

Maryland State Police Position Paper - SB0160.pdf

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Position: FAV



State of Maryland
Department of State Police
Government Affairs Unit
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: January 21, 2026

BILL NUMBER: Senate Bill 160 **POSITION:** Support

BILL TITLE: Public Safety - Licensed Firearms Dealers - Notification
Regarding Potential Compromise of Security Features

REVIEW AND ANALYSIS:

This legislation seeks to require licensed firearms dealers to notify the Secretary of the Department of State Police (DSP) that a burglary, attempted burglary, robbery, theft or any other event that may have compromised the security features of their facility within 24 hours after the dealer first discovers the compromising event. This reporting requirement is in addition to the reporting of any crime or attempted crime to the local law enforcement agency or Bureau of Alcohol, Tobacco, Firearms and Explosives.

Under current law, PS §5-145.1, a licensed regulated firearms dealer is required to maintain certain security requirements for their business. DSP Licensing Division is required to ensure every licensed regulated firearms dealer is in compliance with the law. DSP inspects every licensee annually before the renewal of the dealer's license. However, the dealer is not required to notify the DSP or any law enforcement entity if/when there is a failure of the security features or if these features have been compromised in any way between inspections. This is important because the law prohibits a regulated firearms dealer from storing firearms or conducting business if the dealer is no longer in compliance with PS §5-145.1.

For these reasons, the Maryland Department of State Police urges the Committee to give Senate Bill 160 a favorable report.

SB160

Uploaded by: Daniel Sagrera

Position: FAV



Testimony of Daniel Sagrera, State Policy Manager, Brady, Support for SB 160
Before the Maryland Senate Judicial Proceedings Committee

Chair Smith, Vice Chair Waldstreicher, and distinguished members of the Senate Judicial Proceedings Committee,

Founded in 1974, Brady takes a comprehensive approach to freeing America from gun violence by working to change the laws, change the courts, and change the culture across the country. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Brady continues to uphold Jim and his wife, Sarah's, legacy by uniting Americans across the country in the fight to end gun violence. **To this aim, the Brady Campaign to Prevent Gun Violence encourages legislators to support SB 160.**

Gun dealers play the critical role of gatekeepers to those wishing to acquire a firearm. Their conduct has a direct bearing on whether guns are diverted to the illegal market through straw sales or theft, or made available to individuals who would harm themselves or others. Theft of guns is a common channel through which legal firearms become illegal weapons, and it is the responsibility of Gun dealers to ensure that their businesses are not susceptible to theft. Gun theft is on the rise, and the threat of stolen guns to public safety is substantial. Nearly 175,000 firearms were reported "stolen or lost" by dealers between 2004 and 2011;¹ burglaries from dealers increased 48 percent, and robberies increased 175 percent between 2012 and 2016.² Most stolen guns are recovered in connection with a crime near the location where the theft took place.³ ATF has expressed concerns about persistent theft from licensed dealers in 2018, calling it one of the agency's primary "external challenges."

This legislation is critical to the assistance of the Maryland State Police in their goals to regulate Gun dealers and track down stolen guns. This bill strengthens oversight in Maryland to ensure that State Police have the tools they need to properly conduct oversight over Gun dealers and

¹ *Review of ATF's Federal Firearms Licensee Inspection Program*, Evaluation and Inspections Division, Office of the Inspector General, U.S. Department of Justice (April 2013), available at <https://oig.justice.gov/reports/2013/e1305.pdf>.

² Parsons Chelsea & Vargas Eugenio Weigend, *Stolen Guns in America: A State-by-State Analysis*, CENTER FOR AMERICAN PROGRESS (Jul. 25, 2017) available at <https://www.americanprogress.org/issues/guns-crime/reports/2017/07/25/436533/stolen-guns-america/>.

³ Freskos Brian, *Missing Pieces: Gun theft from legal owners is on the rise, fueling violent crime across America*, THE TRACE (Nov. 20, 2017) available at <https://www.thetrace.org/features/stolen-guns-violent-crime-america/>. to recent the Maryland must take reduce funding for the ATF further

keep track of the dealers that have had security compromised. The support offered to the State in increased oversight of firearms dealers is even more important in the face of an incoming Trump administration, which has pledged to further reduce funding for the ATF. It is crucial that Maryland take this step to ensure its firearms dealers are operating responsibly and providing notice to Maryland State Police within a reasonable time.

Conclusion

As firearm thefts have increased across the country and within the state of Maryland in past years, Marylanders have experienced major surges in both fatal and non-fatal shootings with tragic consequences. The epidemic of gun violence across Maryland necessitates commonsense procedures in place to help law enforcement conduct oversight, which SB 160 provides. **Brady urges legislators to support SB 160 to help prevent gun violence in Maryland and will help save countless lives.**

Sincerely,
Daniel Sagrera
State Policy Manager
Brady

SB160

Uploaded by: Mary Kenah

Position: FAV



Everytown for Gun Safety Testimony in Support of SB 0160

January 16, 2026

Chair Smith and Members of the Senate Judicial Proceedings Committee:

I submit this written testimony on behalf of Everytown for Gun Safety, where I am Counsel for state legislative advocacy. Everytown supports SB 0160 and requests a favorable report.

SB 0160 requires licensed gun dealers to report attempted theft or burglary resulting in damage to security features to the Maryland State Police. Under Maryland law, firearms dealers are required to implement a number of security measures, including site hardening (i.e., security gates or bars on windows), video surveillance, and alarm systems.

The notification required by SB 0160 enables State Police to check that dealers take measures to again comply with the requirements of the law after some or all of their security features have been compromised. Maryland State Police already have the authority to inspect or reinspect that dealer security measures are in place; this bill would also help them prioritize which dealers need to be inspected to ensure compliance with the law. Additionally, this notification will incentivize dealers to maintain and repair compromised security features, while alerting the State Police of potential break-in patterns and attempted theft of firearms.

A growing body of evidence demonstrates that gun dealers' sales practices affect the probability of guns getting to traffickers and that policies designed to hold dealers accountable can curtail the diversion of guns from the legal market. One study found that in-state trafficking was 64 percent lower in places with strong gun dealer regulations and oversight, and ATF data shows that gun dealers lose over seven times more guns to robberies in states without dealer licensing laws. Another study found that state licensing requirements and laws requiring or allowing inspections or audits of gun dealers were independently associated with significantly lower firearm homicide rates. In 2024, Maryland FFLs reported nearly 250 firearms lost or stolen from their inventory.

This bill helps direct Maryland State Police's inspection resources to the dealers that need it most, aiding in the robust implementation of Md. Code Ann., Pub. Safety § 5-145.1, which outlines security requirements for licensed firearms dealers.

On behalf of Everytown for Gun Safety, I request a favorable report.

Mary Kenah
Everytown for Gun Safety

Testimony in support of SB0160 - Public Safety - L

Uploaded by: Richard KAP Kaplowitz

Position: FAV

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01/21/2026

Richard Keith Kaplowitz
Frederick, MD 21703-7134

TESTIMONY ON SB#0160 - POSITION: FAVORABLE
Public Safety - Licensed Firearms Dealers - Notification Regarding Potential Compromise of Security Features

TO: Chair Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee

FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0160, **Public Safety - Licensed Firearms Dealers - Notification Regarding Potential Compromise of Security Features**

This bill supports gun safety by requiring a certain licensed firearms dealer to notify the Secretary of State Police within 24 hours after discovering that certain security features may have been compromised.

Everytown for Gun Safety reports

A personalized—or “smart”—gun is a firearm that employs authorized-use technology, like the thumb scan or passcode available on many smartphones, to turn stolen guns and guns accessed by children into harmless pieces of steel. If widely implemented, it would be a game-changer for keeping guns out of the hands of children and criminals.¹

Compromising of these safety features, as reported in an AI search of data about the problem, concluded that “Disabling or failing to properly maintain firearm security features—ranging from electronic safe locks to built-in mechanical safeties—poses significant risks, including accidental death, suicide, unauthorized access, and theft. When these security measures are bypassed or fail, it often results in dangerous consequences, particularly for children and vulnerable individuals.”²

This bill creates a reporting mechanism to identify firearms whose security features have been disabled making the weapon more dangerous to the community.

I respectfully urge this committee to return a favorable report on SB0160.

¹ <https://everytownresearch.org/solution/smart-guns-and-gun-safety-requirements/>

NSSF Opposition of SB 160 - Chris Kopacki.pdf

Uploaded by: Christopher Kopacki

Position: UNF

January 21, 2026

Senator William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, Maryland 21401

Re: Senate Bill 160 – Notification Regarding Compromise of Security Features- OPPOSED

Dear Senator Smith,

On behalf of the National Shooting Sports Foundation (NSSF), the trade association for America's firearms, ammunition, hunting, and recreational shooting sports industry, I am writing to respectfully oppose SB 160, relating to licensed firearms dealers and notification of potential compromise of security features.

SB 160 would require a licensed dealer who knows or reasonably should know that a burglary, attempted burglary, robbery, theft, or "any other event" may have compromised required security features to notify the Secretary of State Police within 24 hours of discovery, in addition to any reports already made to local law enforcement or ATF. In short, this is an unnecessary and duplicative requirement. If a burglary or other crime occurs, a dealer makes a police report. Local law enforcement can easily communicate this to the state police, if they do not already have access to the information. The burden should not be upon a business owner and employee.

Additionally, this bill is overbroad and vague in its current form. The "any other event" language is unclear and could force dealers to report minor or speculative incidents where there is no actual compromise of security. The 24-hour notice requirement, layered on top of existing reporting obligations, creates an additional administrative burden and risk for small businesses that are already heavily regulated and subject to extensive federal and state oversight.

For these reasons, I respectfully urge an unfavorable report on SB 160. Thank you for your consideration.

Sincerely,

Christopher G. Kopacki, Ph.D.

MSI Testimony on SB 160 and HB 284.pdf

Uploaded by: Mark Pennak

Position: UNF



January 21, 2026

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 160 and HB 284

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in OPPOSITION TO SB 160 and its cross-file, HB 284 (“the Bill”).

Existing Statutory Framework:

Maryland imposes an array of security requirements on dealers through the enactment of HB 1021, 2022 Maryland Session Laws, Ch. 55, codified at MD Code, Public Safety, §§ 5-114 and 5-145.1. Specifically, HB 1021 provides: (a) A licensed dealer may not conduct business and store firearms at a location unless:

(1) the premises on which the licensed dealer operates is equipped with security features, including:

(i) equipment capable of filming and recording video footage inside and outside buildings where firearms are stored;

(ii) at least one of the following features designed to prevent unauthorized entry installed on all exterior doors and windows of all buildings where firearms are stored:

1. bars;
 2. security screens;
 3. commercial grade metal doors;
 4. grates; or
 5. other physical barriers approved by the Secretary;
- (iii) a burglary alarm system that is continually monitored; and

(iv) if practicable, physical barriers designed to prevent the use of motor vehicles to breach all buildings where firearms are stored; or (iii) a room or building that meets the requirements under item (1) of this subsection.

(2) outside business hours, the licensed dealer locks all firearms stored on the premises in:

(i) a vault;

(ii) a safe; or

(iii) a room or building that meets the requirements under item (1) of this subsection.

Any violation of these requirements is punishable with a \$1000.00 civil fine for the first offense, suspension of the dealer's license for the second offense and revocation of the license for a third or subsequent offense. See new Section 5-145.1(b).

This Bill adds to these provisions by providing in a new subsection (b) to Section 5-145.1 the following:

A LICENSED DEALER WHO KNOWS OR REASONABLY SHOULD KNOW THAT A BURGLARY, ATTEMPTED BURGLARY, ROBBERY, THEFT, OR ANY OTHER EVENT MAY HAVE COMPROMISED THE SECURITY FEATURES REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL NOTIFY THE SECRETARY WITHIN 24 HOURS AFTER THE DEALER FIRST DISCOVERS THAT THE SECURITY FEATURES MAY HAVE BEEN COMPROMISED. The Bill does not alter the punishment provisions and thus adds any failure to notify as an additional reason for punishment.

Discussion:

The difficulty in this Bill is that in an obvious effort to be all-encompassing it is hopelessly ambiguous. The Bill imposes a requirement to report any "event" that "may have compromised" any of the multiple security features imposed by Section 5-141.1. The Bill does not define "compromise" or even require that the "compromise" be substantial or even meaningful. Any "compromise," no matter how slight, qualifies. If a customer dents a "physical barrier" with a car does that constitute a "compromise"? Does a dent in the "security screen" qualify? The Bill does not even require an **actual** "compromising" effect on security features. Rather, it imposes a reporting requirement merely if the "event" "**may have**" compromised any one of these features. It gets worse. **Actual** knowledge of a "compromise" is not required. Rather, dealers are subject to fines and license suspension and revocation merely if the dealer "should" have known of the compromise. The Bill thus imposes one vague term on top of another: It requires the dealer to report an "event" (undefined) that the dealer "should" have known (undefined) "**may have**" (undefined and hopeless broad) "compromised" (undefined but apparently to any degree, no matter how slight or insignificant) any **one** of the **multitude** of security requirements imposed by Section

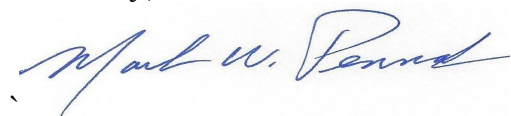
5-145.1(a). And it punishes the dealer with a \$1,000.00 fine for the first failure to report and license suspension or revocation for subsequent failures to report.

These requirements essentially accord the Maryland State Police unbridled enforcement discretion and fail to provide reasonable notice to dealers. That is a violation of the Due Process Clause of the 14th Amendment and Article 24 of the Maryland Declaration of Rights. See *Grayned v. City of Rockford*, 408 U.S. 104, 108-109 (1972) (“A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis”); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074, 1079 (4th Cir. 2006) (recognizing that “[a] statute is impermissibly vague if it either (1) fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits or (2) authorizes or even encourages arbitrary and discriminatory enforcement” (internal quotations omitted)); *Galloway v. State*, 365 Md. 599, 614, 781 A.2d 851 (2001) (same).

While the void-for-vagueness doctrine applies most vigorously to penal statutes, it also applies to laws imposing only civil penalties. *Neutron Products, Inc. v. Department Of The Environment*, 166 Md.App. 549, 609, 890 A.2d 858 (2006) (“Maryland courts have applied the void for vagueness doctrine to civil penalties”) (citing *Finucan v. Md. Bd. of Physician Quality Assurance*, 380 Md. 577, 591, 846 A.2d 377, *cert. denied*, 543 U.S. 862 (2004) (applying the void for vagueness analysis to regulations imposing sanctions on physicians); *Blaker v. State Bd. Of Chiropractic Examiners*, 123 Md.App. 243, 257 n.3, 717 A.2d 964 (1998) (applying void for vagueness analysis to regulations imposing sanctions on licensed chiropractors); *Tidewater/Havre De Grace, Inc. v. Mayor and City Council of Havre de Grace*, 337 Md. 338, 653 A.2d 468 (1995) (applying void for vagueness analysis to a local tax ordinance). Full application of the void-for-vagueness doctrine is appropriate where the challenged statute, though technically civil, imposes remedies that can be viewed as punitive. See *McDonnell v. Comm’n on Medical Discipline*, 301 Md. 426, 436, 483 A.2d 76 (1984). The fines and suspension/revocation provisions imposed by Section 5-145.1 obviously are punitive in nature.

The Bill as written is gross regulatory overreach. We urge an unfavorable report.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

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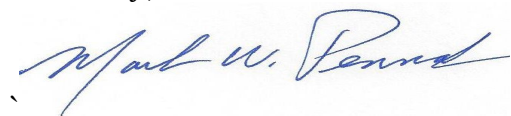
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