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MAJORITY WHIP

Judicial Proceedings Committee

Joint Committee on
Cybersecurity, Information Technology,
and Biotechnology

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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Senate Judicial Proceedings Committee

Senate Bill 208 – Rifles and Shotguns – Secondary Transactions

Senate Bill 208 closes a huge loophole in our public safety code, whereby private transfers of long guns are not accompanied by a background check. Maryland does not have universal background checks for sales or transfers of all firearms and this legislation fill the largest background check gap that currently exists in our code. A very similar bill passed this committee and the House last year, but the details matter. The House has made some revisions this year and the Senate must also take steps to strengthen the temporary transfer provision that we passed in 2019. SB 208 does not have the licensing provisions that were included in last year's First Reader; instead, this is a barebones background check bill that is nearly identical to laws that many other states have already adopted.

The obvious questions after the high drama of last year are 1) what were the differences between the House and Senate versions that were unresolved last year and 2) how do we plan to resolve those differences this year?

In short, this year the House has allowed shooting clubs to facilitate their activities with greater ease, limited liability for FFLs, added step-grandparents to the definition of exempted family transfers, and provided flexibility in the FFL transfer process so the buyer and seller don't have to simultaneously be at the FFL for the transfer process. Last year, the House bill had stronger provisions for temporary transfers, while the Senate passed limited language for selling to known criminals or those who the seller knows are disqualified from purchasing a firearm. Willful blindness should not be a defense to selling a gun to a dangerous criminal, so we urge passage of the full bill in front of you, with all of its safety measures.

SB 208 wouldn't bar someone from transferring a long gun to someone who requires protection against imminent security threats and nor did either version of last year's bill. Further, this bill does

not prevent someone from loaning a gun to a trainee or friend at a shooting range, while hunting, or even performance shooting, as long as that transfer is temporary, and transferor is not aware of any disqualifying crime committed by the transferee. It is also permissible under the language of this bill to permanently give or sell your gun to blood relatives, without any new restrictions in law. I would urge this committee and those prepared to testify against this bill to read the list of explicit exceptions carefully and separately. They address nearly every concern raised in past hearings.

This bill applies prospectively to rifle or shotgun transfers only, and merely requires a valid background check at the point of sale. The purpose of the point of a sale check is to ensure the buyer is not prohibited from having guns at that moment in time. This bill does not change the age at which people can purchase long guns, nor does it change the age when one may possess a gun, it just restricts the methods for which a child or adult may be transferred a gun permanently or temporarily.

Private second party transfers of guns are a serious problem in Maryland and around the country. Handguns are not the only type of firearm that are used to intimidate and harass. And, of course, there are deaths from long guns employed by criminals, need I remind you of the shooting last year at the Gazette? While we have updated laws to disqualify certain criminals from possessing firearms, without an accompanying background check requirement, the disqualification is in name only. The common sense of our proposal is this: a seller wouldn't necessarily know of someone's prior crimes that disqualify them from possessing a firearm if the seller does not, and is not required to, conduct a background check. Hence, we require a background check. Without this requirement, criminals who are technically disqualified from accessing certain firearms will continue to be able to flout the law and make a mockery of our system of justice.

Guns are frequently used to silence survivors of domestic violence, even when the trigger isn't pulled. Threats of gun violence use are hard to prosecute, but they certainly are effective when a lethal killing device is merely feet away, or accessible through a private sale without difficulty, even when the buyer is disqualified from purchasing under existing Maryland laws. The fear of having a gun accessible to a domestic abuser is palpable for survivors of domestic violence, and there are no statistics I have seen about threats made with guns. I don't think a threat of using a long gun is any less serious than a threat to use a hand gun.

The majority of gun deaths around the country are suicides and firearms are the most lethal method of suicide. There is a direct link between access to firearms and suicide rates, and there are not cliffs or tall buildings in every back yard, nor is there a willingness to involve other people in one's suicide when it involves throwing oneself out in front of traffic or a train. Most suicides are impulsive and access to lethal force is in many circumstances the difference between life and death. For Maryland's rural communities the overwhelming method of suicide is by firearm. Furthermore, the Red Flag law or Extreme Risk Protection Order (ERPO) that we worked diligently to pass just a few years ago can't function effectively if one can simply buy another gun from a stranger in a parking lot and bypass a background check completely.

For these reasons, I respectfully request a favorable report on SB 208.