



## Testimony in Support of H.B. 636 (Stein) Access to Firearms - Storage Requirements

**This testimony is submitted on behalf of Giffords and Giffords Law Center to Prevent Gun Violence to the Maryland House Judiciary Committee, February 19, 2020.**

Submitted by: Lindsay Nichols, Federal Policy Director, Giffords Law Center

On behalf of Giffords, the gun violence prevention organization founded by former Congresswoman Gabby Giffords, I would like to lend our support to the efforts of H.B. 636. This bill will strengthen the state’s law against providing a minor with unsupervised access to firearms. It will do this in several ways: by lifting the relevant age from 16 to 18 years old; by extending the law to both loaded and unloaded guns; by properly focusing the law’s language on the issue of access; and by creating graduated penalties for better compliance. Each of these changes is an important step that will make Maryland safer.

### PREVENTING UNDERAGE GUN ACCESS IS IMPERATIVE

This bill addresses a central responsibility of gun ownership: the duty to ensure that guns remain out of the hands of children and teenagers. Current Maryland law is unclear about the parameters of this responsibility. This bill will specify that gun owners have a responsibility to properly store their weapons whenever a child or teenager could gain access to the firearm.

Improperly secured guns in homes pose a clear risk, and too often result in tragic shootings, including unintentional discharges and suicides, that are all too common in America today. The best estimate is that 4.6 million minors in the US live in homes with at least one loaded, unlocked firearm.<sup>1</sup> These firearms are an unacceptable threat to our children.

Even when guns are kept locked, some gun owners have provided children or teenagers with access to the keys, combination, or other information that enables them to access a gun. This irresponsible behavior can lead to tragedies.

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<sup>1</sup> Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, “Firearm Storage in Gun-owning Households with Children: Results of a 2015 National Survey,” *Journal of Urban Health* 95, no. 3 (2018): 295–304.

This bill addresses the variety of scenarios by establishing a clear and straightforward standard: Gun owners must ensure that no minor can gain access to their firearms. This standard is applicable to a range of circumstances and puts the onus where it belongs: on the gun owner to properly secure their weapons.

A clear and enforceable law on this topic will make a difference. Estimates suggest that modest increases in the number of American homes safely storing firearms could prevent almost a third of youth gun deaths due to suicide and unintentional firearm injury.<sup>2</sup> Tellingly, numerous studies over the past 20 years have found that child access prevention laws can reduce suicide and unintentional gun deaths and injuries among children and teens by up to 54%.<sup>3</sup> Through this bill, Maryland will join those states that have the strongest laws on this topic.

### TEENAGERS SHOULD NOT HAVE UNSUPERVISED ACCESS TO GUNS

Unsecured guns threaten teenagers because they are a major source of weapons used in youth suicides and school shootings. The Wall Street Journal found that a gun from the home was used in 17 of 20 [school shootings](#) involving at least three victims since 1990. Preventing underage gun access can often prevent these horrific events.

According to the [National Institute of Mental Health](#), the human brain doesn't finish developing and maturing until the mid- to late-20s. The part of the brain that is responsible for planning, prioritizing and controlling impulses, is one of the last brain regions to mature. For this reason, teenagers should not have unsupervised access to guns.

Minors who live in homes with improperly secured firearms are substantially more likely to die by suicide. Guns are used in less than 1% of minors' suicide attempts, but account for over 40% of minors' [suicide deaths](#). Unsupervised gun access is therefore a major factor driving our nation's intolerably high rates of youth suicide: suicide is the second leading cause of death among children aged 10–14 and among young people aged 15–24.<sup>4</sup> In states where minors are more

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<sup>2</sup> Michael C. Monuteaux, Deborah Azrael, and Matthew Miller, "Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths," *JAMA Pediatrics* (2019).

<sup>3</sup> Emma C. Hamilton, et al., "Variability of Child Access Prevention Laws and Pediatric Firearm Injuries," *Journal of Trauma and Acute Care Surgery* 84, no. 4 (2018): 613–619. See also, Peter Cummings, David C. Grossman, Frederick P. Rivara, and Thomas D. Koepsell, "State Gun Safe Storage Laws and Child Mortality Due to Firearms," *JAMA* 278, no. 13 (1997): 1084–1086; Daniel W. Webster, Jon S. Vernick, April M. Zeoli, and Jennifer A. Manganello, "Association Between Youth-focused Firearm Laws and Youth Suicides," *JAMA* 292, no. 5 (2004): 594–601; Jeffrey DeSimone, Sara Markowitz, and Jing Xu, "Child Access Prevention Laws and Nonfatal Gun Injuries," *Southern Economic Journal* 80, no. 1 (2013): 5–25.

<sup>4</sup> Daniel W. Webster, Jon S. Vernick, April M. Zeoli, and Jennifer A. Manganello, "Association Between Youth-Focused Firearm Laws & Youth Suicides," *Journal of the American Medical Association* 292, no. 5



likely to use guns in suicides, minors are also much more likely to die by suicide. Laws that make it harder for minors to access unsecured guns and ammunition help to prevent these tragedies.

### UNLOADED GUNS CAN LEAD TO TRAGEDIES

A teenager bent on suicide or an atrocity may be determined to get a gun. The Internet provides teenagers with many videos and instructions on loading guns, so it is far too easy, once a teenager has access to a gun, for it to become loaded. That's why this bill will extend the obligation to keep loaded guns away from children and teenagers to unloaded guns. Improperly secured guns, whether they are loaded or unloaded, put kids at risk.

### PROPER ENFORCEMENT CAN SERVE JUSTICE AND PROTECT COMMUNITIES

This bill will create a system of graduated penalties that will improve storage practices and ensure proper enforcement so that unsecure guns do not lead to injuries or death. To address violations of the law, this bill provides:

- Any violation is punishable by up to 90 days.
- If a minor does in fact access the gun, the violation is punishable by up to two years.
- And if the minor does in fact access the gun and a person is injured or dies as a result, the violation of the law is punishable by up to five years.

This penalty structure would be consistent with the strongest laws in other jurisdictions, like California, D.C., and Florida.<sup>5</sup> They will also provide both law enforcement and the public with the incentives that will lead to better compliance. A prosecutor faced with evidence that a child had access to gun must decide whether prosecution is appropriate in the particular circumstances of the case. Similarly, a judge must decide what sentence will serve justice and best protect the community. This bill will ensure that prosecutors and court will have both the flexibility and guidance needed in these cases.

## CONCLUSION

Giffords appreciates this opportunity to support this important proposal to strengthen Maryland's gun laws. We strongly urge you to support this bill.

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(2004): 594–601.

<sup>5</sup> Cal. Penal Code §§ 25100, 25110, 25200; D.C. Code § 7-2507.02; Fla. Stat. §§ 790.174(2), 784.05.



## **ABOUT GIFFORDS**

Giffords is a nonprofit organization dedicated to saving lives from gun violence.

Led by former Congresswoman Gabrielle Giffords and her husband, Navy combat veteran and retired NASA astronaut Captain Mark Kelly, Giffords inspires the courage of people from all walks of life to make America safer.