

Testimony in Opposition to Senate Bill 0208 of 2020

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Representing Myself

SB208 has many fundamental flaws, requiring actions by Maryland holders of Federal Firearms Licenses (FFLs) that are incompatible with the Gun Control Act of 1968 (GCA) and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) implementing regulations. Those fundamental flaws will remain, absent changes to Federal law, and the issues that creates for commercial FFL dealers is likely well covered by testimony of others so I will only cover something that specifically affects me.

I am a collector of antique firearms, including antique cartridge-fired muskets. SB0208 derives its definitions of "Rifle" and "Shotgun" from § 4-201 of the Criminal Law Article. Those definitions, as written, include *all* cartridge shoulder-fired long firearms and do not exempt an "Antique Firearm", as also defined in § 4-201. This is a problem.

Under GCA, NICS checks can only be run for transactions of firearms as defined under GCA, and antique firearms are specifically excluded. So, under Federal law, a NICS check *cannot* be processed for an antique long gun according to 28 C.F.R. 25.6(a) . Therefore, under SB0208, it would be impossible to sell, transfer, or loan a single shot antique such as an 1866 Allin-conversion breech-loading Springfield musket or a Remington Number 1 Rolling Block Rifle in 56-50 Spencer caliber. 56-50 rimfire cartridges probably haven't even been manufactured commercially in a century and a half.

Most long guns produced for the sporting market after 1865 and before the 1898 cutoff date for the status of "antique" were cartridge arms, after the Civil War demonstrated just how obsolete side-lock percussion firearms were, even by 1860s standards. Probably the most famous cartridge sporting long gun from that era was the 1873 Winchester, the classic cowboy rifle, still used very actively in shooting competitions, by deer hunters, and by re-enactors. These are not guns chosen by criminals.

Antique long guns are not a crime problem in Maryland, or probably anywhere else in the United States. Yet this bill makes that aforementioned musket and lever-action antiques effectively impossible to buy or sell in this state. Why? Does that serve some non-obvious public purpose?

If violent crime is to be addressed, it needs to be done with laws whose authors have conducted appropriate due diligence investigation into Federal law that affects how the law can be complied with. SB0208 clearly does not pass that test, and should not be passed.