf

³ <https://ncadv.org/why-do-victims-stay>

⁴ MD FAMILY § 4-506

⁵ https://mdcourts.gov/data/dv/DVCR_Statewide_2023_1.pdf



Senate Bill 858 would require the safe storage of firearms away from both children and prohibited persons. When looking at the constellation of factors of the risk of lethality for victims of domestic violence with the presence of a firearm, the risk of lethality for a victim when they leave, and the status of the respondent of a final order of protection as a prohibited person, it is a sound policy decision to include prohibited persons in the safe storage laws in Maryland.

For the above stated reasons, the **Maryland Network Against Domestic Violence** urges a **favorable report with amendments on SB 858.**

SB 0858_HoCoStatesAtty_FavwithAmendment_Firearm St

Uploaded by: Rich Gibson

Position: FWA



SENATE BILL 0858

Firearm Safety-Storage Requirements and Youth Suicide Prevention-Jaelynn's Law

RICH GIBSON, HOWARD COUNTY STATE'S ATTORNEY

POSITION: FAVORABLE WITH AMENDMENT

February 20, 2023

My name is Rich Gibson, I am the State's Attorney for Howard County and have been a prosecutor for nineteen years. Part of my obligations as State's Attorney is to advocate for laws that enhance the safety and well-being of our community; that is the reason I am writing today to offer my support for SB 0858.

This bill, if passed, will enhance public safety by creating a regulatory structure designed to promote the safe storage of deadly firearms. The combination of an unsupervised minor or a prohibited person and a readily accessible, highly lethal firearm is a catastrophe waiting to happen. It is foreseeable that a young individual lacking an appreciation for the lethality of guns and the potential permanence of the consequences associated with the improper handling and usage of a gun, could make choices with lasting devastating impacts. Moreover, people convicted of disqualifying crimes have previously engaged in an action that displays they are not responsible enough to lawfully possess firearms. Suicides, homicides, and non-fatal shootings are preventable, if we are willing to put in place the proper restrictions to limit access to lethal weapons. This bill goes a long way in furtherance of that goal.

One amendment I would suggest to this bill is to make a conviction sustained due to a violation of this law a disqualifying crime under Public Safety Article § 5-101 (g) and punishable under § 5-133. If someone is irresponsible with the storage of firearms and a prohibited person or unsupervised minor gains

access to that weapon that person has displayed a level of irresponsibility that should disqualify them from the future possession of firearms.

One issue that has been raised in advance is whether prosecutors will pursue charges against family members who improperly store weapons and access to those weapons by a minor leads to a self-inflicted injury or suicide. Prosecutors are elected by the local communities they serve because those local communities trust our judgment. We will assess each incident on a case-by-case basis and bring charges where appropriate.

For these reasons, **I respectfully request a favorable report on SENATE BILL 0858 with an amendment.**

10b - X - SB 858 - JPR - MDH - LOSWA.docx.pdf

Uploaded by: State of Maryland (MD)

Position: FWA



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

February 15, 2023

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn's Law) – Letter of Support with Amendments

Dear Chair Smith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of support with amendments for SB 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn's Law). SB 858 modifies the requirements for storing a firearm to prevent unsupervised access to a firearm by a minor and an individual who is prohibited from possessing a firearm. This bill will also require the Deputy Secretary for Public Health Services to develop a youth suicide prevention and firearm safe storage guide.

Firearms are present in 18% to 64% of US households. Use of gun safety devices and safe storage practices are effective public health prevention strategies. A large share of unintentional firearm fatalities occur in states where gun owners are more likely to store their firearms loaded or even loaded and unlocked. Interventions aimed at keeping firearms locked, unloaded, and stored separately from ammunition are associated with fewer unintentional firearm deaths and firearm suicides.

MDH supports suicide prevention initiatives. The U.S. Centers for Disease Control (CDC) data indicates that guns drove the increase in all suicides. Specifically from 2019 to 2021, the suicide rate increased by 10%, while the non-gun suicide rate decreased by 8%.¹ Recognizing this, MDH supports establishing a stakeholder advisory committee to make recommendations regarding the development of the youth suicide prevention and firearm safe storage guide.

SB 858 specifically tasks the Deputy Secretary of Public Health Services to establish the advisory committee and develop the youth suicide prevention and firearm safe storage guide by January 1, 2024. While Public Health Services includes the Center for Injury and Violence Prevention, the Maryland Suicide Prevention Program lies within the Behavioral Health Administration (BHA), which also staffs the Governor's Commission on Suicide Prevention. To promote collaboration and inclusion of the various programs with expertise in suicide prevention and unintentional injury, MDH suggests amending the bill to: (1) task the responsibilities to the

¹ <https://publichealth.jhu.edu/new-analysis-guns-drove-the-increases-in-homicides-and-suicides-from-2019-to-2021>

Secretary of Health or designee rather than specifically the Deputy Secretary of Public Health Services to allow for greater flexibility and (2) modify the January 1, 2024 development date for the youth suicide prevention and firearm safe storage guide to June 30, 2024 to allow adequate time for the stakeholder group to meet and develop a useful guide.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at megan.peters@maryland.gov or (410) 260-3190.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.
Secretary

MDH Amendments

SB 858 – Firearm Safety – Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)

First Reader

On page 4, lines 25-26, strike “January 1, 2024, the Deputy Secretary for Public Health Services” and replace with “June 30, 2024, the Secretary of Health or designee”

On page 6, line 14, strike “Deputy Secretary for Public Health Services” and replace with “Secretary of Health or designee”

On page 6, line 26-27, strike “Deputy Secretary for Public Health Services” and replace with “Secretary of Health”

Art_Novotny_UNF_SB858.pdf

Uploaded by: Art Novotny

Position: UNF

Testimony of Art Novotny in OPPOSITION to SB858
“Firearms Safety—Storage Requirements”

Safe storage is indeed every firearms owners responsibility. I think my family and I do a very good job of keeping our firearms secured, although I do not know how we can comply with this law. We are competition shooters and involved in firearms training. Because we go through a lot of ammunition, we buy it in bulk for cost savings. Keeping that volume locked up just would not be feasible.

We unfortunately do not have children of our own, however our (just barely) minor niece may visit and house sit occasionally. It would seem that leaving her alone in the house would violate (C)(1) if there was any ammunition available, regardless of whether she even knew it. The violations would get even worse if she had to defend herself. This would seem to apply when she is at her own home, babysitting her younger sister as well, where she should also be able to protect herself and her family.

Though not 18, she is legally old enough to babysit. If she successfully stopped a home invasion with a firearm, protecting herself and her sister from potentially unspeakable harm, now her father would go to jail and become a prohibited person himself? **There needs to be some allowance for the civil right of self defense.**

This law is invasive into the sanctity of our home, which is repugnant enough, but it also creates crime where there is no victim other than (C)(3). How would any violation of (C)(1) or (C)(2) even be enforced? If a violation of (C)(3) resulted in suicide, don't you think the loss of their child is punishment enough? That family would be emotionally destroyed already. Taking away another family member to jail for three years just seems vindictive.

Are there any comparable regulations on the storage of alcohol, tobacco, or keys to motor vehicles? There should be. I have seen access to improperly stored alcohol by minors end or ruin exponentially more lives than firearms.

I ask for an unfavorable report (or include alcohol as requiring proper storage and a safe defense clause for the firearms).

Thank you,
Art Novotny
Aberdeen, MD
35A

SB 858 HB 307.pdf

Uploaded by: Cathy Wright

Position: UNF

SB 858 Firearm Safety – Storage Requirements and Youth Suicide Prevention
(Cross-filed HB 307)

I write in opposition to SB 858 (Senator Will Smith) and HB 307 (Delegate Sandy Bartlett), Firearm Safety – Storage Requirements and Youth Suicide Prevention. These bills attempt to criminalize how firearms are stored within gun owners' homes. Although "safe storage" laws may sound reasonable at first blush, the bills are unequivocally unconstitutional and hopelessly vague. For example, how does one comply with a bill requiring that firearms be left or stored unloaded and "rendered inoperable to anyone other than an adult?" What is the manner of storage in which the firearm is operable by an 18-year-old but is not by a 17-year-old or a prohibited person? The bills offer no definition for such storage and the ordinary gun owner would simply have to guess at the meaning of this requirement. The bills do not define a "secure location" or a "tamper-resistant" lock. Ironically, a trigger lock is sold as a security device approved by the Maryland Roster Board, but the trigger lock is not a "locked container" and is thus insufficient under these bills. The bills are unnecessary, because existing federal and Maryland laws already ban possession by a prohibited person, and a failure to store a firearm properly can be charged under Maryland's reckless endangerment statute. Finally, firearm safety and storage is a matter of personal responsibility, and every person's situation is different. It is unreasonable for the government to impose a one-size-fits-all solution. More importantly, mandatory storage laws invade people's homes and force them to render their firearms useless for immediate self-defense, which is unconstitutional. Surely the purpose of SB 858 and HB 307 is to encourage safe storage by gun owners, and for that I support Senator Smith and Delegate Bartlett. My preference would be to provide incentives for acquiring safe storage devices, and a bill sponsored by Senator Jill Carter, passed in the Senate last session. SB 773 created an Income Tax Credit for Firearm Safety Devices and promoted the purchase of gun safes and other devices designed to prevent a firearm from being operated without first deactivating the device. Senator Carter has reintroduced this bill as SB 655. Such an approach is constitutional and much more likely to lead to safe storage than ineffectually threatening and criminalizing law-abiding citizens. A bill backed by the National Rifle Association and gun control groups including the Virginia Coalition to Stop Gun Violence, is advancing through the Virginia General Assembly. Passed in both the Senate and House of Delegates, HB 2387 would allow people to write off up to \$300 in their state taxes for the purchase of gun safes or gun storage locks. "This bill is not about requiring people to do anything. It's not about banning anything. It's not taking away anything. It simply tries to give a tax credit to incentivize something that many law-abiding citizens already do," said Del. Alfonso Lopez (D-Arlington), the bill's patron. Similar tax credits have been passed in Michigan and Connecticut. We do have common ground and everyone wants safety. Please oppose SB 858 and HB 307. Thank you for your consideration.

Cathy S. Wright
7009 Boston Ave, North Beach, MD 20714

919.360.9484

cathywright1234@gmail.com

WatkinsOpposeSB858.pdf

Uploaded by: Charles Watkins

Position: UNF

335 Silky Oak Ct
Linthicum Hts, MD 21090
February 20, 2023

Re: Opposition to Senate Bill 858 (Storage Requirements and Youth Suicide Prevention (Jaelynn's Law))

To: Senator Smith

As a US military veteran and Maryland Resident, I **oppose** Senate Bill 858 (Storage Requirements and Youth Suicide Prevention (Jaelynn's Law))

A home resident should be able to protect themselves when an urgent and dangerous situation occurs, such as someone smashing through their door or window. The resident should be able to react immediately and quickly. The resident should not have to go to multiple locations to obtain their locked firearms and ammunition to be able to defend themselves.

I agree that firearms and ammunition should be stored in a secure location. However, I feel that a firearm should be able to be loaded with ammunition when securely stored. I do not believe that firearms and ammunition need to be stored in two different secured locations. Storing unloaded firearms or storing them in two different locations would require additional time to retrieve both the firearm, ammunition, and load the firearm in a life-threatening situation. This type of situation could end tragically for the home resident.

Additionally, I do not believe this bill should be considered until the Youth Suicide Prevention and Firearm Safe Storage Guide is developed by the Deputy Secretary for Public Health Services that is currently targeted to occur on or before January 1, 2024.

I request the Committee take no further action and abandon Senate Bill 858.

Sincerely,

Charles Watkins

dr.watkins@yahoo.com

SB858 Opposition Letter.pdf

Uploaded by: D.J. Spiker

Position: UNF

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

February 20, 2023

State Senate of Maryland
Judicial Proceedings Committee
Chairman William C. Smith Jr.
90 State Circle
Annapolis, Maryland, 21401

Dear Chairman Smith:

On behalf of our tens of thousands of members in Maryland, we ask you today to give an unfavorable report to Senate Bill 858 for the following reasons:

Increasing the age restriction

HB307 would change § 4-104 by substituting the term “minor” for “child” throughout the section. This has the effect of applying the firearm storage requirement to situations involving anyone under the age of 18.

Addition of prohibited persons

HB307 requires gun owners to take the same storage precautions to prevent access by a prohibited person as they would for a minor. The circumstances are somewhat different, as there are exceptions to the storage requirement for minors to use firearms in certain circumstances, whereas there are no such exceptions for prohibited person.

Limits the exceptions to rifles and shotguns

At present, the exceptions under which a child is permitted to have access to a firearm pertains to all “firearms.” HB307 would alter § 4-104 to limit that to only a rifle or shotgun.

Alteration of the certificate exception

HB307 would change § 4-104 by removing the certificate of firearm and hunter safety exception to the application of the statute. Meaning that even a responsible minor who has acquired such a certificate could no longer have access to firearm without also having express permission from a parent or guardian.

At present, the exemption in § 4-104(b)(4) creates a means by which a responsible child may have unsupervised access to a firearm. You might imagine a scenario where a 15-year-old get off from school at 2:30pm before his parents get home and would want to go hunting.

Under the HB307, a minor would need to have this certificate along with the requirement the minor

(II) HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF ENGAGING IN A LAWFUL ACTIVITY.

Further, HB307 further alters the § 4-104(b)(4) exemption to limit it to a minor’s access to rifles and shotguns, rather than all firearms. So, a .22lr pistol could not be stored in such a manner to permit a 17-year-old just home from school to

access it in order to plink or go hunting by themselves.

Loaded versus unloaded

HB307 would change § 4-104 by extending the storage requirement from covering only loaded firearms to both loaded and unloaded firearms.

Unclear storage requirements

HB307 provides that a person is exempted from the statute is,

(III) THE FIREARM: SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK;

The above language makes clear that not all locked containers are sufficient for firearm storage, as the container must have a “tamper-resistant” lock. “Tamper-resistant lock” is not defined for the purposes of this statute. Therefore, gun owners would not be able to know what storage arrangements meet this vague definition.

According to a word search, the term “tamper-resistant lock” does not appear anywhere else in Maryland code. The term “tamper resistant” does appear in relation to smoke alarms, giving no guidance on how it would be interpreted in this context.

Lowering the bar for a violation

The legislation changes the following existing language,

A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child **would** gain access to the firearm.

To,

A person may not store or leave a loaded firearm in a location where the person knew or **reasonably** should have known that **a prohibited person or** an unsupervised ~~child~~ **minor is likely to** gain access to the firearm.

This lowers the threshold for culpability. “Would” connotes that the person knew or should have known that the child was going to gain access to the firearm. The removal of “would” connotes that the person knew or should have known that the child may possibly gain access to the firearm.

The new language implicates a larger array of firearm storage arrangements, and is therefore, far worse.

Increased penalties

The penalty for a violation of the existing storage provision is increased from a misdemeanor with a fine of up to \$1,000 to imprisonment up to 90 days or a \$1,000 fine or both.

The legislation also creates new penalties based on the severity of the result of not properly storing the firearm.

If an unsupervised minor or prohibited person in fact gains access to the firearm it is a misdemeanor punishable by up to 2 years imprisonment or a fine of up to \$2,500 or both.

If an unsupervised minor or prohibited person in fact gains access to the firearm and an injury results, it is a misdemeanor punishable by up to 3 years imprisonment or a \$5,000 fine or both.

Legislation is unnecessary

MD Code, Criminal Law, § 3-204 provides,

(a) A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another;

The penalty for such conduct is a misdemeanor that carries up to five years imprisonment, a fine of up to \$5,000, or both.

There is recent caselaw (*Tabassi v. Carrol County Department of Social Services* (2018)) suggesting that this statute has been used to prosecute those who have left children with access to firearms.

The National Rifle Association respectfully requests that you *give an unfavorable report to House Bill 307*.

Sincerely,

D.J. Spiker
State Director
NRA-ILA

CC: Senator Jeff Waldstreicher
Senator Jill P. Carter
Senator William G. Folden
Senator Mary-Dulany James
Senator Mike McKay
Senator C. Anthony Muse
Senator Charles E. Sydnor III
Senator Alonzo T. Washington
Senator Chris West

DC-W_SB 858_UNFr.pdf

Uploaded by: Daniel Carlin-Weber

Position: UNF

Daniel J. Carlin-Weber
SB 858
Unfavorable
2/21/2023

I am a professional firearms instructor and advocate of responsible firearms handling and ownership. I teach through my Baltimore City-based company, C-W Defense, and hold numerous credentials related to firearms instruction including being recognized as a Qualified Handgun Instructor by the Maryland State Police. Since 2016, I have taught Marylanders from all walks of life how to safely operate firearms and the responsibilities that come with them. I come before you today to urge an unfavorable report for Senate Bill 858.

SB 858 seemingly aims to keep guns out of access from minors (taking existing state law from 16 and under to 18 and under), but the bill goes much, much further than that. Currently, Maryland Code, Criminal Law, §4-104 (c) states: “A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.” This bill expands on that by requiring adults to acquire storage devices for their firearms and ammunition, but somehow in a manner that prohibits access to those under 18. Finally, it would amend the Health Article by creating material related to suicide prevention and safe firearms storage. The State, as far as I’m aware, has never attempted this approach on firearms safety before and this educational method should be preferred and tried before doing as the General Assembly usually does by looking to make more criminal violations.

Frankly, there’s no ‘one way’ to store firearms safely. I teach my students that firearms storage within their homes should comport to their lifestyle considerations and should, at minimum, keep honest people honest. Despite how much money they spend, however, there is simply no way to prohibit all access. It is unclear by the terms of this bill what level of security would be adequate. The devices that many gun owners use for locking their guns are often the locks that came with their purchases and are approved by the Maryland Handgun Roster Board for use. These basic locks are also often handed out by organizations like Moms Demand Action and the National Shooting Sports Foundation. *Group passes out free gun locks in safety campaign*, 4WWL-TV, <https://www.wwtv.com/article/news/local/group-passes-out-free-gun-locks-in-safety-campaign/289-560410625>. They’re also not adequate under the bill because they are not storage devices themselves, but merely attempt to restrict the function of the firearm. The penalties within the bill could very well be used against entirely well-meaning people – again, not something this body should be focused on. Good security costs and purpose-made heavy-duty gun safes with stout locks start at many hundreds to even thousands of dollars. Should someone who was only able to afford a \$100 locking box be penalized because a crafty middle-schooler

managed to defeat its lock and gain access to the gun inside? That cannot be the aim of the bill.

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Safes are the best option to store firearms, but they are expensive and cost-prohibitive to many. Safes are also often very heavy or large and not everyone's living situation is suited to having such a device. Lockers (similar to safes, but usually made with thinner metals and lesser locking mechanisms) are not bad options as they are more budget-friendly, lighter, and more easily installed, and a locker will generally keep an honest person honest. That said, these devices can be defeated with crowbars and time—if the simple locks common to these devices aren't picked first. Quick-access safes are fine for one or two handguns and aren't harshly expensive, but even these have vulnerabilities. *AmazonBasics PS75EF: A Firearm Safety Device FAIL*, YouTube, uploaded by Handgun Safe Research, 8 Feb. 2021, www.youtube.com/watch?v=jt4zTEN9pPs. Information on exploiting the flaws in many storage devices are replete across the internet and videos like the above are easy to find. Another YouTuber, LockPickingLawyer, has an entire playlist dedicated to defeating gun-storage devices, viewable here:

https://www.youtube.com/watch?v=w4SjajIO5qo&list=PLpIvUbO_777w09aqKK-L-3eINJtxfKhKc.

The risk that entirely innocent gun owners who are trying their best to be responsible will find themselves confused and vulnerable to arbitrary and capricious enforcement of these new impossible-to-satisfy requirements is greater than zero and that is too high. Gun ownership is an individual right (*District of Columbia v Heller*, 554 U.S., 570 (2008)) and not one predicated on whether the citizen is able to spend another \$1000 or so on a safe for their guns or entirely prevent every possible way against unauthorized access from another. *Heller* also recognized that Americans have a right to *immediate* access to the means to be able to protect themselves within their homes and struck as unlawful the District of Columbia's requirement that firearms be kept locked and inoperable. This bill would have a similar effect if enacted.

Turning toward the portion of the bill that focuses on adding to the Health Article, education *should certainly* be tried related to objects as common as firearms in this country. Lawful gun ownership is often a taboo subject in public schools, but any attitude or attempt to minimize their current prevalence in our society or the reality that entirely regular people own and desire them is simply ineffective when it comes to safety. In the words of Wake Forest University Professor of Sociology, David Yamane, "Guns are normal and normal people use guns." <https://thereload.com/analysis-guns-are-normal-and-normal-people-use-guns/>. In a report from the RAND Corporation that seeks to gauge the prevalence of guns in American households as of 2020, they estimate that roughly 30 percent of Maryland homes have at least one gun in them. https://www.rand.org/content/dam/rand/pubs/tools/TL300/TL354/RAND_TL354.pdf. Gun ownership generally has been on the rise. <https://www.nssf.org/articles/nssf-retailer-surveys-indicate-5-4-million-first-time-gun-buyers-in-2021/>. Maryland does itself a disservice in avoiding educating the public on firearms safety generally, but providing purely factual materials on safe storage practices is a start.

I have not seen a good explanation of why Maryland's current storage provisions are inadequate. Willful or gross negligence should be the standard by which someone is penalized if their actions or inactions lead to harm. This bill doesn't do this, however, and instead, just threatens every gun owner in the state with prosecution because any minor might gain access to their firearm, despite storage that the typical person would find reasonable. The body should investigate ways to incentivize responsible and safe firearms storage solutions rather than relying on the threat of imprisonment.

I urge an unfavorable report on the bill as introduced, but do not object to amending the Health Article.



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SB0858_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: UNF



Senate Bill 858

**Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)**

UNFAVORABLE

As written, Senate Bill 858 intentionally makes it difficult for law-abiding Maryland citizens to legally own or possess a firearm in Maryland. It effectively negates the citizens' means to viable self-defense within the home.

"By a five to four margin, the Court held that the Second Amendment protects an individual right to possess firearms for lawful use, such as self-defense, in the home. Accordingly, it struck down as unconstitutional provisions of a D.C. law that required lawfully owned firearms to be kept unloaded, disassembled, or locked." <https://www.cga.ct.gov/2008/rpt/2008-r-0578.htm>

Issues Involving Definitions

§4-104(a)(3) & §4-104(b)(1)

The definition of the term "child" as a person under 16 years of age (Page 2, Line 5) is deleted and replaced with the term "MINOR," Page 2, Line 17) which is undefined in this section and there is no reference to any other section or statute which might clarify the definition. This is extremely significant because the term "MINOR" is the crux of the entire bill.

§4-104(b)(4)(III)1 (Page 3, lines 2-3)

Firearms must be stored in a "locked container" equipped with a "tamper resistant" lock. The definition of what the container's physical characteristics shall consist of is not addressed. Under the language of the bill, a cardboard shoebox with a padlock would suffice.

A medicine bottle with a so-called tamper resistant cap may be tamper resistant for a 4 year old child or a person with arthritic hands, but that same cap is not tamper resistant for a teenager. The term tamper resistant is unconstitutionally vague because it is undefined in the bill, and dependent upon a wide variety of circumstances making the term subject to arbitrary and capricious interpretation.

§4-104(b)(4)(III)1 (Page 2, lines 4-5)

As an alternative, firearms may be rendered “inoperable” to anyone other than the authorized adult. This provision presents two problematic issues; the term “inoperable” is not defined in this or any other section of applicable statute and exactly who and what constitutes an “authorized” adult and how the authorization is established not addressed and remains totally unknown.

The term “AUTHORIZED ADULT” appears only a single time, and then in the nebulous language “RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT.” The words “AUTHORIZED” AND “ADULT” are critical components, yet neither these words, nor the term “AUTHORIZED ADULT” are defined in this bill. (Page 3, Lines 4-5)

The phrase “RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT,” is excessively vague and subjective. Who will determine exactly who the “AUTHORIZED ADULT” is and exactly what constitutes “INOPERABLE” for any given firearm? What are the technological and psychological differences in what an 18 year old can do on his or her 18th birthday, and that the same individual could do the week before his or her 18th birthday?

Structural Issues:

§4-104(b)(5) (Page 3, line 6)

While the bill is not clear on this matter, a second standard for rifles and shotguns exists, and it introduces still more concerns regarding the legal definitions of terms used.

The exemption listed consists of two conditions; both of which must exist:

First, the minor must hold a firearm and hunter safety certificate issued under §10-301.1 of the Natural Resources Article. While this addresses the issue of firearms safety, it has no bearing on the issue of suicide which is allegedly a prime purpose of this bill.

Second, the “MINOR” “HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN FOR THE PURPOSE OF ENGAGING IN LAWFUL ACTIVITY” (Page 3 lines 9-11). The bill language is silent on exactly what constitutes “EXPRESS PERMISSION” and in what form “EXPRESS PERMISSION” must be given and/or documented.

Even more problematic is the question of who is responsible when the “MINOR” “HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN FOR THE PURPOSE OF ENGAGING IN LAWFUL ACTIVITY” but the minor chooses to engage in unlawful activity without the knowledge or permission of the parent or guardian.

§4-104(c)(3)(III) (Page 3, lines 29-30 & §4-104(d)(1-3),Page 4)

Increased penalties are provided in the event a prohibited person or minor's access to the firearm results in harm to the prohibited person or minor. There is no limit on how that harm came about and no direct causation between the firearm and the injury is required. In fact no discharge of the firearm is necessary under the language of this bill.

Because the language regarding contributory negligence is being deleted, this bill is clearly intended to produce a chilling effect on the possession of firearms by the citizens of Maryland.

Impact on Existing Handgun Qualification License holders:

The Firearms Safety Act of 2013 mandated safety training as a prerequisite to applying to purchase a handgun. Since 2013, approximately 2,265 instructors have trained over 300,000 citizens. Part of that training included Maryland gun laws. Oddly, Qualified Handgun Instructors are not included in the listing of entities who should be given access to the "YOUTH SUICIDE PREVENTION AND FIREARMS SAFE STORAGE GUIDE. Page 5, Lines 14-27 and Page 6 lines 1-2) If Senate Bill 858 becomes law, hundreds of thousands of Maryland citizens will in possession of obsolete information and will likely become instant criminals. Creating hundreds of thousands of criminals does nothing to enhance firearm safety.

Impact on Project ChildSafe:

Under the *Project ChildSafe* Program developed and funded by the National Shooting Sports Foundation (NSSF), law enforcement agencies throughout the state have been distributing firearm cable locks upon request and free of charge for many years. Because these cable locks have been distributed by law enforcement agencies, citizens will erroneously believe they comply with the law. Under the provisions of Senate Bill 858, they do not.

Summary

Senate Bill 858 is not about public safety. It is about escalating restrictions on the lawful ownership of firearms. It is a statement of unfounded and blind faith in the false promise of gun control as the ultimate solution for the social ills that plague our society.

Senate Bill 858 serves only to divert attention from the real problem by pretending to do something. In fact, it is all a deception. When this type of bill passes, the sponsors are quick to praise it, while at the same time laying the groundwork for next year's bill by saying "it is a good first step, but more needs to be done." That "more" is always more gun control.

According to the Governor's 2020 State Suicide Prevention Report, after firearms, 34% of suicides are a result of suffocation, which is polite term for death by hanging.

The third most common methodology at 12% is drug poisoning. According to the Centers for Disease Control (CDC), the 2020 death rate due to drug overdoses in Maryland is 44.6 per capita, up from 38.2 per capita in the previous year. This figure is 170% of the **combined** death rate attributed by the CDC to firearms and homicides and approximately 330% over the death rate for firearms injuries. (See Attachment #1)

Do those deaths not matter because they cannot be exploited to further a gun control agenda?

Senate Bill 858 would save far more lives if instead of focusing on the storage of firearms, it focused on the safe storage of controlled prescription drugs. (See Attachment #2 for information on the magnitude of the problem caused by unsecured prescription drugs.)

We respectfully request an unfavorable report on Senate Bill 858.

John H. Josselyn, Director
2A Maryland

Attachments (2)

Hearing Date: 02-21-2023

Maryland

[Print](#)



Key Health Indicators	
Fertility Rate	57.7 (births per 1,000 women 15-44 years of age)
Teen Birth Rate	13.1 (births per 1,000 females 15-19 years of age)
Infant Mortality Rate	5.6 (infant deaths per 1,000 live births)
Life Expectancy (at Birth)	76.8 years (2020)
Marriage Rate	4.3 (marriages per 1,000)
Divorce Rate	1.7 (divorces per 1,000)
Leading Cause of Death	Heart Disease
Drug Overdose Death Rate	44.6 (per 100,000) ¹
Firearm Injury Death Rate	13.5 (per 100,000) ¹
Homicide Rate	11.4 (per 100,000) ¹
COVID-19 Death Rate (Q2, 2022)	14.1 (per 100,000) ²

Source: <https://www.cdc.gov/nchs/pressroom/states/maryland/md.htm#print>

Attachment #2 – Page 1 of 2

Johns Hopkins Medicine

“What’s in your medicine cabinet?

A common way that people get opioids illicitly is by taking them out of other people’s medicine cabinets. Opioid medicines should be stored in a locked location.”

Source: <https://www.hopkinsmedicine.org/opioids/how-you-can-help.html>

Department of Justice

“HOW DID THIS OPIOID PROBLEM GET TO MY COMMUNITY?

Opioids, particularly diverted prescription drugs, often enter the community through the family medicine cabinet, theft and robbery of local pharmacies, and through fraudulent prescriptions.”

Source: <https://www.justice.gov/opioidawareness/opioid-facts>

CDC

According to the CDC, the death rate due to drug overdoses in Maryland is 37.2. This figure is 1.77 times the *combined* death rate attributed to firearms and homicides.

Source: <https://www.cdc.gov/nchs/pressroom/states/maryland/md.htm>

Yale School of Medicine

“The widespread illicit use of opioid painkillers begins more in bathroom medicine cabinets than back alleys, according to new Yale research published in the *Archives of Internal Medicine*.”

Source: <https://medicine.yale.edu/news/medicineatyale/opioid-abusers-have-supplies-close-to-home/>

American Society of Regional Anesthesia and Pain Medicine

“Opioids should be stored in their original packaging inside a locked cabinet, a lockbox, or other secure locations.” Unfortunately, anyone you know may seek out drugs like opioids for illegal use. Don’t keep opioids in obvious places like bathroom cabinets or on kitchen counters where others might find them.”

Source: <https://www.asra.com/page/2725/safe-opioid-storage-tapering-and-disposal>

National Center for Biotechnology Information, U.S. National Library of Medicine

“Pharmaceutical opioid prescribing, opioid use disorders, and related poisonings have increased substantially in the last decade. Pharmaceutical opioid deaths among youth have markedly increased. One area that has received relatively little attention is the role of home safety, given that parents are an important source of opioids for youth. Parents may intentionally share opioids with youth, due to low perceived risks or limited knowledge, and youth may divert opioids from parents’ medicine cabinets. Safe medication storage has long been mandated by treatment programs that provide pharmacologically supported treatment of opioid use disorders, but it is not generally encouraged or required for pharmaceutical opioids prescribed for pain. Greater attention is needed on the development, evaluation and implementation of three preventive strategies. These three strategies can be delivered in or supported by adult medical practices: 1) fully informing adults prescribed opioids about the risks of opioids to family members and others; 2) providing locked medication safe storage devices; and 3) educating parents on safe disposal options. However, a critical evidence base is still lacking for these opioid safety interventions.”

Source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4470841/>

Katie_Novotny_UNF_SB858.pdf

Uploaded by: Katie Novotny

Position: UNF

WRITTEN TESTIMONY OF KATIE NOVOTNY IN OPPOSITION OF
SB858

February 21, 2023

I am a law abiding gun owner, advocate for the right to self-defense, certified range safety officer, and a competitor in firearms competition. I oppose SB858.

Changing the law to include access to unloaded firearms instead of loaded firearms is a gross overstep. Unloaded firearms are no danger at all, except as a blunt object, similar to a brick, and much less dangerous than items available in most households; Kitchen knives, box cutters, saws, power tools, household chemicals, and prescription drugs.

Project ChildSafe (<https://projectchildsafe.org>) is a program created by the National Shooting Sports Foundation. They promote firearms safety and education. A huge project they have taken on is providing free gun safety kits. These include a cable lock to make a firearm unusable until it is removed. They have given out over 38 million gun locks. Under this proposed bill, these locks would not be adequate because they do not meet the impossible and vague standards of “tamper resistant” proposed by this legislation. These are free locks, available in every county of our state, securing firearms for people who believe they are safely securing their firearms from minors and complying with current laws. These people at the least will be forced to purchase some sort of safe, at great expense.

This proposed law is a direct violation of DC v. Heller, which protects the right to have a firearm readily available for self-defense in the home.

State law requires new handguns to leave the FFL with a lock. A list of approved locks is located here on the Maryland State Police website:
<https://mdsp.maryland.gov/Document%20Downloads/Approved%20Integrated%20Mechanical%20Safety%20Devices.pdf> These locks are also inadequate to meet the requirements of this law, although they were previously adequate.

The requirement to have ammunition “secure” is also vague, and unnecessary. If a firearm is secure with either a locking device or in a safe, there is no need to secure ammunition. Furthermore, requiring ammunition to be stored in a safe, which is how I personally interpret secure to mean for ammunition, because I don’t know what other means

would secure it, is prohibitively expensive. Safes are not inexpensive items, and one large enough to secure firearms as well as all of their ammunition is incredibly expensive.

As a firearms owner, I take responsibility for having my firearms stored safely. This protects my investment from damage caused by improper storage, as well as from theft. This bill, however is so hopelessly vague, that I don't know what is allowed. Historically, preventing a child from gaining ready access to a loaded firearm has been adequate.

This law allows prosecution of a firearms owner who thought they had properly secured their firearms in a manner considered generally reasonable by most people. However if a child does gain access, and does not even have to do anything with the firearm, if the police find out, under penalties in this bill, that person would then become a prohibited person. Over the possibility of a child coming in contact with an unloaded firearm.

There needs to be balance between public safety and rights. The current law does a fair job of treading that line. Unfortunately, sometimes things still happen. This bill is also unenforceable, unless the police are planning on going door to door to inspect storage devices. The only way anyone would likely know this law was violated was if the 3rd scenario happened, that a child does gain access and injures another or themselves. In that case, how is tacking on another meaningless sentence helping anyone heal from tragedy?

Rather than creating more legal quagmires, this body should be supporting common sense solutions such as Sen Carters SB 773 as amended last year which instead created tax credits for purchase of firearm storage devices. This is an effort that everyone should be able to agree upon.

Because of these reasons above, I request an unfavorable report.

Katie Novotny

District 35A

Katie.novotny@hotmail.com

MSI Testimony on SB 858 Final Storage.pdf

Uploaded by: Mark Pennak

Position: UNF



February 21, 2023

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 858

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4) all-volunteer, non-partisan, non-profit 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 OPPOSITION to SB 858 in so far as the Bill would amend MD Code, Criminal Law, § 4-104. MSI has no opposition to the provisions of the Bill that would enact a new subtitle 39A of the Health-General article of the Maryland Code.

The Bill:

The Bill would amend MD Code Criminal Law § 4-104. Specifically, current law provides that “[a] person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.” A child is defined for these purposes as a person “under the age of 16 years.” The Bill would change the definition of a child to any minor (a person under the age of 18 years). The Bill then provides that a person may not store or leave any firearm, loaded or unloaded, in a location where a person knew or reasonably should have known that **A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO** gain access to the firearm.

The Bill then creates three categories of prohibitions concerning such access. The first is simply that **A PERSON MAY NOT STORE OR LEAVE A FIREARM IN A LOCATION WHERE THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT A PROHIBITED PERSON OR IS LIKELY TO GAIN ACCESS TO THE FIREARM**, but the minor does **not** actually gain access. Such storage is punishable with 90 days in prison or a fine of \$1,000 or both. The second category is where such storage occurs and **A PROHIBITED PERSON OR AN UNSUPERVISED MINOR** such individuals does **GAIN ACCESS TO THE FIREARM**. Such storage is punishable by imprisonment up to 2 years and a \$2,500 fine or both. The third category is that the firearm is left **WHERE THE PERSON KNEW OR REASONABLY SHOULD HAVE KNOWN THAT A PROHIBITED PERSON OR AN UNSUPERVISED MINOR IS LIKELY TO GAIN ACCESS** and the minor’s

access RESULTS IN HARM TO THE PROHIBITED PERSON, THE MINOR OR TO ANOTHER PERSON. Such storage is punishable by up to 3 years imprisonment and a fine of \$5,000. The Bills then add a new subtitle 39A to the Health General article of the Maryland Code to impose an obligation on the deputy secretary for public health services to develop a youth suicide guide containing certain information. The Bill directs the Department to distribute the guide in specified ways but does not include firearm instructors in its list of recipients.

The Bill also creates a number of “safe harbors” for certain conduct or storage which are exempt from the Bill’s prohibitions. Specifically, the Bill retains current law exemptions for when minor access is supervised by a person 18 or older and where the prohibited person’s or minor’s access is the result of unlawful entry. The Bill adds an exemption for firearms that are stored UNLOADED, and the ammunition for such firearms is left IN A SECURE LOCATION WHERE A PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION **and** the firearm **is** left: 1. SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK; OR 2. RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT. The Bill also retains the existing law’s exemption for a minor who has a certificate of firearm and hunter safety issued by the State, but restricts that access solely to a rifle or shotgun and adds the caveat that the minor must have BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF ENGAGING IN A LAWFUL ACTIVITY.

Due Process:

Hopelessly vague is the exemption for firearms left or stored unloaded **and** “RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT.” It is virtually impossible to know what this means, as a practical matter. We know of no manner of storage in which the firearm **is** operable by an 18-year-old but **is not** operable by a 17-year-old or a prohibited person. The Bill offers no definition for such storage and the ordinary gun owner would simply have to guess at the meaning of this requirement. Under the Due Process Clauses of the Fifth and Fourteenth Amendments, a penal statute must “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). See also *United States v. Davis*, 139 S. Ct. 2319, 2325 (2019) (“Vague statutes threaten to hand responsibility for defining crimes to relatively unaccountable police, prosecutors, and judges, eroding the people’s ability to oversee the creation of the laws they are expected to abide.”).

The same principles obtain under Article 24 of the Maryland Declaration of Rights. Under Article 24, “[t]he void-for-vagueness doctrine as applied to the analysis of penal statutes requires that the statute be “sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties.” *Galloway v. State*, 365 Md. 599, 614, 781 A.2d 851 (2001). Under Article 24, a statute must provide “legally fixed standards and adequate guidelines for police ... and others whose obligation it is to enforce, apply, and administer [it]” and “must eschew arbitrary enforcement in addition to being intelligible to the reasonable person.” (Id. at 615). Under this test, a statute must be struck down if it is “so broad as to be susceptible to irrational and selective patterns of enforcement.” (Id. at 616). Thus, as the Maryland Court of Appeals has stressed, 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). The Bill is a penal statute and utterly fail to satisfy either the Due Process Clause or Article 24. If enacted, the Bill will likely fail in a pre-enforcement challenge on these grounds alone. *Pizza di Joey, LLC v. Mayor of Baltimore*, 470 Md. 308, 343-44, 235 A.3d 873 (2020).

Similarly vague is the exemption for a firearm that is stored UNLOADED and where the ammunition is stored in A SECURE LOCATION WHERE A MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION and where the firearm itself is SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK. The Bill does not attempt to define a “SECURE location.” Since the Bill does not define “SECURE,” it leaves the owner at sea as to the meaning of SECURE locations. The Bill does not even define “unloaded,” a term that is open to multiple meanings.

Finally, for the owner to be entitled to rely on this exemption, the firearm itself must be SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK. The Bill contains no definition or any standard to assess the meaning of “TAMPER-RESISTANT.” The dictionary definitions for the term “tamper-resistant” address the term in the context of prescription bottles or electronic devices, but those definitions do not address locks used to store items such as firearms. The term is not in general usage in the firearms industry. This requirement of a tamper-resistant lock is also unnecessary. It should be quite sufficient to the Bill’s purpose that the firearm is unloaded, that the firearm itself is locked in some manner.

Second Amendment:

Heller: The Bill also creates massive problems under the Second Amendment. A criminalization of home possession of a firearm is flatly unconstitutional under *District of Columbia v. Heller*, 554 U.S. 570 (2008). Under *Heller*, responsible, law-abiding adults have a constitutional right to keep firearms in the home in order to exercise their right of armed self-defense. The Second Amendment “**elevates above all other interests** the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *Heller*, 554 U.S. at 635. Thus, in *Heller*, the Supreme Court struck down as unconstitutional DC’s safe storage law that required a firearm to be “**disassembled or bound by a trigger lock** at all times.” (Id. at 628). The Court held this requirement unconstitutionally burdened the right to self-defense in the home because the requirement prevented residents from rendering their firearms “operable for the purpose of *immediate* self-defense.” Id. at 635 (emphasis added).

In *Heller*, the Court ruled that handguns could not be banned as “the American people have considered the handgun to be the quintessential self-defense weapon.” *Heller*, 554 U.S. at 629. Under the Bill, an unsupervised minor with a firearms safety certificate is only allowed to access a rifle or a shotgun with the express permission of his or her parents and is completely barred from accessing a handgun (loaded or unloaded). There is no exemption for emergency access to a handgun (or to a long gun if the minor does not have a certificate), such as to repel an armed intrusion into the home. Yet, such preclusion of emergency access to a firearm is flatly inconsistent with MD Code, Public Safety, § 5-133(d)(2)(iv), which allows possession of a handgun by a person under 21 “**for self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in**

which the person in possession is an invited guest.” Such self-defense uses by minors are hardly uncommon. <https://lawnews.tv/examples-of-kids-using-guns-to-defend-themselves/>. See also <https://www.wymt.com/content/news/14-year-old-girl-fires-gun-to-save-sisters-from-intruder-526603881.html> (14-year-old girl used a 9mm pistol to defend herself and her younger sisters from a home break-in). Under the Bill, such access by a minor for self-defense could result in three years of imprisonment for the minor’s parents, if the minor actually “harms” the home invader, and two years of imprisonment if the intruder runs away and the minor does not “harm” anyone. And that would be true even though the minor’s possession was perfectly legal under Section 5-133(d)(2)(iv). Respectfully, that result is absurd.

While the Bill pertains to storage rather than requiring that the firearms be locked up “at all times,” storage is a practical necessity for possession in the home as it is utterly impossible to wear or carry a firearm on one’s person 24/7. For example, one does not sleep or take a shower while carrying a firearm on one’s person. In *Jackson v. San Francisco*, 746 F.3d 953 (9th Cir. 2014), *cert. denied*, 576 U.S. 1013 (2015), the Ninth Circuit sustained (using intermediate scrutiny) a San Francisco safe storage law that required that a **handgun** be locked up in a container **or secured with a trigger lock** but exempted from that requirement a “handgun is carried on the person of an individual over the age of 18.” The Bill would likewise permit a person to carry a firearm on his or her person in the home, a right recognized by other Maryland laws. See, e.g., MD Code, Criminal Law, § 4-203(b)(6). Yet even though the Supreme Court denied review of the Ninth Circuit’s decision, the dissent of Justice Thomas and Justice Scalia from that denial is particularly powerful. That dissent would have taken the case because that San Francisco law “burdens their right to self-defense at the times they are most vulnerable—when they are sleeping, bathing, changing clothes, or otherwise indisposed.” *Jackson v. San Francisco*, 576 U.S. at 1013 (2015) (Thomas, J., dissenting). It is, of course, well established that a denial of certiorari has “no implication whatever regarding the Court’s views on the merits of a case which it has declined to review.” *Reed v. Texas*, 140 S.Ct. 686, 689 (2020) (Sotomayor, statement respecting the denial of certiorari) (citation omitted). The Bill, if enacted, would create an ideal opportunity for litigating the scope of *Heller’s* holding on this issue under the new standard of review established in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022) (discussed below). That opportunity will not be ignored.

In any event, the Bill applies to **all** firearms (other than antiques), not merely handguns, as in *Jackson*, and the storage requirements are more severe than presented in either *Heller* or in *Jackson*. Specifically, the Bill creates an exemption only where 1. the firearm is unloaded, 2. the ammunition for the firearm is stored in a “secure” location where a minor’s or prohibited person’s access is unlikely, and 3. the firearm itself must be locked up in a **LOCKED CONTAINER** that has a **TAMPER-RESISTANT LOCK**. A trigger lock, which DC thought sufficient under the statute **invalidated** in *Heller* as did San Francisco under the ordinance sustained in *Jackson*, is **insufficient** under the Bill. Indeed, these “safe harbor” provisions are likely illusionary. Securing the firearm in this manner is not likely to save the gun owner from prosecution should the minor or prohibited person gain access, through hook or crook, to the firearm or ammunition. That is because the Bill’s use of weasel words, e.g., “tamper-resistant lock” and “secure” location, to modify its provisions. If access is gained, then it is a sure bet that the “locked container” or the “secure” location for the ammunition will be deemed insufficient simply by exploiting the uncertainty inherent in these modifiers. The “safe harbors” in the Bill are not safe at all.

Ironically, a trigger lock is approved as a security device by the Maryland Roster Board under MD Code, Public Safety § 5-132(c), but a trigger lock is not a “container” and is thus insufficient under the Bill. Section 5-132(c) provides that “[a] dealer may not sell, offer for sale, rent, or transfer in the State a handgun manufactured on or before December 31, 2002, unless the handgun is sold, offered for sale, rented, or transferred with an external safety lock.” **None** of the devices on that Roster Board list of approved devices would be sufficient under the Bill because none are containers, much less containers with a “tamper-resistant” lock (whatever that means). See <https://bit.ly/3Ide9oH>. Such devices approved by the Roster Board also satisfy 18 U.S.C. § 921(a)(34) (defining a “secure gun storage or safety device” to mean “a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device”). Such devices meet the requirement imposed on federal licensees by 18 U.S.C. § 923(d)(1)(G), to have safety storage devices available at dealer locations. We see no possible justification for eliminating such approved devices. Under the Bill, a person purchasing a firearm with such an approved safety device could still become a criminal the moment he or she arrived home and stored the firearm using one of these **approved** devices. That creates a massive trap for the unwary. All these approved devices are better than nothing at all. In short, the Bill’s insistence on containers makes “the perfect the enemy of the good.” <http://bit.ly/3Emfo3T>.

Bruen: The proper analysis for cases arising under the Second Amendment is set forth in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 142 S.Ct. 2111 (2022), where the Court struck down as unconstitutional New York’s “proper cause” requirement for issuance of a permit to carry a handgun in public. The *Bruen* Court ruled that “the standard for applying the Second Amendment is as follows: When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation’s historical tradition of firearm regulation.” 142 S.Ct. at 2127.

The relevant time period for that historical analogue inquiry is 1791, when the Bill of Rights was adopted. 142 S.Ct. at 2135. That is because “Constitutional rights are enshrined with the scope they were understood to have when the people adopted them.” *Id.*, quoting *District of Columbia v. Heller*, 554 U.S. 570, 634–635 (2008). As stated in *Hirschfeld v. Bureau of Alcohol, Firearms, Tobacco & Explosives*, 5 F.4th 407, 417 (4th Cir.), *vacated as moot*, 14 F.4th 322 (4th Cir. 2021), *cert. denied*, 142 S.Ct. 1447 (2022), “[w]hen evaluating the original understanding of the Second Amendment, 1791—the year of ratification—is ‘the critical year for determining the amendment’s historical meaning.’” 5 F.4th at 419, quoting *Moore v. Madigan*, 702 F.3d 933, 935 (7th Cir. 2012) (citing *McDonald v. City of Chicago*, 561 U.S. 742, 765 & n.14). The Court stressed that “to the extent later history contradicts what the text says, the text controls.” *Id.* at 2137. Similarly, “because post-Civil War discussions” of the right to keep and bear arms “took place 75 years after the ratification of the Second Amendment, **they do not provide as much insight into its original meaning as earlier sources.**” *Id.*, at 2137, quoting *Heller*, 554 U.S. at 614 (emphasis added).

Under *Bruen*, the historical analogue necessary to justify a regulation must also be “a well-established and representative historical analogue,” not outliers. *Id.* at 2133. Thus, historical “outlier” requirements of a few jurisdictions or of the Territories are to be disregarded. *Id.* at 2133, 2153, 2147 n.22 & 2156. Such outliers do not overcome what the

Court called “the overwhelming evidence of an otherwise enduring American tradition permitting public carry.” 142 S.Ct. at 2154. Laws enacted in “the latter half of the 17th century” are “particularly instructive.” Id. at 2142. In contrast, the Court considered that laws enacted in the Territories were not “instructive.” Id. at 2154. Similarly, the Court disregarded “20th century historical evidence” as coming too late to be useful. Id. at 2154 n.28.

Under that standard articulated in *Bruen*, “the government may not simply posit that the regulation promotes an important interest.” 142 S.Ct. at 2126. Likewise, *Bruen* expressly rejected deference “to the determinations of legislatures.” Id. at 2131. *Bruen* thus abrogates the two-step, “means-end,” “interest balancing” test that the courts had previously used to sustain gun laws, including the storage law at issue in *Jackson*. 142 S.Ct. at 2126. Those prior decisions are no longer good law. So, the constitutionality of the Bill will turn exclusively on an historical analysis, as *Heller* and *Bruen* make clear that the term “keep and bear arms” in the text of the Second Amendment necessarily includes the right to possess (“keep”) and the right to carry (“bear”).

If the Bill is enacted, the State will find it impossible to carry its burden to justify the storage requirements under the test set out in *Bruen*. The Bill basically criminalizes the right to “keep” firearms unless the owner jumps through various hoops as to storage. We know of no appropriate historical analogue from the Founding era (or any other era) that could justify the requirements imposed by Bill. In order to be a well-established, representative historical analogue, the historical law must be “relevantly similar” to the modern law (Id. at 2132). *Bruen* makes clear that this analogue inquiry is controlled by two “metrics,” *viz.*, “how and why the regulations burden a law-abiding citizen’s right to armed self-defense.” Id. at 2133. The inquiry is “whether modern and historical regulations impose *a comparable burden* on the right of armed self-defense.” Id. (emphasis added). The Court thus ruled that “whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is *comparably justified* are ‘central’ considerations when engaging in an analogical inquiry.” (Id.) (emphasis added). As explained above, the Bill can no longer be justified by reference to any means-ends or intermediate scrutiny. Public safety concerns are irrelevant to the test.

The Bill Is Unnecessary: These requirements cannot be justified as necessary to bar access to a firearm by a prohibited person. Existing federal and State law already ban possession by a prohibited person and these bans extend not only to actual possession but to constructive possession. “Constructive possession’ of a firearm is established when a person, though lacking physical custody of the firearm, still has the power and intent to exercise control over the firearm.” *Henderson v. United States*, 575 U.S. 622, 626 (2015). Such constructive possession is a violation of federal law, 18 U.S.C. § 922(g)(1), which is punishable by up to 10 years imprisonment under federal law. 18 U.S.C. § 924(a)(2). Such constructive possession by a prohibited person also violates MD Code, Public Safety, § 5-133(b)(1) (regulated firearms), and MD Code, Public Safety, § 5-205(b)(1) (long guns). See, e.g., *Moore v. State*, 2106 WL 103352 (Ct.of.Sp.App. 2016). A violation of MD Code Public Safety, § 5-133(b), is punishable by imprisonment for up to 5 years and/or a fine not exceeding \$10,000. MD Code, Public Safety, § 5-144(b). A violation of MD Code, Public Safety, § 5-205(b), is punishable by up to 3 years of imprisonment and/or a \$1,000 fine. MD Code, Public Safety, § 5-205(d). These punishments are more severe than the punishments imposed by the Bill.

Persons who allow such access may be charged as accessories or as aiders and abettors or as co-conspirators. See 18 U.S.C. §§ 2, 3; MD Code, Criminal Procedure, § 4-204. See *United States v. Olson*, 856 F.3d 1216 (9th Cir. 2017); *Bellamy v. State*, 403 Md. 308, 334, 941 A.2d 1107, 1122 (2008). Allowing such access to a disqualified person is also chargeable under 18 U.S.C. § 922(d), a violation of which is a federal felony punishable by imprisonment for up to 15 years. 18 U.S.C. § 924(a)(8). See *United States v. Stegmeier*, 701 F.3d 574, 580 (8th Cir. 2012). Indeed, a failure to store a firearm properly can be (and has been) charged under Maryland's reckless endangerment statute. MD Code, Criminal Law, § 3-204. That statute provides that "(a) A person may not recklessly: (1) engage in conduct that creates a substantial risk of death or serious physical injury to another." A violation is "subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both." See <https://www.foxnews.com/us/baltimore-grandmother-indicted-9-year-old-boy-fatally-shot-teen-girl>. The Bill adds little to these existing severe prohibitions.

Unloaded Guns: The Bill would change the focus of existing law on access to a "loaded" gun into a ban on access to either a loaded or an **unloaded** gun. Criminalizing the possibility that a minor (any minor) might access an **unloaded** gun makes little sense as an unloaded gun cannot cause an accident. And the burdens imposed by the Bill are even more substantial because the Bill effectively requires the owner to store the unloaded firearm SECURED IN A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK, and that the ammunition be stored in A SECURE LOCATION WHERE A PROHIBITED PERSON OR MINOR IS NOT LIKELY TO GAIN ACCESS TO THE AMMUNITION. An unloaded gun is no more dangerous than a brick and far less dangerous than a knife or a baseball bat or many other household items. A firearm without ammunition is useless for armed self-defense.

Heller struck down the District of Columbia's "prohibition against **rendering** any lawful firearm in the home operable for the purpose of **immediate self-defense**." 554 U.S. at 635 (emphasis added). In *dicta*, the Court stated that "our analysis" did not "suggest the invalidity of laws regulating the storage of firearms to prevent **accidents**." (554 U.S. at 632). But that *dicta* cannot be read as swallowing the holding in *Heller*. Again, *Heller* held that the Second Amendment "elevates above **all other interests** the right of law-abiding, responsible citizens to use arms in defense of hearth and home." *Heller*, 554 U.S. at 635. "All" means all. See *Heller*, 554 U.S. at 636 ("the enshrinement of constitutional rights necessarily takes certain policy choices off the table"). Thus, storage laws may not require the owner to "render" any firearm unavailable for the owner to use for "immediate self-defense." Requiring a firearm to be stored "unloaded" **and** in "A LOCKED CONTAINER THAT IS EQUIPPED WITH A TAMPER-RESISTANT LOCK" **and** the ammunition locked up in a "secure" location makes access to the firearm for "immediate" self-defense quite impossible. A home owner would have to run and get the ammo at one location, unlock the unloaded firearm in another location, then load the firearm and chamber a round. There is nothing "immediate" about such a convoluted, time-consuming process. Criminalizing such storage of an unloaded gun is thus particularly unjustifiable under *Heller* and is utterly without any appropriate historical analogue as required by *Bruen*. See *Heller*, 554 U.S. at 631-32 (rejecting reliance on gunpowder-storage laws and a 1783 Massachusetts law).

If enacted, the changes made to Section 4-104 by Bill will quite likely lead to a Second Amendment challenge to Section 4-104, either in a facial challenge or as a defense to any

charges brought under Section 4-104. Such a challenge will likely not be limited to the changes made by Bill and thus could well result in the invalidation of the existing requirements *currently* imposed by Section 4-104. Section 4-104 has thus far escaped a constitutional challenge. That is not by accident. If this Bill is enacted, the resulting burdens on Second Amendment rights will be increased past the point of toleration. The Committee should ask itself whether the alleged benefits provided by the amendments to Section 4-104 are worth the risk that Section 4-104 will be invalidated.

A Final Note On Policy: We presume that the purpose of the Bill is to encourage safe storage by gun owners. That is a laudable goal and one that MSI fully shares and supports. However, that goal cannot be achieved through unconstitutional means. See, e.g., *South Carolina v. Baker*, 485 U.S. 505, 516 (1988) (“Congress cannot employ unconstitutional means to reach a constitutional end”). The State is simply not free to ignore *Heller* and *Bruen* and enact legislation as if those cases had not been decided. The State may not require any storage that makes the firearm unavailable for “immediate self-defense.”

We urge an alternative approach which is to encourage safe storage by through education and by subsidizing the purchase of gun safes and storage devices by gun owners. That latter approach was taken by Senator Carter in Senate Bill 773, as amended and passed in the Senate last Session. <https://bit.ly/3JXplrU>. SB 773 created an Income Tax - Credit for Firearm Safety Devices and promoted the purchase of gun safes and other devices designed to prevent a firearm from being operated without first deactivating the device. Devices thus obtained are much more likely to be used. That legislation has been reintroduced this Session as SB 655. SB 655 should be expedited and passed without delay. Prompt passage in the Senate might persuade the House to do likewise. We note that Virginia is moving on such a bill in a bipartisan manner. See <http://bit.ly/413hNu5>. Maryland should do the same.

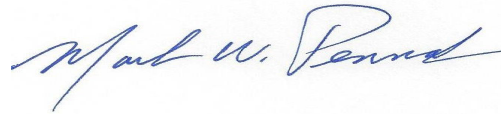
Such an approach is not only fully constitutional but is, in our view, **much more likely** to lead to safe storage than ineffectually threatening law-abiding gun owners with still more prison time. As Johns Hopkins Professor Daniel Webster told this Committee last month, the data is clear that harsh penalties do not deter or promote compliance. <http://bit.ly/3E0IAOB> (starting at 1:00 hr.). That reality is confirmed by the Department of Justice’s National Institute of Justice. See <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>. The Committee should be focused on accomplishing safe storage, not on punishment. The issue is too important for virtue signaling.

The Bill should be amended to invite the participation of the private sector in the development and the distribution of literature created under the amendments made by the Bill to the Health-General article. Such literature could be distributed more broadly, including to firearms instructors in the State, who would be free to distribute the material to students as they see fit. We caution, however, that the State may **not** mandate redistribution of such literature by any non-governmental entity as doing so would be a form of compelled speech which is a violation of the First Amendment. See, e.g., *National Institute of Family and Life Advocates v. Becerra*, 138 S.Ct. 2361, 2371 (2018). Educational programs, like the NRA’s time-tested Eddy Eagle program, should be promoted as part of this educational approach. <https://eddieagle.nra.org/>. In short, there is no reason to limit this educational effort to government actors.

The premise of the Bill is that the existing approach is not working. If so, then it is time to try something new rather than mindlessly doubling down on a failed approach. *Heller* and *Bruen* require the State to alter its “ban and imprison” approach to otherwise law-abiding gun owners. Safe storage is a good place to start.

We urge an unfavorable report.

Sincerely,

A handwritten signature in blue ink that reads "Mark W. Pennak". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

Witness Testimony (1).pdf

Uploaded by: Randall Morris

Position: UNF

My name is Randall Morris and I am a Maryland Qualified Handgun Instructor, a NRA Certified Pistol Instructor and a NRA Certified Range Safety Officer.

I find this bill unfavorable, has no real safety impact, causes harm to law abiding citizens, and most likely would get struck down if it were to become law.

SB 858 Firearm Safety - Storage Requirements and Y

Uploaded by: Theodore Mathison

Position: UNF

WRITTEN TESTIMONY IN OPPOSITION TO SB 858 (February 21, 2023)

Submitted by Theodore E. Mathison
322 Lazywood Court
Millersville, MD 21108
Email: tem2@verizon.net; Ph: 410-987-9591

Senate Bill 858 Firearm Safety – Storage Requirements and Youth Suicide Prevention

I am writing to oppose SB 858 because the Bill takes the wrong approach in trying to prevent youth suicide, and the Bill is unworkable.


There are several national organizations in the United States that for years have pushed for firearms safety among both adults and youth by providing, in some cases, free of charge, individual firearm locks. Perhaps millions of these locks are in circulation. They operate by keys, and if the keys are kept in a secure location, the locks are very effective. With SB 858's requirement that firearms be stored in "...a locked container with a tamper resistant lock...", "or rendered inoperative", the locking devices already in circulation would be relegated to the scrap heap.

Further, the Bill does not define what "... a locked container with a tamper resistant lock..." means. Is the lock supposed to be impossible to pick, impervious to force or what? Thus, meeting the requirements of the Bill is in the eyes of the beholder which would make it difficult or impossible to enforce. Further, if requiring "lockable containers" is meant to mean gun safes, the cost for a firearms owner will be significant. Safes, depending upon the locking system and construction, can cost anywhere from several hundred dollars to well over \$1,400. The cheaper safes have rather simple locking systems and generally offer less security than the more expensive ones. Thus, SB 858, if enacted, will force some individuals who many own but one firearm to make a significant financial outlay, or if financially pressed, chose to ignore the Bill's provisions.

Accordingly, would it not be more appropriate and effective for the State of Maryland to build upon the programs that already provide firearms owners with individual firearm locking devices rather than pushing for storage requirements that are ill-defined and unlikely to be effective? The cost to the State would be rather insignificant in comparison to the safety benefit that would be derived.

I urge that SB 858 receive an unfavorable report.

Sincerely,



Theodore E. Mathison

SB 858 Storage Requirements and Youth Suicide Prev

Uploaded by: Melissa Rothstein

Position: INFO



NATASHA DARTIGUE
PUBLIC DEFENDER

KEITH LOTRIDGE
DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

**BILL: SB 858 Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)**

FROM: Maryland Office of the Public Defender

POSITION: Informational

The Maryland Office of the Public Defender provides this information to highlight the impact of Senate Bill 858's revisions to Criminal Law § 4-104(c) and (d), which will establish incarcerable penalties for storing or leaving a firearm where a prohibited person or minor can gain access to the firearm, with increasing sentences available for actual access and use by a prohibited person or minor.

These provisions predominantly target parents and guardians -- specifically parents and guardians who may lawfully possess a gun, but on at least one occasion did not properly store it. Thus, its incarcerable penalties will inherently separate families. While proper gun storage is an important consideration in parenting, redressing it through incarceration is draconian. Educational measures, such as the guidebook proposed in the bill's additions to the Health Article, are far more effective and much less damaging.

Incarcerable penalties will not prevent improper storage of a firearm. Rather, they are more likely to increase criminality and instability among individuals and families. Even a few days of incarceration can have lasting and debilitating effects, including housing instability, unemployment, destabilized family relationships, and psychological trauma for both parents and children. Incarceration is known to have negative health consequences, and is ill-suited to provide even basic medical care, factors that have become more apparent and especially dangerous since the COVID pandemic began. Individuals returning home after a conviction are often precluded from various forms of government assistance, housing, and job opportunities — even after they have completed their sentences.

Racial disparities in both law enforcement and child welfare monitoring make unequal enforcement especially likely. The trauma associated with arrest and incarceration further contributes to ongoing health disparities for Black Marylanders.

Proactive measures that respond to concerns related to gun possession and use are more effective and warranted than additional crimes and penalties. The youth suicide prevention and firearm safe storage guide proposed under the bill is one such approach, and should be supported with further community investments for education about gun safety and storage.

Submitted by: Government Relations Division of the Maryland Office of the Public Defender.

**Authored by: Melissa Rothstein, Chief of External Affairs,
melissa.rothstein@maryland.gov, 410-767-9853.**