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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.

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