

---

*Written Testimony of Katie Novotny in Opposition to SB 208*

---

February 5, 2020

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Maryland State Rifle and Pistol Association, Associated Gun Clubs, and the National Rifle Association. I am a certified Range Safety Officer with the NRA. I compete in multiple shooting events such as Steel Challenge, 3-gun, small bore, and vintage military rifle matches. I am an avid firearms collector. I strongly oppose SB 208.

This proposed bill regulates long guns more strictly than handguns. Currently, under State law, it is legal to temporarily loan a handgun to a non-prohibited person. This bill would criminalize that same behavior for long guns. Long guns are frequently lent by hunters, sportsmen, and competitors to their friends. Some sporting guns can get very expensive, upwards of \$2,000 sometimes. It is common for a sportsman to loan a long gun to a friend who is getting started in a sport, or to a friend who may not be able to afford that type of gun at that time. This is regular, innocent behavior that will be criminalized.

Furthermore, this bill punishes a loan of a long gun between law-abiding citizens much more harshly than the theft of a firearm. Under current law, the theft of a firearm does not even make the thief a prohibited person! It is treated as theft of personal property carrying a fine of \$500 and up to 6 months in prison for a first offense. This bill has a \$10,000 fine and 5 years in prison. A conviction from this bill would cause a person to become prohibited, for engaging in intrastate commerce that has been perfectly legal since before this country was a country.

The big problem with this bill is that it is proposing to increase Public Safety. Below is a chart of the FBI's Crime Data Explorer, Expanded Homicide Data. The numbers just do not support a law of this type. Rifles and Shotguns account for very few murders in Maryland every year. Even when combined, they account for less than Knives, Other Weapons, Hands and Feet, and Blunt Objects. If we were to actually follow the logic that this bill would like us to, we would at best, reduce murders by 14. Yet if we banned knives, like London, or required background checks on them, we would reduce murders by perhaps 74. We have seen how those policies have been a dismal failure in the UK. Requiring background checks for hands and feet could get us a reduction of 26, many more than by any long gun laws. Yet when we look at handgun statistics, which have been heavily FEDERALLY regulated for many years, (So we cannot blame neighboring states on lax gun laws) they have remained the largest portion of murders by far. In 2013, this body passed the Firearms Safety Act of 2013. So in addition to Maryland's policy of a 7 day wait, which is stricter than Federal law, the State now requires a Handgun Qualification License, mandatory training, and fingerprints. Yet murder, and murder with handguns continues to generally increase. So now the state would like to double down on failed policy, and further burden otherwise law abiding citizens who wish to exercise their Constitutional Right.

There are now studies conducted by UC Davis School of Medicine, and Daniel Webster of the Johns Hopkins Bloomberg School of Public Health that show that California's Comprehensive Background Check system did not reduce homicide or suicide rates. These studies can be found here:

<https://fee.org/articles/california-s-background-check-law-had-no-impact-on-gun-deaths-johns-hopkins-study-finds/> . Without strong evidence that policy such as this has a strong public benefit, it must not be enacted.

There are numerous other issues with this law. The legality of FFL's being asked to do a transaction "as though transferring the rifle or shotgun from the licensee's own inventory" for loans. This is asking an FFL to lie to the FBI, thus causing them to lose their license and livelihood. Also, this method was proven to not be legal when it was attempted in Nevada. FFL's are free to choose whatever is deemed "reasonable" as a fee to facilitate these transactions. What is considered reasonable? This is not defined. Paying this fee multiple times could create financial hardship for someone who needs to borrow a long gun, perhaps for self-defense. It is not unreasonable to believe that there could be a woman in need of protection, who has someone willing to lend a long gun for that purpose. This person perhaps cannot afford to purchase one, due to financial constraints, and obtaining a CCW is a pie in the sky dream for most people. Perhaps she has left an abusive relationship, and feels there is a risk of further abuse. Yet it is after 5pm, so her local FFL is closed. So she and a willing friend would not even be able to complete the transfer until the next business day. Does she risk the "imminent death" clause? That is wide open to interpretation. "Transfer lasts only as long as necessary to prevent imminent death or serious bodily harm". Who decided what counts as imminent?

This bill does not count Mother and Father in laws as immediate family. With the rising cost of living, more families are living as extended units. Or aged parents are moving in with children when they do not wish to live alone. Not allowing a loan between these individuals could cause someone to run afoul of this law when the behavior is innocent in nature. It can also be an issue when a couple may live in a small space such as an apartment, and for space or safety reasons, choose to store their firearms at one of the couples' parents houses. It is perfectly legal for say the son to store firearms at his parents, but if his spouse wishes to store them conveniently together at his parents' house, they would be violating this law.

There are other constitutional legality issues in this bill as well. There is no benefit, no increase in public safety. As long as the judicial system continues to nolle pros, and plead down charges, this murder rate we are seeing in Maryland, and particularly Baltimore City will continue to be unacceptably high. As long as criminals are not held responsible for their crimes, nothing will change. We need mandatory minimum sentences for repeat violent offenders, particularly those who use a firearm during the commission of a crime. We need to prosecute false statements on the 4473 form. We need to prosecute straw purchases when we discover them.

I request an unfavorable report.

Katherine Novotny

District 7

443-617-7568

Katie.novotny@hotmail.com

