

Stephen Johnston

1003 Tasker Ln.
Arnold MD 21012
SteveJohnston93@gmail.com

February 9, 2021

HB200 and SB479
OPPOSE

As a lifelong resident of Maryland I find these bills troubling in their ambiguity of wording as well as the difficulty of actually complying with them if passed. These bills will create new criminals out of Maryland residents and add more opportunities for previously law abiding Maryland residents to be branded criminals for the otherwise standard storage of firearms and ammunition that they have relied upon for years.

First the bill uses ambiguous terms when mandating storage of a firearm or ammunition, specifically the statement of how a minor "could" gain access to a firearm. Any safe, no matter how secure and well designed, can resist a determined person with tools bought at a hardware store or found in the garage such as an angle grinder and pry bar. As the saying goes "locks keep the honest people out." Under this bill, a gun owner would be made a criminal if a 17 year old broke into their house and forced open their safe. I feel the creation of a criminal out of a victim of a burglary is an oversight of this bill, and one that is ripe for arbitrary and discriminatory enforcement through the vague wording of if a minor "could" gain access. By leaving the wording so wide to interpretation, it gives police and prosecutors leeway for discretionary and arbitrary enforcement. Given the focus on police reform in other bills introduced this year, I highly doubt this is intentional.

To demonstrate how the wording of this bill is impossible to comply with, one only needs to look to the federal government security containers as defined in the standard, *Federal Specification: Door, Vault, Security* (Fed Spec. AA-D-600D: https://www.gsa.gov/cdnstatic/Door_Vault_Security.PDF), that only requires that security containers be able to withstand a mere ten minutes of effort for forced entry. These are safes and other security containers entrusted with storing our nations most sensitive of secrets, weapons, and valuable objects. Under the wording of this law they "could" be accessed by a determined minor since it's possible to gain entry. In fact, under the wording of this law, the armories at any military base or garrison in Maryland would fall afoul of this law since it is possible, though unlikely, that a minor could gain access to a firearm or ammunition.

This bill has requirements that are very similar to those struck down in the Supreme Court case *District of Columbia v. Heller*. Under *Heller*, law-abiding adults have a constitutional right to keep firearms in the home for self defense. In *Heller* the Supreme Court struck down as unconstitutional

the requirement to store a firearm “disassembled or bound by a trigger lock at all times.” finding that this created an unconstitutional burden on the right to self defense by preventing the firearms being “operable for the purpose of immediate self defense.” A requirement that pales in comparison to the requirements of the proposed bills to mandate “THE FIREARM IS LEFT OR STORED UNLOADED AND HAS BEEN RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT” This storage makes it impossible to use a firearm for immediate self defense as was a key point in *Heller*, specifically the requirement that the firearm be “rendered inoperable to anyone other than an adult.” Further, I’m unaware of any technology that renders a firearm “inoperable” to a person who is 17 or under and operable to a person who is 18 or older. This is impossible to comply with, no lock, safe, or existing technology that I’m aware of can discriminate based on age.

This bill would also destroy the ability for a person under the age of 18, but who holds a valid hunting license in the state (a current exemption under the law for firearm and ammunition access for the purpose of hunting) to engage in hunting. The bill text mandates that a minor would have to store ammunition in a way that a “MINOR COULD NOT REASONABLY GAIN ACCESS TO THE AMMUNITION.” It makes for a burdensome case where a minor is trusted with a firearm (with parental consent and a state issued hunting license) but not the ammunition they would need to hunt, furthermore the minor would have to store it in a way that they themselves could not access it. This creates a compliance nightmare that will, undoubtedly, catch many Maryland hunters off guard with the seemingly confusing layers of trust laid out in this bill. The bill will either deter hunting in the state of Maryland or it will be largely ignored, creating criminals out of minors and their parents for something they’ve practiced for years without an issue.

Sincerely yours,



Stephen Johnston
1003 Tasker Ln.
Arnold MD 21012
SteveJohnston93@gmail.com