

Stoney Creek Fishing & Hunting Club
9090 Ft. Smallwood Rd.
Pasadena, MD 21122

February 5, 2020

SB 208: Public Safety – Rifles and Shotguns – Secondary Transactions

Testimony by Stoney Creek Fishing and Hunting Club

OPPOSE

The Stoney Creek Fishing and Hunting, Club has some 300 members and has been in existence for over 70 years. The Club **OPPOSES** SB 208. We oppose the Bill because its provisions are unclear leaving them open to misinterpretation and thus abuse, it would do nothing to prevent or discourage those who would use firearms for unlawful purposes, and perhaps most important, its provisions are unenforceable.

SB 208 has a number of provisions that are unclear at best. Under the Bill, a firearm may only be transferred, i.e. loaned on a “temporary” basis or sold to another person, through a Federal Firearms License (FLL) holder. There are exceptions to these restrictions such as loans “...at an established sport shooting range or club...”, “...during a lawfully organized competition...”, “... while the transferee is hunting...”, etc. The first concern is that “temporary” is not defined as to what it means or its duration. Does this mean the transfer may occur only while at a shooting facility during an organized event, or can the transferee use the firearm to practice at another time or place? Must the transferor be present at all times to accompany the transferee? Do the provisions of SB 208 apply to non-residents who come to Maryland to participate in shooting events, in particular, hunting? If so, will there be a negative economic impact on these sporting industries? We note the penalties under the Bill are severe, “...imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both for violations.” which seem extreme for violations that could easily result from a lack of clarity in the Bill’s language and its enforcement.

As to reducing the criminal use of firearms, it is difficult to foresee how the provisions of SB 208 will accomplish much of anything, particularly in Baltimore City. According to a Maryland Public Television report, *Hot Guns* “how criminals get guns”, Dan Noyes, Center for Investigative Reporting, the majority of firearms acquired for criminal purposes come from straw purchases followed by illegal sales by corrupt dealers, firearms lost, missing or stolen from FFLs, and unlicensed “street dealers”, “...who either get their guns either through illegal transactions with licensed dealers, straw purchases, or gun thefts.” In view of this analysis, it is challenging to imagine how SB 208 would have any impact on how criminals obtain their firearms.

As mentioned earlier in our testimony, perhaps the most important consideration in assessing SB 208 is its enforceability, or rather lack there of. The Bill requires all

SB 208

Testimony of Stoney Creek Fishing and Hunting Club

OPPOSE

February 5, 2020

Page 2

transfers, i.e. sales, of firearms between individuals (with several exceptions in Section 5-204.1.) be accomplished through FFL dealers. This is essentially the concept of “universal background checks”. However, when one looks at universal background checks, there is no way to enforce them. It is estimated there are upwards (subject to anyone’s guess) of 300 million firearms in the United States. The number in Maryland is much smaller, but the point is, no one knows how many firearms there are and who owns them. Even a rifle or shotgun purchased from a FFL dealer several years ago may be difficult or impossible to trace if it had changed hands several times. A U.S. Department of Justice, National Institute of Justice White Paper, dated January 4, 2013, stated the effectiveness of “universal” background checks “depends on...requiring gun registration.” Accordingly, in the absence of any sort of master firearms inventory, it would be extremely difficult, or perhaps impossible, for law enforcement agencies to determine whether a particular firearm had been “loaned”, or obtained through a secondary sale.

Finally, we believe it is important to look at the experience of other states with laws similar to that proposed by SB 208. California adopted a similar statute some 30 years ago. According to *The Trace*, January 25, 2020:

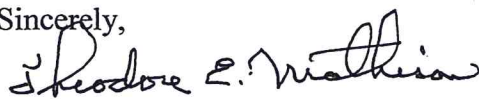
“...Additionally, many people just ignore the law. In a study conducted last October,large numbers of California gun owners disregard background check requirements nearly three decades after the policy was first implemented. One in four gun owners said they had purchased a gun without going through a check. That’s roughly the same proportion as gun owners in the rest of the country, according to the Harvard/Northeastern survey...”

“...In another study, Whitemute, Kagawa, and others found that in three states that had passed universal background check laws – Colorado, Washington and Delaware - only one saw the number of checks increase. Logically, if gun owners complied with the law and got checked for sales that would have previously been unregulated, the number of checks should have risen substantially...”

In view of the complexity and difficulty of determining whether or not a violation had been committed under the provisions of SB 208, is it realistic to expect any better results than that experienced elsewhere? And the compliance experience in the other states does not even address the question of firearm “loans”.

We believe SB 208 is a flawed bill, and recommend it receive an unfavorable report.

Sincerely,



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