

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.wwltv.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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