

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.

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