



**House Bill 0021  
Criminal Procedure - Warrantless Arrest - Straw Purchase Participant  
UNFAVORABLE**

The Maryland General Assembly tends to want state gun laws which duplicate certain existing federal laws. The usual justification is the need for law enforcement to have “another tool in the toolbox.” House Bill 297, entitled the Maryland Gun Violence Act of 1996 placed a prohibition on straw purchases. Now, 28 years after House Bill 297 became law, relatively few prosecutions and fewer convictions have occurred.

Proponents of this bill may attempt to use the insignificant number of prosecutions as justification for passing this bill but the reasons for the small number are far more complex. The following data is taken from the Department of Justice publication *Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates, 2016*.

**TABLE 5**  
**Among state and federal prisoners who had possessed a firearm during the offense for which they were serving time, sources and methods used to obtain a firearm, 2016**

Source and method to obtain firearm	All prisoners	State	Federal
<b>Purchased/traded at retail source</b>	10.1%	9.7%	13.7%
Gun shop/store	7.5	7.2	9.6
Pawn shop	1.6	1.5	2.2
Flea market	0.4	:	:
Gun show	0.8	0.8	1.4
<b>Obtained from individual</b>	25.3%	26.0%	20.5%
Purchased/traded from family/friend	8.0	7.9	9.1
Rented/borrowed from family/friend	6.5	7.0	3.0
Gift/purchased for prisoner	10.8	11.2	8.4
<b>Off the street/underground market<sup>3</sup></b>	43.2%	43.2%	42.9%
<b>Theft<sup>b</sup></b>	6.4%	6.6%	4.7%
From burglary	1.5	1.5	:
From retail source	0.2	:	:
From family/friend	1.6	1.8	:
Unspecified theft <sup>c</sup>	3.1	3.3	1.8
<b>Other source</b>	17.4%	17.1%	20.1%
Found at location of crime/victim	6.9	6.7	7.9
Brought by someone else	4.6	4.7	3.6
Other <sup>d</sup>	5.9	5.6	8.5
<b>Multiple sources<sup>e</sup></b>	2.5%	2.6%	2.0%
<b>Estimated number of prisoners who possessed a firearm, excluding prisoners who did not report source<sup>f</sup></b>	256,400	227,100	29,300

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The report states: *“An estimated 287,400 prisoners had possessed a firearm during their offense. Among these, more than half (56%) had either stolen it (6%), found it at the scene of the crime (7%), or obtained it off the street or from the underground market (43%).”*

These numbers demonstrate that straw purchases are not a major source of firearms used by criminals. The major thrust of HB 0021 is to enable a law enforcement officer to make an arrest without a warrant. For this to be possible, the officer must be physically present at the time of purchase. This is very unlikely to occur. However, should such a situation arise, current technology enables an officer to obtain a warrant with little delay. There is no valid reason to trespass on the 4<sup>th</sup> Amendment.

House Bill 0021 is identical to House Bill 0159 which passed in the House during the 2023 Session but died in the Judicial Proceedings Committee without a Committee vote. This Session’s edition is likely to meet the same fate and for the same valid reasons.

We strongly support the prohibition of straw purchases. However, the existing federal and state laws are more than adequate to address the issue. Given the inherent problems with implementing the new and problematic provisions in this bill will do nothing to beyond adding yet another gun law to Maryland’s already extensive collection of gun laws. The citizens of Maryland do not need a broken tool in the law enforcement toolbox.

We respectfully request an unfavorable report on House Bill 0021.

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01/23/2024