



**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