

# Montgomery County Young Democrats Testimony to In

Uploaded by: DeLong, Michael

Position: FAV



## Montgomery County Young Democrats Testimony to Senate Judicial Proceedings Committee In Support of SB 479-Public Safety-Access to Firearms-Storage Requirements -Jaelynn's Law February 11, 2021

Chair Smith, Vice Chair Waldstreicher, members of the Committee,

Thank you for accepting our testimony. My name is Michael DeLong and I am writing this testimony on behalf of the Montgomery County Young Democrats in support of SB 479-Jaelynn's Law. MCYD is a group of young Democrats ages 14-34 who are dedicated to making Montgomery County and Maryland better places to live, with freedom, opportunity, and justice for all. Jaelynn's Law will help ensure that guns are safely stored and reduce unintentional shootings, saving lives.

This bill, SB 479, modifies and expands an existing ban on related to children's access to guns. It states that someone may not store or leave a gun in a location where they knew or should have known that an unsupervised minor could gain access to the gun. If they do this, they are guilty of a misdemeanor and subject to maximum penalties of one year's imprisonment, or a substantial fine. If the owner stores the gun in that location and an unsupervised minor does gain access to the gun, and the gun causes harm to themselves or someone else, they are also guilty of a misdemeanor and subject to a maximum of three years in prison or a \$5,000 fine.

The bill also increases the age of unsupervised firearm possession to age 18. It is named after Jaelynn Willey, a sixteen old girl who was shot and killed by an ex-boyfriend who used a handgun legally owned by his father, and which was not properly stored.

Jaelynn's Law is sponsored by Senator Will Smith and Delegates Dana Stein and Sandy Bartlett, and we thank them for their efforts. It will strengthen gun owners' accountability and responsibility for the safe storage of guns and prevent injuries and

deaths. Too many guns are not properly stored, and as a result children and teenagers often know where they are and can get access to them. Sometimes children play around with the gun, it goes off, and someone is hurt or killed. Or a teenager gets the gun and tries to use it in a fit of anger, not realizing the consequences, and someone is injured or killed.

These cases are heartbreaking-no family should have to go through that. Jaelynn's Law will encourage safe gun storage and promote accountability from gun owners and a change in the culture toward safety. Last year the bill came very close to passing, but we ran out of time because of the Legislature's early adjournment.

SB 479 will preserve life and marks a big step for safe gun storage. MCYD urges the Committee to support this bill.

**Testimony- Support SB 479- Jaelynn's Law- UULM-MD**

Uploaded by: Egan, Ashley

Position: FAV





## Unitarian Universalist Legislative Ministry of Maryland

### Testimony in Support of SB 479- Public Safety - Access to Firearms - Storage Requirements (Jaelynn's Law)

TO: Senator Will Smith, Chair, and Members of the Judicial Proceedings  
Committee

FROM: Janice Bird, MD UULM-MD Gun Violence Task Force Chair,  
Unitarian Universalist Legislative Ministry of Maryland.

DATE: February 11, 2021

We, Unitarian Universalists, believe that we all belong to an interconnected community responsible for the safety and well-being of all. We believe that victims and their family deserve our “thoughts and prayers.” However, when firearms are the cause of their suffering, we should take steps to prevent this harm, where possible.

Gun Violence affects all of us and we know that common sense gun laws have saved lives! Wendi Winters was one of our faith and a beloved, vibrant member of our Annapolis congregation. She was a victim of gun violence at the Capital Gazette shooting in June 2018.

Some of you were Maryland legislators when the Firearms Act of 2013 was signed into law. These measures have been demonstrated to be effective in decreasing gun violence without compromising the rights of law-abiding citizens.

Last year, we were able to testify in person for this Safe Storage and Child Access Prevention bill that would strengthen current Maryland law by decreasing access to guns by children under the age of 18. We know that unlocked guns in the home will increase the risk of accidental and intentional gun injuries and suicide. Studies have shown that preventing children’s access to guns will decrease suicides by guns and save lives.

The measure before you today is another tool to protect all of us from gun violence. We ask our legislators to stand on the side of love and justice and vote for this bill and others that strengthen Maryland’s gun violence prevention laws.

We urge a favorable report,

*Janice Bird, MD*

**SB479.pdf**

Uploaded by: Herren, Karen

Position: FAV



## Testimony in Support of Child Firearm Access Prevention SB 479/HB 200

Karen Herren, JD, Director of Legislative Affairs  
Marylanders to Prevent Gun Violence

February 11, 2021

Dear Chair Smith, Vice-Chair Waldstreicher, and Members of the Committee,

Marylanders to Prevent Gun Violence is a statewide grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland, with a particular focus on reducing urban gun violence and gun suicide. Our work ranges from addressing data-driven legislative change, leading a violence intervention and prevention coalition, and running programs for at-risk children. Our mission is to work toward ending the cycles of violence that plague our state. We do this by following the data and advocating for changes that we know can make a difference. **We urge the committee to vote FAVORABLY on Senate Bill 479 to strengthen Maryland's law governing a child's access to firearms.**

Current Maryland law requires gun owners to store firearms away from where a child under the age of 16 would gain access. There is no requirement to lock firearms or to keep them stored unloaded. The American Academy of Pediatrics' recommends that gun owners store all household firearms locked and unloaded. Maryland's current law is not in line with this recommendation and does not apply if the child is 16 or 17 years old. Nationally more than 1.7 million youth live in households with firearms stored in a manner inconsistent with these safety guidelines. This legislation is needed to provide clearer gun storage guidelines for Marylanders to follow and to reduce these completely preventable tragedies.

Gun owners are often misinformed about the risks associated with unsafe gun storage practices. In an effort to promote the gun-owning lifestyle, gun rights organizations often rely on a message of fear to persuade people that they need a gun for safety. This mindset may lead one to feel that they must have a firearm easily accessible. In reality the bigger threat to family safety comes from a poorly secured firearm. The risks of an unintentional shooting, suicide, or of a firearm being turning on the person attempting to use it to defend themselves is far greater than the threat of some unnamed evil. As Harvard researcher, David Hemingway stated in an [interview](#) with NPR, "The average person ... has basically no chance in their lifetime ever to use a gun in self-defense. But ... every day, they have a chance to use the gun inappropriately. They have a chance, they get angry. They get scared."

Compounding this risk, is the escalating number of gun owners in the state of Maryland. While these numbers are still being calculated, the [Baltimore Sun](#) reported in December that Maryland has seen a 76+% spike in FBI background checks in 2020 (this is in the first 11 months). The national spike appeared to be 49% at the same point. The [Washington Post](#) reported in January that the national gun sales of 23 million over the entire year represent a 64% increase over 2019 numbers. This number included more than 8 million first time buyers. The Baltimore Sun article referenced above ranked Maryland as the sixth highest state topped only by Michigan, Alabama, Arizona, Georgia, Utah, and Rhode Island. Depending on the survey relied upon, new gun owners constituted between 34-40% of these purchases. The combination of these numbers and the percentage of gun purchasers who are not utilizing adequate storage methods, is a deadly combination to our children.

Guns are now the second leading cause of death for children under 18 in the United States. (Source: [Giffords](#)/CDC WISQARS) Suicides and unintentional shootings make up almost 40% of Maryland's gun related deaths. (Giffords Fact Sheet) Accidental gun deaths occur mainly in those under 25 years of age. In 2014, 2,549 children (age 0-19) died by gunshot. An additional 13,576 were injured. Meanwhile victims use guns for self-defense in less than 1% of contact crimes. Victims using a gun are no less likely to be injured after taking protective actions than victims using other forms of protective action. Self-defense gun use does not appear to be uniquely beneficial in reducing the likelihood of injury or property loss. (See NPR's Here & Now citation above). On the contrary, a gun in the home is linked to higher rates of death and injury from firearms including increased risks of accidents, violent domestic altercations, and suicide. In other words, the risk to children of an unsecured weapon in the home is much greater than that of a lack of quick access to a firearm for the purpose of self defense. We must look to mediating the inherent risks of having firearms in homes with children.

Safer storage of firearms will reduce youth and young adult suicides by making it harder for those acting impulsively to gain access. Firearms are a sadly effective method of attempting and completing suicide. Behavioral characteristics associated with adolescence, such as impulsivity, feelings of invincibility, and curiosity about firearms make this a particularly important age to protect.

Instances of children gaining access to firearms are not isolated cases. In September, an 11-yr-old Baltimore boy was injured when he gained access to a firearm while home [alone](#). Also in September, a three-year-old gained access to a gun and shot himself in the [hand](#). On Christmas Day in Charles County, 17-year-old Edwin [Juarez](#) was shot and killed when his 13-year-old friend fired a weapon the teenagers were handling into Edwin's upper body. None of these kids should have had access to a firearm. One lost his life. All of the others will carry this with them for the remainder of their lives. Safe storage would have prevented these tragedies. And of course, we cannot forget the horrific shooting at Great Mills High School in St. Mary's County in 2018 where a 17-year-old used his father's firearm to kill 17-yr-old Jaelynn Willey and injure 14-year-old Desmond Barnes before taking his own life. The 911 calls logged from that day as reflected in this [Baltimore Sun](#) article are devastating. We can prevent future tragedies like this by making sure that

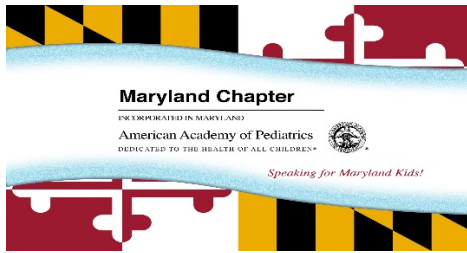
youth access to firearms is reduced through mandates to store them in the safest way possible.

The sensible strategies set forth in this piece of legislation provide much needed protection while respecting the right to own and possess a firearm. **MPGV urges the committee to vote FAVORABLY on SB 479 to strengthen Maryland's law governing a child's access to firearms.**

# **SB0479\_FAV\_MDAAP\_Access to Firearms - Storage Requi**

Uploaded by: Kasemeyer, Pam

Position: FAV



TO: The Honorable William C. Smith, Jr., Chair  
Members, Senate Judicial Proceedings Committee

FROM: Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman

DATE: February 11, 2021

RE: **SUPPORT** – Senate Bill 479 – *Public Safety – Access to Firearms – Storage Requirements (Jaelynn’s Law)*

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The Maryland Chapter of the American Academy of Pediatrics (MDAAP) is a statewide association representing more than 1,100 pediatricians and allied pediatric and adolescent healthcare practitioners in the State and is a strong and established advocate promoting the health and safety of all the children we serve. On behalf of MDAAP, we submit this letter of **support** for Senate Bill 479.

Senate Bill 479 strengthens Maryland’s current requirements for a minor’s access to firearms and firearm storage. The bill increases the age of a “child” from 16 to 18 for purposes of application of the storage requirements and specifies the requirements for minors to have access to firearms and for their storage. The legislation also strengthens current penalties for failure to store a firearm as specified to include the potential imprisonment not to exceed three years if a minor is harmed by as a result of the failure to properly store the firearm.

It has been well documented that the presence of unlocked guns in the home increases the risk of both accidental and intentional gun injuries. In fact, the vast majority of the guns used in youth suicide attempts and unintentional injuries were guns that were in the residence of the victim, a relative, or a friend. Strengthening Maryland’s firearm storage requirements will keep dangerous firearms out of the hands of children and will reduce community and school shootings, unintentional shootings, and youth suicide. Passage of the storage requirements included in Senate Bill 479 are long overdue. MDAAP urges a favorable report.

**For more information call:**

Pamela Metz Kasemeyer  
J. Steven Wise  
Danna L. Kauffman  
410-244-7000

# **Final Brady MD Written testimony Jaelynn's law SB4**

Uploaded by: Landau, Mindy

Position: FAV



## **Testimony in Support of Jaelynn’s Law/Child Access Prevention and Safe Storage (SB 479)**

By Mindy Landau, Maryland State Executive Committee, Brady United Against Gun Violence

Before the Maryland Senate Judicial Proceedings Committee

February 11th, 2021

Thank you for the opportunity to submit testimony in support of the passage of Jaelynn’s Law, SB 479, which will strengthen safe storage requirements for gun owners for the purpose of reducing child access to firearms.

Every year in the United States, nearly 40,000 people are killed and 90,000 people are injured by gun violence. As we at Brady call it, “family fire,” accounts for a majority of these terrible tragedies. Family fire is a shooting involving an improperly stored or misused gun found in the home that results in death or injury. Unintentional shootings, suicides and intention shootings are all forms of family fire. Every day, 8 children and teens are unintentionally injured or killed due to family fire -- **every day!** This is especially alarming because it’s so preventable. While the majority of gun owners do adhere to safe storage practices, the sad truth is, 4.6 million children live in homes with access to an unlocked or unsupervised gun. Hundreds of children's lives could be saved each year if an additional 20 percent of gun owners with children stored their guns securely.

Sadly, studies show that firearms are used in approximately 40 percent of suicides among children, and roughly 5% of the 23,000 annual suicides by firearms are minors under the age of 18 (calculated using data from CDC, 2019). Additional studies show that in more than three-fourths of youth suicides for which firearm storage practices could be identified, the gun used by the child had been stored loaded and unlocked. And studies of adolescent and adult suicides have found that those who died by firearm suicide lived in homes where guns were less securely stored.

First time gun owners, who make up a large part of the number of gun purchases over the past year, are at greater risk because they have not had access to proper training. Due to the COVID-19 pandemic and the subsequent panic buying that occurred throughout 2020, there are new thousands of new gun owners in Maryland, many of whom may not have knowledge on how to properly use, handle, clean and store guns, increasing the risk of unintentional shootings.

By raising the minimum age of unsupervised firearms possession to 18 years of age, ensuring that guns are not stored where a minor could gain access, and providing for a graduated system of penalties commensurate with the harm cause by a failure to securely store a weapon, this bill will strengthen gun owners’ accountability and responsibility for the safe storage of firearms. For these reasons, Brady Maryland unequivocally supports the passage of SB479.

# **testimony on Jaelynn's law pdf.pdf**

Uploaded by: LeWinter, Andrea

Position: FAV

My name is Andrea LeWinter and I live in Maryland District 13.

I support passage of SB479/HB200, "Jaelynn's Law." This law is critical and necessary to strengthen safe storage of guns to reduce the opportunity for children to get access to firearms.

Unsecured firearms greatly increase the risk of unintentional shootings, homicide, and suicide; for children, this can mean accidental shootings, self-harm, and school shootings. Children are at an age where they cannot fully understand the consequences of their actions and should not be placed at risk due to an adult's careless failure to safely secure a firearm.

By increasing the age of unsupervised firearm possession to 18 years of age, the bill will promote that adults must remain responsible and vigilant in securing guns in order to protect all children, not just the youngest. The bill provides for a graduated system of penalties commensurate with the harm caused by a failure to securely store a weapon, so that the focus can remain remedial and punishment will be equitable.

I hope you will vote to support SB479/HB200.

**CAP Testimony SB 479- 2 -7 -21 final.pdf**

Uploaded by: Lieberman, Jim

Position: FAV



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY  
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY,  
MARYLAND  
ON FEBRUARY 11, 2021  
BEFORE THE SENATE JUDICIAL PROCEEDINGS COMMITTEE  
IN SUPPORT OF SB 479**

Honorable Chair William C. Smith, Vice-Chair Jeff Waldstreicher, and Members of the Senate Judicial Proceedings Committee:

The Critical Issues Forum: Advocacy for Social Justice (CIF), provides its testimony in support of SB 479, to prevent child access to firearms. Composed of Temple Beth Ami, Kol Shalom, and Adat Shalom, CIF is a coalition of synagogues that include over 1,750 households and 3 denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF serves as a vehicle for our congregations to speak out on policy issues that relate to our shared values, including the Jewish tradition's emphasis on the sanctity and primary value of human life.

The sponsors of SB 479 choose a short title—Jaelynn's Law—in honor of Jaelynn Willey, a 16-year-old student at Great Mills High School, who was murdered by a 17-year-old classmate. That classmate used a Glock handgun legally owned by his father. The current law, which relates to children under age 16, did not apply to this horrific incident. Jaelynn's Law amends and improves current law by:

1. Changing "unsupervised child" to "minor," up to 18 years of age;
2. Requiring safe storage of unloaded guns as well as loaded weapons;
3. Imposing liability when a minor "could" get access to the firearm; and
4. Including a graduated penalty for failing to safely store a firearm.

These amendments are particularly important given the increased gun sales in Maryland—a more than 75% increase in the first 11 months of 2020 over 2019 as evidenced by FBI background investigations.<sup>1</sup> Gun sales of January 2021 compared to January 2020 increased by 134 percent.<sup>2</sup> A significant portion of those gun purchases,

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<sup>1</sup> Gun Sales Are Rising Amid Fears of More Regulation, Unrest, US News & World Report, December 7, 2020.

<sup>2</sup> <https://www.washingtonpost.com/business/2021/02/03/gun-sales-january-background-checks/>

40%, were first time gun owners<sup>3</sup> who may or may not know about the best safe storage practices.

Marylanders, like so many other Americans, are struggling with staggering loss, isolation, and the resultant mental health impacts resulting from the COVID19 pandemic. Properly securing firearms prevents access to weapons and the likelihood of unintentional firearm injury, death by suicide, and threat. Now perhaps even more than in years past, Maryland's Child Firearm Access Prevention law needs to be strengthened so that firearms can be securely stored, while still allowing gun owners reasonable access to them when needed.

Extensive data supports this important point - the danger to children posed by unsecured firearms in the home is not limited to school shootings. As a 2017 study concluded: "Pediatric firearm injuries and deaths are an important public health problem in the United States contributing substantially each year to premature death, illness, and disability of children."<sup>4</sup> Firearms were the second leading cause of death for children aged 1 to 17, surpassed only by motor vehicle injury deaths.<sup>5</sup> The same study reported that from 2012 to 2014 nearly 1300 children died and 5790 were treated for gunshot wounds each year. According to the authors, 53% of those deaths were homicides, 38% were suicides, and 6% were unintentional. As the authors explained, most of the unintentional deaths occurred when children were playing with a firearm or showing to them others:

Our findings indicate that most children who died of unintentional firearm injuries were shot by another child in their own age range and most often in the context of playing with a gun or showing it to others. Previous research shows that children are curious about firearms and will touch a firearm even when instructed not to do so, which points to the importance of adult supervision and the need to store firearms safely and out of the reach of children.<sup>6</sup>

Although the American Academy of Pediatrics recommends that household firearms be stored safely, fewer than 1 in 3 households with children follow this guidance.<sup>7</sup> Yet the literature demonstrates that adherence to these guidelines by safely storing firearms can significantly reduce adolescent injuries and deaths. One such study concluded that youth suicides could decline substantially if only an additional 20% of gun owning households began safely storing their firearms.<sup>8</sup> A 1997 study concluded that the first 12 state laws limiting child access to firearms resulted in a 23% lower than expected unintentional firearm-related deaths.<sup>9</sup> A later study found that these laws were associated with a

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<sup>3</sup> *Id.* and Background Checks. A Metric for Gun Sales, Hit All-time High, Baltimore Sun, July1, 2020.

<sup>4</sup> Fowler KA, Dahlberg LL, Haileuesus T, et al. Childhood Firearm Injuries in the United States. *Pediatrics*. 2017;140(1): e20163486.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* (emphasis added).

<sup>7</sup> Monuteaux, Michael C., et al. Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Death Among US Youths, *JAMA Pediatrics*, 2019;173(7):657-662. doi:10.1001/jamapediatrics.2019.1078.

<sup>8</sup> *Id.*

<sup>9</sup> Cummings P, Grossman DC, Rivara FP, Koepsell TD. State gun safe storage laws and child mortality due to firearms. *JAMA*. 1997;278:1084-1086.

10.8% reduction in firearm suicides overall and an 11.1% reduction in suicide rates for older youth age 18-20.<sup>10</sup> As this study noted, these “laws may encourage gun owners . . . [with young children] to adopt safe practices that endure” after their children are older, and “may increase awareness and change social norms to encourage gun owners to secure firearms . . . .”

Maryland leaders understood the great importance of preventing firearm access to young people when they passed our state’s current law. Now, the straightforward amendments that are proposed in Jaelynn’s Law will make that law consistent with other Maryland Laws prohibiting persons under age 21 from possessing a regulated firearm. Significantly, the laws in 17 other states require safe storage for children under age 18. Further, raising the safe storage age will send an important message that safe storage is generally necessary.

In addition to raising the age where safe storage is required, SB 479 modifies the current law in other important respects. The current law requires that only loaded guns be safely stored. The bill requires safe storage of unloaded guns as well.

The bill also changes the standard to impose liability when a minor “could” get access to the firearm, rather than the current standard, which only imposes liability if a minor “would” get access.

Finally, under current law, the maximum penalty for violating the law, no matter how dire the consequences, is a \$1000 fine. Under SB 479, the penalty solely for failing to safely store a firearm would include possible time in jail not to exceed 90 days. The potential penalty is graduated, with more severe penalties where a minor gains access to a firearm and where the firearm causes harm to the minor or another person.

These commonsense modifications to Maryland’s current law for the safe storage of firearms will enhance the safety of our state’s youth, protecting them and their parents from needless tragedy.

CIF urges the committee to produce a favorable report supporting Senate Bill 479 to strengthen existing child access prevention provisions.

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<sup>10</sup> Webster, Daniel W., et al. “Association Between Youth-Focused Firearm Laws and Youth Suicides.” JAMA, 2004;292:594. doi:10.1001/jama.292.5.594





# **Laurelle Maubert 2021 CAP Senate Testimony.pdf**

Uploaded by: Maubert, Laurelle

Position: FAV



### **SB0479: Jaelynn's Law**

Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee:

Child access prevention, or CAP, is essential to building safe, peaceful communities and protecting even the youngest Marylanders from gun violence. CAP laws have statistically proven to be one of the most comprehensive, intersectional ways to address America's gun violence epidemic. By making sure that firearms are properly stored and secured away from where children can reach them, it prevents these household firearms from being used in school shootings, youth suicides, and unintentional shootings among children and teens. CAP protects not only a child from causing harm to themselves, but also the community around them.

While Maryland already has a version of CAP as a part of the law, SB0479, would strengthen these laws, thus creating a safer state for all. Raising the definition of a minor from 16 to 18 years of age will ensure that all children and teens in Maryland receive these protections, which is especially important as teens are at a particularly high risk for suicide.

Additionally, this bill encourages safe firearm storage by holding those who allow a child access to an unsecured firearm responsible by implementing a graduated system of penalties. CAP reinforces gun owners' accountability and responsibility to possess firearms. With all

rights, including the right to bear arms, comes with responsibilities. The graduated penalties system will ensure that those who fail to protect children and teens in the home are held accountable. But it also trains younger generations to be responsible gun owners for tomorrow by requiring responsible gun ownership today.

While strengthening CAP laws is one of the many steps needed in ending gun violence, it is nonetheless a step in the right direction. For far too long, household firearms have gotten into the hands of children and been used to hurt themselves or others in incidents both intentional and unintentional. SB0479 will take action to protect our communities, especially our youngest and most vulnerable members, and create a safer more peaceful Maryland for all.

With Peace,

Laurelle Maubert

Maryland Policy Coordinator

*March For Our Lives*

**SB479MFOL.pdf**

Uploaded by: O'Mara, Jaxon

Position: FAV



### **SB479: Jaelynn's Law**

Chairman Smith, Vice-Chair Waldstreicher, and Members of the Committee,

In March of 2018, my world changed forever. My high school, Great Mills High School, was the next in a long list of school shootings. My classmate, Jaelynn Willey, was fatally shot and passed away two days later. I remember sitting on the floor of my best friend's living room, holding her while she cried that Jaelynn didn't deserve this. Jaelynn was a sweet girl. She was a big sister. She was a swimmer. I didn't know her well but over the last (nearly) three years I have heard the way her family and friends talk about her, and it breaks my heart every single day that she will never get to grow up and live her life. Jaelynn deserved the world, and it was all taken away by a student holding his father's glock.

The shooter was a 17 year old student. Under Maryland's current child access prevention laws, he was able to attain that firearm and no one was held responsible. Ever since the shooting, I have tried to find ways to honor Jaelynn and do my part to make sure that other communities are not ripped apart the way mine was. I firmly believe that minors should not have such unrestricted access to firearms and I urge our legislature to pass stronger child access prevention legislation. The bill before you now, SB479, will tighten restrictions, raising the age of access from 16 to 18, as well as introducing a tiered penalty system that will allow law enforcement to hold reckless and irresponsible gun owners responsible if harm is inflicted with their weapon. As

well as protecting our communities, this legislation will help to keep teens safe if they are at risk of suicide by limiting their access to a highly lethal method of suicide.

I have submitted written and oral testimony each session since the shooting. I have lobbied up and down the halls of Annapolis. I have spoken with family after family that have lost loved ones to gun violence and my heart breaks each and every time. Jaelynn's Law can and will save lives, but only if you let it. I ask your committee to swiftly pass SB479 and to encourage your colleagues to support it when it comes to the floor.

With Peace,

Jaxon O'Mara

Great Mills Class of 2019

Maryland Policy Advisor

*March For Our Lives*

# **SB 479 - Firearm Storage Safety.pdf**

Uploaded by: Peterson, Matt

Position: FAV

## OFFICERS

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Association of Reform Zionists of America

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Bolton Street Synagogue

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Chizuk Amuno Congregation

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Congregation Tiferes Yisroel

Federation of Jewish Women's

Organizations of Maryland

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Har Sinai - Oheb Shalom Congregation

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Jewish Federation of Howard County

Jewish Labor Committee

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Jewish Women International

Jews For Judaism

Moses Montefiore Anshe Emunah

Hebrew Congregation

National Council of Jewish Women

Ner Tamid Congregation

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Shaarei Tfiloh Congregation

Shomrei Emunah Congregation

Simon E. Sobeloff Jewish Law Society

Suburban Orthodox Congregation

Temple Beth Shalom

Temple Isaiah

Zionist Organization of America

Baltimore District



## WRITTEN TESTIMONY

### Senate Bill 479 – Public Safety – Access to Firearms – Storage Requirements (Jaelynn's Law)

### Judicial Proceedings Committee

February 11, 2021

## SUPPORT

**Background:** Senate Bill 479 (SB479) would prohibit gun owners from leaving a firearm unsecured in a location that would enable an unsupervised minor to gain access to it.

**Written Comments:** The Baltimore Jewish Council is dedicated to helping improve safety for everyone in the Baltimore community of all faith backgrounds. This bill would help ensure that more homes are safe from deadly weapons being used in the most horrific accidents imaginable – involving innocent children. Guns belong only in the hands of those who are legally allowed to possess them, and who have the deep knowledge and training that is required to safely operate them. This bill is a simple measure to ensure that the commonsense safety practices that should be standard for every responsible gun owner, becomes the norm for all.

One does not have to take the truly horrifying journey of imagining the possibilities of what could happen if an unsupervised child gains access to a firearm. Unfortunately, far too many examples exist already. Incidents of suicide and accidental self-inflicted gunshots happen at alarming rates by minors who use their parents' guns. Instances of accidents and homicides when minors take their parents' guns out of the house are just as prevalent. Students in school buildings already live with the unacceptable but constant fear of gun violence. They should not have to worry about it coming from another student using firearms they took from their parents. As a state we need to be doing everything we can to stop these incidents from ever occurring again.

Firearms do not belong in the hands of children. We limit gun ownership to adults for a reason, and it is commonsense for our laws to reflect this in every way possible, including how they are stored.

With this in mind, the Baltimore Jewish Council urges a favorable report on SB479.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish community.*

BALTIMORE JEWISH COUNCIL

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Member of the Jewish Council for Public Affairs

Baltimore Jewish Council is an agency of The Associated





**SB0479 LSPC.docx.pdf**

Uploaded by: Schablein, Jared

Position: FAV

## **SB0479 Public Safety - Access to Firearms - Storage Requirements (Jaelynn's Law)**

**Bill Sponsor:** Senator Smith

**Committee:** Judicial Proceedings

**Organization Submitting:** Lower Shore Progressive Caucus

**Person Submitting:** Dr. Nicole Hollywood, LSPC

**Position:** FAVORABLE

I am submitting this testimony in favor of SB0479 on behalf of the Lower Shore Progressive Caucus. The Caucus is a political and activist organization on the Eastern Shore, unaffiliated with any political party, committed to empowering working people by building a Progressive movement on the Lower Eastern Shore.

Sixteen-year-old Jaelynn Willey was shot and killed inside Great Mills High School in St. Mary's County on March 20, 2018. She was a swimmer, one of nine children, and known for making the best chocolate chip cookies. Jaelynn was shot by a fellow student in possession of his father's 9mm handgun. This bill is named in her honor.

The most recent data released by the Centers for Disease Control and Prevention National Center for Injury Prevention and Control, Web-based Injury Statistics Query and Reporting System (WISQARS, 2018) sites firearms as the leading cause of death for children and teenagers aged 1 to 19 in the United States. That statistic also holds true in the State of Maryland where guns kill more kids each year than cancer or automobile accidents.

Guns from home, or a friend or family member's home, are used in the majority of children firearm suicides as well as in the preponderance of incidents of gun violence on school grounds. Secure storage works, as proven by studies such as one published in the Journal of the American Medical Association that found that households that locked both firearms and ammunition had a 78 percent lower risk of self-inflicted firearm injuries among children and teenagers (Grossman DC, Mueller BA, Riedy C, et al, 2005).

The Lower Shore Progressive Caucus recognizes the importance of secure firearm storage. SB0479 would prohibit a person from leaving a firearm in a location where an unsupervised minor could gain access to the firearm as well as establish certain exceptions to this prohibition.

The Lower Shore Progressive Caucus supports this bill and recommends a **FAVORABLE** report in committee.

**Notes\_210209\_135753.pdf**

Uploaded by: Willey, Melissa

Position: FAV

Hello. My name is Melissa Willey and my daughter was Jaelynn, a 10th grader at Great Mills High School in St. Mary's County located in rural Southern Maryland. We are a quaint community lined by the Chesapeake Bay and tobacco barns, never the place you would expect to be gunned down.

I am here to tell you that it is essential that we pass JAELYNNS LAW to prevent my personal tragedy from happening again and to protect your children and our communities.

Let me tell you about my beautiful daughter. Jaelynn was a good student and member of the honor roll. She swam for both the high school swim team and Great Mills Aquatic Club. Jaelynn had just set a

club record in the 100 fly. She was a talented swimmer and earned her lifeguard license in 2017. Jaelynn always had an affinity for the water and enjoyed vacationing with her family at CT beaches. She liked taking walks and was a delicious baker especially her chocolate chip cookies. Jaelynn loved her siblings above all.

On March 20, 2018 Jaelynn walked out of my front door and into the halls of Great Mills High School. At the time of her murder all she wanted to do was see her 13 month old brother walk. She was excited to attend prom with a friend from swim team. She had gone dress shopping the weekend before. She didn't get to see either of those milestones and now has a little sister that she will never cuddle,

chase or enjoy. Jaelynn was a vibrant, beautiful and sweet young lady. Her shoulders shook when she laughed. All of that has been taken away are the hands of a gunman.

The shooter, just 17 years of age, was granted access to a gun. We are here today to prevent another child from having access to a firearm. To help try to prevent another family from going through the horrific tragedy we wake to each morning.

I am asking you to pass this bill in memory of jaelynn rose Willey who died March 22, 2018 at the hands of a 17 year old shooter, while walking to class in her high school. This should have never happened to Jaelynn, our family or our community and should never happen again.

Thank you for your time.

# Greta CAP.pdf

Uploaded by: Willis , Greta

Position: FAV





**Testimony in Support of Jaelynn's Law - Public Safety -  
Access to Firearms - Storage Requirements  
SB 479/HB 200  
Rev. Dr. Greta Willis, Director of Community  
Engagement  
Marylanders to Prevent Gun Violence**

Dear Chairman Smith, Vice Chair Waldstreicher, and Members of the Committee,

**Marylanders to Prevent Gun Violence (MPGV) aims to reduce gun violence in Maryland through evidence-based solutions.** The Kevin L. Cooper Foundation aims to mobilize Baltimore City residents to make an impact in the reduction of inner city youth deaths due to violence. I currently serve as the Director of Community Engagement for MPGV and I am the founder of the Kevin L. Cooper Foundation, named in honor of my son Kevin who was shot and killed at the age of 14. MPGV, the Kevin L. Cooper Foundation, and I support SB 479 which aims to reduce child access to guns to prevent the death and injuries of children.

Each week, in my role as the Director of Community Engagement for MPGV, I work with young children at Liberty Elementary School. These children are in grief support programs that I run because they have been identified by their educators as being at risk because they have experienced a loss, be it in the form of death by gun violence, abandonment or a caregiver's incarceration. While the needs of these children differ from one another, one issue remains the same: access to deadly weapons is a threat to all children regardless of their race, socio economic status or family composition.

Often a discussion on gun reform can be controversial, but preventing young people from gaining access to firearms has been one of the areas I have seen common ground from all sides of the debate. The right to own a gun is a big responsibility, and protecting children from the dangers of a gun is the biggest of those responsibilities.

Families often feel the need to own a firearm for self-defense, but the inherent dangers that guns can pose to children must be addressed. Maryland current firearm access statute defines a minor as someone under the age of 16, but dangers still apply to those under the age of 18. It is essential that we close this dangerous loophole. We saw the dangers of this oversight with the murder of Jaelynn Willey in 2018 while within the walls of Great Mills

High School, but we also see it in the instances where teenagers take their own lives with a gun in the home. According to the Harvard Injury control Research Center, in 82% of youth suicides, the victim gained access to the firearm from a family member. Adolescence is a critical time for suicide prevention and this is particularly important for the young people with whom I work. Suicide rates among children of color are skyrocketing. Research shows that the suicide rate is two times higher for black elementary school aged children compared with white children of the same age group. (Bridge, J.A., Horowitz, L.M., Fontanella, C.A., Sheftall, A.H., Greenhouse, J.B., Kelleher, K.J., Campo, J.V. (2018). Age-related racial disparity in suicide rates among U.S. youths between 2001 and 2015. JAMA Pediatrics.). This is the age group of the children I work with every week.

Maryland leaders have understood the importance of preventing access to young people in the past when they passed the existing laws, but we must recognize and correct the inherent weaknesses within our current access prevention laws. SB 479 addresses this weakness by increasing the age of a minor, clarifying storage requirements, and creating a meaningful penalty to enhance compliance. Currently, if a youth gains access to a firearm, regardless of death or injury, there is only a fine. Allowing a child to get access to a gun is a serious negligent offense, and the penalty should reflect that.

Passing this law will help prevent young people while still allowing legal and responsible ownership of guns. **MPGV urges all the members of the committee to support Senate Bill 479.**

**We urge the committee to support Senate Bill 479 to strengthen existing child access prevention provisions**

**SB0479 Testimony.pdf**

Uploaded by: Young, Sophia

Position: FAV

Brady  
840 First St. NE Ste. 400  
Washington, DC 20002



Testimony of Sophia Young, Research Associate, Brady  
Support for SB 479  
Before the Maryland Senate Judicial Proceedings Committee  
February 11th, 2021

Chairman Smith, Vice Chair Waldstreicher, and other distinguished members of the Maryland Senate Judicial Proceedings Committee,

Founded in 1974, Brady works across Congress, courts, and communities, uniting gun owners and non-gun owners alike to end America's gun violence epidemic. Our organization today carries the name of Jim Brady, who was shot and severely injured in the assassination attempt on President Ronald Reagan. Jim and his wife, Sarah, led the fight to pass federal legislation requiring background checks for gun sales. Brady continues to uphold Jim and Sarah's legacy by uniting Americans across the country in the fight to prevent gun violence.

There are evidence-based policy solutions that we know will help to prevent gun violence in Maryland. **The bill before you today, SB 479, will encourage responsible and safe firearm storage practices and save lives by updating Maryland's existing child access prevention law to be more inclusive and ensure that fewer minors can, and do, access firearms.**

Nationwide, almost 4.6 million minors live in homes with unsecured guns.<sup>1</sup> A study published by American Academy of Pediatrics in 2018 found that within a sample of parents who owned guns, only one third stored all household firearms locked and unloaded.<sup>2</sup> Another study showed that over 70 percent of children reported knowing the storage location of the household firearm, and that 1 in 5 parents who reported that their child had never handled the household firearm were contradicted by their child's

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<sup>1</sup> Deborah Azrael, et al, "Firearm Storage in Gun-Ownning Households with Children: Results of a 2015 National Survey," *Journal of Urban Health* 95 (2018), available at [www.doi.org/10.1007/s11524-018-0261-7](http://www.doi.org/10.1007/s11524-018-0261-7).

<sup>2</sup> John Scott, Deborah Azrael, and Matthew Miller, "Firearm Storage in Homes With Children With Self-Harm Risk Factors," American Academy of Pediatrics (February 2018), <http://pediatrics.aappublications.org/content/early/2018/02/19/peds.2017-2600.info>.

report. As a result, 70-90 percent of firearms used in unintentional shooting, school shootings and suicides by minors are acquired from home, or from the homes of friends or relatives.<sup>3</sup>

Unintentional shootings involving minors are preventable. Among children, 89% of unintentional shooting deaths occur in the home.<sup>4</sup> Studies show that keeping a gun locked and unloaded is associated with a protective effect against unintentional firearm injuries in homes with children and teenagers.<sup>5</sup> This finding is bolstered by recent research from 2018 showing that Child Access Prevention laws (“CAP laws”) that require safe storage of firearms are associated with a significant reduction in unintentional pediatric firearm injuries.<sup>6</sup>

Tragically, many school shootings are also facilitated by kids or teens having access to unsecured guns at home. A 2019 U.S. Department of Homeland Security analysis of targeted school violence shows that 76% of attackers who used firearms obtained the firearm from their parents home or the home of another close relative.<sup>7</sup> In half of those cases, the evidence indicated that the firearm was either readily accessible or not secured in a meaningful way.<sup>8</sup>

Finally, the rate of firearm suicides among children under the age of 18 has steadily increased over the past decade. Over that time, the number of firearm suicides among minors in the United States has doubled from 361 deaths in 2008 to 725 deaths in 2018.<sup>9</sup> Moreover, a 2019 study found that in as many as 75% of youth firearm suicides for which the gun storage method could be identified, the gun was stored loaded and unlocked.<sup>10</sup> The evidence is clear: Having a firearm easily accessible in the home when a family member is at risk of suicide increases the risk of a deadly outcome should that person attempt suicide. Firearms are the most lethal method used in suicide deaths, with a fatality rate of approximately 90 percent.<sup>11</sup> Frequently, the decision to harm oneself is oftentimes made abruptly: A quarter of individuals who attempt suicide make the attempt within 5 minutes of deciding to end their lives.<sup>12</sup> This

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<sup>3</sup> Renee M. Johnson, et al., “Who Are the Owners of Firearms Used in Adolescent Suicides?,” *Suicide and Life-threatening Behavior* 40, no. 6 (2010): 609-611; Guohua Li, et al., “Factors Associated with the Intent of Firearm-related Injuries in Pediatric Trauma Patients,” *Archives of Pediatrics & Adolescent Medicine* 150, no. 11 (1996): 1160-1165; John Woodrow Cox and Steven Rich, ““The Gun is Not in the Closet,”” *The Washington Post*, Aug.1, 2018, available at <https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/>.

<sup>4</sup> Li, Guohua. “Factors Associated With the Intent of Firearm-Related Injuries in Pediatric Trauma Patients.” *Archives of Pediatrics & Adolescent Medicine* 150, no. 11 (January 1996): 1160. <https://doi.org/10.1001/archpedi.1996.02170360050008>.

<sup>5</sup> David Grossman et al. “Gun Storage Practices and Risk of Youth Suicide and Unintentional Firearm Injuries,” *JAMA*. 2005 Feb 9;293(6):707-14.

<sup>6</sup> Emma Hamilton, et al. “Variability of Child Access Prevention Laws and Pediatric Firearm Injuries.” *Journal of Trauma and Acute Care Surgery* 84, no. 4 (April 2018): 613–19.

<sup>7</sup> “Protecting America’s Schools A U.S. Secret Service Analysis of Targeted School Violence.” United States Secret Service. U.S. Department of Homeland Security United States Secret Service, National Threat Assessment Center, November 2019. <https://www.secretservice.gov/data/protection/ntac/ussc-analysis-of-targeted-school-violence.pdf>

<sup>8</sup> Id.

<sup>9</sup> National Center for Injury Prevention and Control, US Centers for Disease Control and Prevention. Web-Based Injury Statistics Query & Reporting System (WISQARS) Fatal Injury Reports, National, Regional and States, 1999 to 2018.

<sup>10</sup> The Effects of Child-Access Prevention Laws. (2020, April 22). Retrieved February 02, 2021, from <https://www.rand.org/research/gun-policy/analysis/child-access-prevention.html>

<sup>11</sup> Matthew Miller, “The Epidemiology of Case Fatality Rates for Suicide in the Northeast\*1.” *Annals of Emergency Medicine* 43, no. 6 (2004): 723–30.

<sup>12</sup> Simon, Olga Von, Alan C. Swann, Kenneth E. Powell, Lloyd B. Potter, M-j Kresnow and Patrick O’Carroll. “Characteristics of impulsive suicide attempts and attempters.” *Suicide & life-threatening behavior* 32 1 Suppl (2001): 49-59.

means that putting barriers in place to prevent easy access to lethal means can delay a suicide attempt in the event of a crisis, giving someone who is struggling more time to seek help. In fact, research supports that storing firearms locked and unloaded can be an effective measure to reduce the risk of suicide.<sup>13</sup> Importantly, unsafe firearm storage was found to be least likely among families living in states with both CAP laws and stronger firearm legislation.<sup>14</sup>

There is a large body of academic research showing that strong CAP laws are associated with significant reductions in rates of suicide and unintentional firearms deaths and injuries among children and teens.<sup>15</sup> In 2004, the *Journal of the American Medical Association* published research finding that child access prevention law enactment is associated with a 26 percent annual reduction in self-inflicted firearm injuries among youth and an 8% decrease in *overall* suicide rates among 14-17 year olds, strongly suggesting that when firearms are inaccessible as a result of these laws minors are not substituting firearms with other methods.<sup>16</sup> Research published in 2020 investigating firearm-related deaths among children aged 0-14 has similar findings: Over a 26-year time period, U.S. states with CAP laws regulating the storage of firearms in households with minors had a 13 percent reduction in firearm fatalities in the specified age group when compared to states with no such regulations.<sup>17</sup>

More importantly, as it pertains to the bill before you today, the researchers compared Child Access Prevention laws with various levels of stringency. Controlling for other firearm-related laws and socio-economic factors such as education level, poverty, unemployment, population density, etc., the findings showed that states with the most stringent Child Access Prevention laws — laws that apply if a child *could* potentially access an improperly-stored firearm — saw the greatest reduction in firearm fatalities among the children studied.<sup>18</sup> States with “child could access” laws experienced a 59% relative reduction in unintentional firearm deaths and a 28% relative reduction in all-intent firearm deaths compared to states with no CAP law. It is appropriate that this proposed bill expands the obligation to prevent all minors under the age of 18 from accessing firearms, as the risks associated with access to unsupervised firearms do not simply dissipate when one turns 16. In fact, firearms are used in 44 percent of suicide deaths by 16 and 17 year olds.<sup>19</sup>

Further, this proposed law does not infringe upon an individual’s Second Amendment right to keep and bear arms in the home — rather, firearms ownership comes with a responsibility to ensure that lethal weapons are not readily accessible to minors who either cannot yet responsibly handle firearms

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<sup>13</sup> Shenassa ED, Rogers ML, Spalding KL, Roberts MB. “Safer Storage of Firearms At Home and Risk of Suicide: A Study of Protective Factors in a Nationally Representative Sample,” *Journal of Epidemiology and Community Health*. 2004; 58(10):841-848.

<sup>14</sup> Prickett, Kate C, et al. “State Firearm Laws, Firearm Ownership, and Safety Practices Among Families of Preschool-Aged Children.” *American Journal of Public Health*, vol. 104, no. 6, June 2014, pp. 1080–1086.

<sup>15</sup> The Effects of Child-Access Prevention Laws. (2020, April 22). Retrieved February 02, 2021, from <https://www.rand.org/research/gun-policy/analysis/child-access-prevention.html>

<sup>16</sup> Daniel Webster, et al. “Association Between Youth-Focused Firearm Laws and Youth Suicides,” *JAMA*. 2004 Aug 4;292(5):594-601.

<sup>17</sup> Azad, Hooman Alexander, Michael C. Monuteaux, Chris A. Rees, Michael Siegel, Rebekah Mannix, Lois K. Lee, Karen M. Sheehan, and Eric W. Fleegler. “Child Access Prevention Firearm Laws and Firearm Fatalities Among Children Aged 0 to 14 Years, 1991-2016.” *JAMA Pediatrics*, February 2020. <https://doi.org/10.1001/jamapediatrics.2019.6227>.

<sup>18</sup> *Id.*

<sup>19</sup> National Center for Injury Prevention and Control, US Centers for Disease Control and Prevention. Web-Based Injury Statistics Query & Reporting System (WISQARS) Fatal Injury Reports, National, Regional and States, 1999 to 2018.

themselves or who are at risk of harming themselves or others. Securing firearms in the home is compatible with a firearm owner's ability to protect the home. There is a wide range of firearm storage options available on the market that are affordable and enable the owner of the gun to access it quickly if necessary. Research clearly shows that robust child access prevention and safe storage laws help protect children and reduce the risk of firearm suicide, and unintentional shootings by kids and teens in homes across America.

**Brady strongly encourages the Senate Judicial Proceedings Committee to vote in favor of SB 479, which mandates that all firearms be stored inaccessible to children under the age of 18 and will help to prevent injuries and fatalities among children.**

# **Testimony MD Senate 2-11-21.pdf**

Uploaded by: Bishop, David

Position: FWA



David A. Bishop of Arnold Maryland: Testimony to be read February 11, 2020.

As a very strong 2<sup>nd</sup> Amendment supporter and gun rights advocate, I can confidently stand behind the concept of this bill. I believe many of our state laws are over burdensome to purchasing and owning a firearm. However, I also strongly believe we should have measures in place that prevent violent convicts from possessing fire arms AND to protect untrained and young children from handling firearms without proper supervision. So far as I can tell, this legislation does NOT put an undue burden or infringement on our right to own and carry fire arms, with one small exception, section c, paragraph 1.

I would strongly suggest an amendment that would stop this legislation from hinting on overreach. The language in this section indicates that a child "Could" come into unsupervised possession of a firearm. Children could be curious enough to sneak away with keys and try to gain access. I have personally taken additional steps in my own home to ensure my firearms are locked securely and that the access to unlock them is beyond my child's ability to sneak past. It is necessary that owners go above and beyond to keep their families and children safe from accidents or even malicious behavior. However, when we set language in law to require a burden of impossibility for an owner, then it infringes on their right to keep arms. They cannot possibly safeguard against every possible scenario, however, they should be held responsible for maintaining reasonable control of their weapons at all times, just as any military or militia member would be expected to do. I believe this law should set the standard for reasonable control and security rather than simply stating the word "could".

Language to the effect of:

"4-104.(c)1. A person shall not leave a firearm in a location without security storage devices in place to restrict an unsupervised child from accessing OR manipulating the firearm to discharge."

The proposed legislation does a good job of creating requisites for sections 2 and 3 of this paragraph. But by changing section 1 it will ensure that people are not charged with a crime when they store their key and safe in the same home.

Is this splitting hairs? Maybe. But I believe that our natural rights are worth having these detailed discussions to propose the "what-if" scenarios in enforcement of proposed laws.

Thank you for your time today and for considering this change before sending this bill to the floor.

# **Witness Testimony Provided by.pdf**

Uploaded by: Acuti, Richard

Position: UNF

Witness Testimony Provided by:

Richard Acuti  
914 Edgewood Road  
Edgewater, MD 21037

The intentionally vague language for this bill provides for a legal minefield for a firearms owner in which to understand and comply. Even under the best of intended circumstances this bill as written will put blame on the firearms owner simply for the 'could' having allowed access to firearms/ammunition even if otherwise securely stored in a CA-DOJ approved storage container. Many individuals who securely store their firearms would be felons simply for owning a tool that anyone given enough time and determination could have access too.

As well for the youth who have demonstrated their competency with a firearm would also be criminalized by this legislation. The Maryland DNR has with public input opened more hunting opportunities for all ages with an emphasis on youth to encourage more taking of game animals because there are too many in the state. This legislation continues to allow youth access to a firearm under very narrow circumstances. However those circumstances are contradicting and could lead to confusion and unintended violation of the law as this bill is currently written.

This bill as written is Unfavorable.

# **I oppose SB0479 for many reasons.pdf**

Uploaded by: Andraka, Nicholas

Position: UNF

I oppose SB0479 for many reasons.

The proposed bill defines a "Child" as anyone under 18 years old.

The Bill then states that it is unlawful if a "child" COULD gain access to a firearm, weather it is locked up or not.

There are many problems with this bill:

There is no clear definition that a gun owner has met reasonable obligation to secure their firearms, only the ever moving goal of "Could a Minor access the firearms"

Next, The bill would deny a minor any access to ammunition,, it is hard to hunt without ammunition.

The 2<sup>nd</sup> issue is,, we live in a rural area and live on acreage. All of my children started hunt by 7 years old and were trained on safe handling of firearms at a very young age. My children have hunted on their own as minors (on our property) and have had access to our (mine and theirs) firearms. This bill would for the most part eliminate the tradition of minors hunting

This Bill strikes me as written by someone who lives in the city and has never experienced life in a rural area.

In the end, if this were to be passed into law, it would be ignored in the rural areas.

Nicholas Andraka

Calvert County

**DC-W\_SB479\_UNF.pdf**

Uploaded by: Carlin-Weber, Daniel

Position: UNF

Daniel J. Carlin-Weber

SB479 – UNF

Judicial Proceedings Committee

2/9/2021

I am a firearms instructor and advocate of responsible firearms handling and ownership. Currently, I am certified by the Maryland State Police as a Qualified Handgun Instructor and regularly teach the course necessary to receive the Handgun Qualification License (HQL). I'm also a Utah Concealed Firearm Permit Instructor, and NRA Range Safety Officer and Basic Pistol Instructor. Since 2016, I have instructed Marylanders from all walks of life on how to safely operate firearms and the responsibilities that come with their usage. I come before you today to urge an unfavorable report of Senate Bill 479.

SB479 seemingly aims to keep guns out-of-access from minors (taking existing state law from 16 and under to 18 and under), but the bill goes much, much further than that. Currently, Maryland's criminal code §4-104 (c) states: "A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child *would* gain access to the firearm," (emphasis added). Among other things, the new law replaces "would" with "could" which anyone would plainly understand to mean what's merely possible.

Changing “would” to “could” is a big problem for any well-meaning person. Suddenly, no one’s firearms storage solution is adequate against unauthorized access because no storage device is impossible to break into—even for minors! I teach my students that a storage solution should at minimum keep honest people honest, but despite however much money they spend there is simply no way to prohibit all access. Good security costs and purpose-made heavy-duty gun safes with stout locks start at many hundreds to even thousands of dollars. Even these devices would become obsolete by the bill as introduced. The devices that many gun owners use for locking their guns are often the locks that come with their gun. These basic locks are also often handed out by organizations like Moms Demand Action. *Group passes out free gun locks in safety campaign,* 4WWL-TV, <https://www.wvltv.com/article/news/local/group-passes-out-free-gun-locks-in-safety-campaign/289-560410625>. These devices are not difficult to defeat. *Gun Cable Locks Defeated with Hand Cutters,* YouTube, LockPickingLawyer, <https://www.youtube.com/watch?v=tOjrAsg49M>. Many also rely on relatively inexpensive gun lockers that one might find at Walmart or Bass Pro Shops and again, these can only offer so much protection against people determined to get inside.



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**Price**

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- Between \$200 and \$300 (10)
- Between \$300 and \$400 (1)
- Between \$400 and \$500 (1)
- More than \$500 (45)

 \$  -









**Average Ratings**

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- ★★★★☆ (24)
- ★★★☆☆ (7)
- ★★☆☆☆ (6)
- ★☆☆☆☆ (1)

**GUN SAFES & VAULTS**

79 Results Sort by: Top Rated

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 ProVault 12-Gun Safe by Liberty with Electronic Lock ★★★★★ (20) \$549.99	 Liberty Safe HD-90 Key Vault ★★★★★ (15) \$64.99	 ProVault Electronic-Lock 18-Gun Safe by Liberty ★★★★★ (11) \$669.99 <del>\$679.99</del> Save \$10.00 Sale	 IDENTILOCK Biometric Fingerprint Gun Lock ★★★★★ (10) \$199.88 - \$239.00 New!
 Liberty Safe Centurion 18-Gun Safe ★★★★★ (5) \$669.99	 Liberty Safe HD-50 Key Vault Portable Safe Box ★★★★★ (4) \$28.99	 Cabela's Outfitter E-Lock 25-Gun Safe by Liberty ★★★★★ (3) \$999.97 <del>\$1,189.99</del> Save \$190.02 Sale	 Cabela's Signature E-Lock 25-Gun Safe ★★★★★ (3) \$1,799.99

Safes are the best option, but again, they are expensive and cost-prohibitive to many. Safes are often very heavy or large and not everyone's living situation is suited to having such a device. Lockers (similar to a safe, but usually made with thinner metals and lesser locking mechanisms) are not bad options as they are more budget-friendly, lighter and more easily installed, and a locker will generally keep an honest person honest. That said, these devices can be defeated with crowbars and time—if the simple locks common to these devices aren't picked first. Quick-access safes are fine for one or two handguns and aren't harshly expensive, but even

these have vulnerabilities. *AmazonBasics PS75EF: A Firearm Safety Device FAIL*, YouTube, uploaded by Handgun Safe Research, 8 Feb. 2021, [www.youtube.com/watch?v=jt4zTEN9pPs](http://www.youtube.com/watch?v=jt4zTEN9pPs). The risk that entirely innocent gun owners who are trying their best to be responsible will find themselves confused and vulnerable to arbitrary and capricious enforcement of these new impossible to satisfy requirements is greater than zero and that is too high. Gun ownership is an individual right (*District of Columbia v Heller*, 554 U.S., 570 (2008)) and not one predicated on whether or not the citizen is able to spend another \$1000 or so on a safe for their guns or entirely prevent every possible way against unauthorized access from another.

I have not seen a good explanation of why current Maryland law is inadequate. Willful or gross negligence should be the standard by which someone is penalized if their actions or inactions lead to harm. This bill doesn't do this, however, and in-effect only threatens every gun owner in the state with prosecution because any minor might gain access to their firearm, despite storage that the typical person would find reasonable.

I request an unfavorable report.



Daniel J. Carlin-Weber  
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# **WRITTEN TESTIMONY OF SCOTT G. DAVIS IN OPPOSITION**

Uploaded by: Davis, Scott

Position: UNF

February 9, 2021

## **WRITTEN TESTIMONY OF SCOTT G. DAVIS IN OPPOSITION TO SB479**

I appreciate the opportunity to present my testimony in opposition to SB479 to the members of this committee this afternoon.

There are a lot of issues with this bill that I find very concerning. It places everyone that owns a firearm into a new category of criminals that is being created here. Everyone that owns a firearm falls into this trap of "could gain access to the firearm". It is a disturbing piece of legislation that goes far beyond common sense and reason.

This bill can work in harmony with other current gray area laws, such as the red flag law, to punish law abiding gun owners by the masses who have not committed any crimes whatsoever. It is another tool that can be used by anyone that has a personal vendetta, someone that merely disagrees with or wants some form of retaliation as back door into the private lives of law abiding individuals by the police.

This is yet another bill that is focusing on far less than 1 percent of any type of firearm crimes or safety problems in the state of Maryland. It is clear that any person supporting this bill does not have their eyes on the ball when it comes to solving the state's crime problem nor do they have any comprehension of firearm safety. If this law passes then it's supporters are OK with putting far more innocent people in jail and far less concerned about taking care of a crime or safety problem. Firearm safety starts in the home, not in committees.

Due to the extremely limited time frame to submit my testimony, I have been placed in a position where I have to quickly assemble my thoughts.

Sincerely,

A handwritten signature in black ink that reads "Scott Davis". The signature is written in a cursive, somewhat stylized font. The word "Scott" is written in a larger, more prominent script, and "Davis" is written in a smaller, more compact script to its right.

Scott G. Davis

**SB479\_DeTello\_opposed.pdf**

Uploaded by: DeTello, Nicholas

Position: UNF

Dear Senators of the Maryland General Assembly,

I strongly urge you to vote unfavorable to SB479, Public Safety - Access to Firearms - Storage Requirements. SB479 is intentionally worded with vague language that will be up to interpretation by law enforcement. How would law enforcement even enforce such a law any time before or during a minor “illegally” gaining access to a firearm? At what clearly defined point does a gun owner know a minor “could”, or could not gain access to their firearms? Is there a specific amount of money (\$200, \$2,000, \$20,000), time (10 minutes/hours/days to break into a safe), or level of effort required by gunowners to render their firearms “inoperable” and effectively prevent minors from “gain(ing) access”? My fear is that the law will require excessive “safety” features that would be excessively expensive or difficult to attain for most gun owners.

I write to you not just out of concern for gunowners such as myself, but also new gun users/owners. I worry for youth who currently have legal access to firearms, as SB479 would practically eliminate a minor’s access to ammunition for the purposes of hunting, as well as their ability to defend their home. And perhaps even more egregious is that without any transparency into how the law will be enforced, people who are poor or disadvantaged, often those who are people of color, could not possibly afford adequate protection of their firearms against **all** minors who **could** gain access.

Senators, I urge you to vote unfavorably on this bill. This bill does not seem to offer a clear solution to a specific problem it would prevent, the language of the bill is arbitrary and would not be fairly or equally enforced, and ultimately myself and most Marylanders will simply not be able or willing to obey this bill if written into law.

Thank you,

Nicholas DeTello

District 1 – Finksburg, MD

# **SB0479 Testimony - Ebling.pdf**

Uploaded by: Ebling, James

Position: UNF

James P. Ebling  
18600 Gunpowder Road  
Hampstead, Maryland 21074  
**District 42B**

State of Maryland  
Senate Judicial Proceedings Committee  
2 East Miller Senate Office Building  
Annapolis, MD 21401

February 2, 2021

Re: Bill: **SB0479** – Public Safety – Access to Firearms – Storage  
Requirements (Jaelynn’s Law)

Position: **OPPOSE**

Dear Mr. Chairman, Mr. Vice-Chairman, and Committee Members,

Thank you for the opportunity to voice my opinion on this bill.

If this bill were to become law, it would directly affect me and my family, and many others like us. My son and I enjoy hunting together very much. He’s an extremely responsible young man. Current law allows him to hunt by himself at age 16; this bill would take that away from him. We depend on hunting to put food on our table and making this illegal will negatively affect our family.

I also believe there is a serious issue with the way this bill is worded. I am a responsible gun owner and lock all my guns where my kids cannot gain access to them without me. However, the way this bill is worded, I would immediately be in violation if it were enacted as law. Is it possible that my kids “could” gain access to my firearms? Yes, it certainly is possible for a handy and smart 16 year old to gain access to a locked gun cabinet or even safe with the right tools.

I respectfully ask that you give an **unfavorable** report on this bill. If you have any questions, please feel free to contact me.

Thank you for your time and consideration.

Sincerely,

James P. Ebling  
pat.ebling@gmail.com  
410-746-8938



# **SB479 Fernley testimony.pdf**

Uploaded by: Fernley, Jeffrey

Position: UNF

SB479 and HB 200 would change the definition of a child to mean a person under the age of 18 years and modifies the prohibition to provide that a “person may not store or leave a loaded OR UNLOADED firearm in a location where the person knew or should have known that an unsupervised child COULD gain access to the firearm.” Under this provision, it simply does not matter if the firearm was locked up. All that matters is whether a person under the age of 18 "could" gain access. It doesn't matter whether a child is part of your family or even whether children are never in your house. In the dictionary, "could" is defined as something that is merely "possible." Thus, in other words, if it is "possible" that a 17-year-old, any 17-year-old, anywhere, "could" gain access to your gun safe, the codification of these into law would further create a novel criminal class. This appears to be a favorite pastime of the Maryland General Assembly, perhaps in fulfillment of the desire to be seen by constituency as “doing something” about perceived problems. In this situation, the gun owner is burdened with literally knowing all things possible with respect to access by a 17 (or younger)-year-old. The possibilities for discriminatory and arbitrary enforcement are endless, no doubt part of the appeal to the State of Maryland legislators and law enforcement organizations. Under these bills, the first offense is punishable by 90-days in prison and/or a \$1,000 fine. The second offense is punishable by up to 2 years in prison and/or a \$2,500 fine. And any subsequent offense is punishable by up to 3 years in prison and/or a \$5,000 fine, and is thus a life-time disqualifying crime under State and Federal law.

These bills will likewise repeal the exception in existing law that allows a child to have access to firearms if the child has a certificate of firearm and hunter safety issued by the State. Instead, for minors under the age of 18 and who have the hunter safety certificate, the bills allow access to a rifle or a shotgun IF the minor has been given express permission by a parent. That access is permitted, however, only if the person who stores or leaves the firearm stores the firearm unloaded and stores the **ammunition** “in a secure location where a minor could not **reasonably** gain access to the ammunition.” In short, a minor with a hunter safety certification may have access to a rifle or shotgun with permission but **still** is denied access to **the ammunition**. I understand this citizen concern to be of no concern to the legislators, who truly will only be happy when no one outside of the State/Military apparatus is in possession of firearm technology, however, it is hard to hunt without ammunition.

Finally, these bills provide an exception if “THE FIREARM IS LEFT OR STORED UNLOADED AND HAS BEEN RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT.” It is difficult, if not IMPOSSIBLE, to think of a firearm that could be rendered "inoperable" to a 17-year-old, but is still "operable" to an 18-year-old. In short, there is no safe harbor in this bill. It is another piece of misguided legislation that needs to be destroyed and never again resurrected by anyone that claims to believe in what the founding documents of America and/or the State of Maryland clearly state, or who have sworn any oath under said documents.

Vote AGAINST SB479.

**SB479\_HB200.pdf**

Uploaded by: Griffin, Craig

Position: UNF

The intentionally vague language for this bill provides for a legal minefield for a firearms owner in which to understand and comply. Even under the best of intended circumstances this bill as written will put blame on the firearms owner simply for the 'could' having allowed access to firearms/ammunition even if otherwise securely stored in a CA-DOJ approved storage container. Many individuals who securely store their firearms would be felons simply for owning a tool that anyone given enough time and determination could have access too.

As well for the youth who have demonstrated their competency with a firearm would also be criminalized by this legislation. The Maryland DNR has with public input opened more hunting opportunities for all ages with an emphasis on youth to encourage more taking of game animals because there are too many in the state. This legislation continues to allow youth access to a firearm under very narrow circumstances. However those circumstances are contradicting and could lead to confusion and unintended violation of the law as this bill is currently written.

This bill as written is Unfavorable.

# **SB479 Testimony.pdf**

Uploaded by: Gross, Kenneth

Position: UNF

SB479: Public Safety – Access to Firearms – Storage Requirements

Name: Kenneth C. Gross  
4713 Knapp Court  
Ellicott City, MD 21043  
grossken21043@gmail.com  
410-258-8781

Position: OPPOSE

Passage of SB479 affects me personally. It is so vague in use of the term “could” rather than “would” that it would make me and every other gun-owning Maryland citizen a criminal. It would thus subject me to discriminatory enforcement. There is no safe harbor in SB479.

SB479 is draconian, impossible to comply with, and it is unconstitutional.

# **Letter written in Opposition to Senate Bill 479.pdf**

Uploaded by: Harman, David

Position: UNF

From:

David Harman  
8261 Londonderry Ct  
Laurel, MD 20707

## Letter written in Opposition to Senate Bill 479

I would like to express my opposition to Senate Bill 479 and provide reasoning for said opposition. While I appreciate the intention of this amended version of Criminal Law Section 4-104 is intended to protect children, the possible interpretations that could be argued in court open a law-abiding citizen to undue liability and responsibility for the actions of others. Ownership of a firearm is a right and with that right comes a responsibility to safely transport, handle, use, and to some extent store said firearm. If someone steals my car and damages property, injures or kills someone, I am not liable for their actions through the use of my stolen property. The thief is liable and should be held accountable for their actions. If someone steals a firearm, they have committed a crime and if further crimes are committed using that firearm, then once again the thief and/or the subsequent party taking possession and using the firearm in the commission of a crime should be held accountable for their actions. While it is advisable for parents to store firearms safely from their children, it is also advisable for them to take the time to educate the child on the safely handling a firearm and setting the terms of the child's access to said firearm. As an adult without children, access to firearms is primarily dictated by home defense and the storage is aimed at keeping said firearm from an intruder to be stolen and/or used on my family. If someone with small children is visiting my home, while I would endeavor to remove dangerous objects from their access, it is ultimately the parent's responsibility to monitor their child's activities and more importantly instill in them the understanding that they should not touch the property of others without their permission and to reinforce that notion as the child grows to make them into a responsible adult. I do not leave visible items of value in my car while parked in a publicly accessible area to avoid tempting someone to steal them, but access to my valuables does not absolve the thief from his crime.

Respectfully,

David Harman





**HB 200 and SB 479 unfavorable - Stephen Johnston.p**

Uploaded by: Johnston, Stephen

Position: UNF

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](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

**HB 200 \_ SB 479 .pdf**

Uploaded by: Klein, Michelle

Position: UNF

I am a Woman of Color, Mom, teacher, volunteer firearms instructor for women, and safe and law abiding citizen. You might ask why a Mom and teacher would enter into the world of firearm ownership. Well, this Mom once had to call 911 when an angry person walked along the driveway near my home and verbally threatened my family. It took 20 minutes for the police to arrive that day! 20 very, very long and scary minutes holding my young children inside the house, and trying to keep them from my fear! To make matters worse, because of the circumstances that angry man was not taken to jail but simply asked to leave. I learned that horrible day, that when my family's safety is in danger that seconds count. But sadly, the police are many minutes away. That was the day I decided to become a safe, educated citizen who could protect their family if ever threatened again. I tell you that I am not alone, as so many now millions of women have also decided to protect their families with safe and legal firearm ownership. That is especially true this year as we deal with increased crime from prolonged economic losses during this pandemic.

You might say, "Well that was years ago." But just two weeks ago (early January of 2021), my son called 911 to report a dangerous situation on the beltway. He was put on hold for 25 minutes, at which point he gave up and hung up. Had his life been in danger that day, what would have happened in those long and scary minutes? You might also say, "Well we have to protect children." This Mom couldn't agree more, but there are better ways to protect our children!

Why would this bill make a Mom like me a criminal? Quite simply, wording. 'Could' is a generic word, unfortunately. Also, I speak with a little authority as a firearms instructor; we already train and educate all HQL students on proper and appropriate storage. We already emphasize the responsibility of preventing access of ammunition and firearms to unauthorized persons. That is already the case of law abiding citizens. As I write this, literally tens of millions of firearms owners across our nation are doing their due diligence in preventing access to prohibited and unauthorized people. They've been trained by instructors and in their courses to do just that.

In fact, there already exists law that speaks to this responsibility. The 2010 Maryland Code, Criminal Law, Title 4 Weapon Crimes, Subtitle 1 General Provisions, Section 4-104 - Child's Access to Firearms, section 3. This regulation specifically states: (c) Prohibited.- A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm. What I am speaking out against is language that does not take the many issues described here into account, and language that is potentially redundant as the above mentioned regulation is already in existence.

I am also speaking out against legislation that would do nothing to prevent the next crime. For example, did you know that anywhere between 60,000 to 2.5 million lives are saved every year by citizens that use a firearm in a defensive situation? That data comes from the Center for Disease Control and Prevention; that data was obtained by studies from the CDC's scientists themselves; a source we are told to trust.

So today I am encouraging you to be courageous, to learn from law abiding citizens, to work towards a world where children are truly safe and law abiding citizen moms are not criminalized overnight. I implore you to help moms like me continue to be our family's first responders. And I implore you to join with the experts from Maryland's firearms organizations in working toward a world where children are safe in their schools and homes.

# **SB0479 Testimony.pdf**

Uploaded by: Kwoka, Daniel

Position: UNF

Daniel Kwoka

Street, MD

February 9, 2021

**Testimony of Daniel Kwoka**

**Opposition of SB0479 –**

**Public Safety - Access to Firearms - Storage Requirements (Jaelynn's Law)**

To whom it may concern, and members of the Maryland General Assembly, my name is Daniel Kwoka and I oppose SB0479.

I Oppose this bill because:

- There is no safe harbor in this bill.
- The language in this proposed bill puts more law-abiding citizens in danger than impacting the real problem of violent criminals gaining access to firearms.
- Regardless of age, any law-abiding citizen has the right to store and access their firearms and ammunition when and where they please.
- “the right of the people to keep and bear Arms shall not be infringed”.

Thank you,

-Daniel Kwoka



**SB 479-HB 200 Access to Firearms TEM Testimony 02-**

Uploaded by: Mathison, Theodore

Position: UNF

## **WRITTEN TESTIMONY IN OPPOSITION TO SB 479 and HB 200**

Submitted by Theodore Mathison

322 Lazywood Court

Millersville, MD 21108

Email: [tem2@verizon.net](mailto:tem2@verizon.net)

Hearings: February 11, 2021 and March 1, 2021, respectively.

### **Senate Bill 479 and House Bill 200: Public Safety – Access to Firearms – Storage Requirements (Jaelynn’s Law)**

I am writing to oppose SB 479 and HB 200 because they create requirements that are unrealistic, impossible to meet and will entrap innocent Maryland citizens exposing them to overbearing fines and imprisonment.

These bills would amend Criminal Law Article 4-104 to: change the definition of a child from “under the age of 16 years” to under the age of 18 years and identify the person as a “minor” versus “a child”; add unloaded firearms to the loaded firearm storage requirements of the law; and substitute the word “could” for “would” under the storage criteria.

SB 479 and HB 200 also impose very harsh penalties for violation of the proposed revisions to the Article. The penalties are presented in three tiers depending upon the nature of the alleged violation.

1. A minor does not gain access to a firearm: Imprisonment not exceeding 90 days, or a fine of \$1,000, or both.
2. A minor gains access to a firearm: Imprisonment not exceeding 2 years, or a fine not exceeding \$2,500, or both;
3. A minor gains access to a firearm and the firearm causes injury to the minor or someone else: Imprisonment not exceeding 5 years, or a fine not exceeding \$5,000, or both.

As noted above, these bills add “unloaded firearms” to loaded firearms that must be secured. The question is why an unloaded firearm is considered such a hazard that it would net the owner up to 90 days imprisonment if it is not secured by lock or installed in a safe? Unloaded firearms could include modern day replicas of both black powder and cartridge variety firearms that are hung over fireplaces, displayed in enclosed, glass covered display cases, etc. Why must these be secured to prevent access when the bills also require that “any ammunition that a person owns or controls, that is suitable for use in a firearm...” must be placed “...in a secure location where a minor could not reasonably gain access to the ammunition.”

Most troubling is the substitution in the bills of the term “could” for “would” relative to gaining access to a firearm. The use of “could” opens the door to a very broad interpretation of the circumstances under which either loaded or unloaded firearms must be secured. According to *writingexplained.org*, “would” expresses certainty, intent or

both, whereas “could” expresses “possibility”. Thus, the latter implies an individual must be clairvoyant as to who, how, when and where someone might gain access to a firearm.

This places a tremendous burden upon firearm owners because they must secure all firearms, loaded or unloaded, against every and any conceivable eventuality. Parents would have to keep the keys to locked firearms in their possession at all times less a minor find the keys hidden in the house, safe combinations would have to be hidden etc.

Compounding the problem is the “lousy design” of many gun locks and safes (*For Gun Locks and Safes, Lax Oversight and Lousy Design*, Teresa Carr, ([HTTPS://UNDARK.ORG/UNDARK-Author/Teresa-Carr/](https://undark.org/undark-author/teresa-carr/), 09-27-2019.) According to the author many firearms security devices are poorly designed and made. She cites an individual who purchased a firearm safe. The individual went on line and found a video that showed how to break into his safe. He readily gained access to the safe using a piece of wire. The article also mentions that standards for firearms security devices are sadly lacking, and even in California, which has adopted such standards, they have not been updated since 2002. Some of the criteria utilized for the regulations was adopted in the 1970s.

Thus, gun owners are faced with the “could gain access criteria” and security devices that may or not provide adequate security against an inquisitive “almost 18 teenager” who can go on line and get first hand instructions on how to “crack” firearm security devices. And with the possibility of a minimum of 90 days imprisonment and/or a \$1,000 fine after taking reasonable precautions to secure a firearm, this just does not seem to be the right way to treat honest, Maryland citizens. There has to be a more equitable way to solve the problem. Finally, one also has to wonder how the law will be enforced. Are law enforcement agencies going to make unannounced visits to the homes of those owning firearms or what?

I applaud those who are trying to address firearm security issues, but SB 478 and HB 200 are wide of the mark and appear designed more to punish law abiding citizens than to address the problem. Surely, there is a better approach than is set forth in these bills wherein a firearm’s owner is expected to meet impossible standards with equipment that is far short of fool proof.

In light of the shortcomings of SB 479/HB 200 mentioned above, I respectfully ask these Bills receive unfavorable reports.

Sincerely,



Theodore E. Mathison

# **Ian Rus Maxwell SB479 Testimony.pdf**

Uploaded by: Maxwell, Ian Rus

Position: UNF

I am writing to urge an unfavorable report on SB479. Primarily because passage as currently written *could* endanger my daughter and turn me into a criminal when it took effect.

At this moment, my 17-year old daughter is able to gain access to my firearm safes, and thus, loaded firearms when she is unsupervised. I have, intentionally, given her the codes/combinations to those safes in order that she may protect herself - should the need arise in a crisis situation - during times when she is alone and unsupervised in our home.

My daughter has been instructed in the safe and effective use of firearms since a young age. There is no one on this Earth I would trust more in the handling a firearm. To amend Maryland law such that I have to deny her access to my safes, should she need to protect herself in a crisis, would be is an enormous injustice.

In addition, I have no desire to become a criminal. I believed one meaning of the word "could" is "possibility." I wanted to make sure, so I looked up "could" in the Cambridge online dictionary. I was right: Definition-B1 was "used to express possibility, especially slight or uncertain possibility."

As mentioned above, I keep my firearms secured and I have a 17-year old daughter. She, her cousin, and two friends, are all 17 and all very intelligent (scored either 34+ on the ACT or 1500+ on the SAT). There are times that all four of these young adults are in my home - simultaneously.

*Could* these 17-year olds defeat the safes I keep my firearms in? In other words, is there an "uncertain possibility" of that? Given how smart the four are, the answer must be yes. Consequently, it seems to me, just by allowing them in my home SB-479 will turn me into a criminal.

By the way, in case anyone might be wondering, *would* any of these 17-year olds try to defeat my safes and gain access to my firearms? No, no, they *would* not.

Sincerely,

Ian Rus Maxwell

18307 Crestmount Road

Boyds MD 20841

[ianrus.maxwell@gmail.com](mailto:ianrus.maxwell@gmail.com)

301.325.7152

**sb0479\_mcguire\_opposed.pdf**

Uploaded by: McGuire, James

Position: UNF

Submitted by: James I. McGuire III  
Ijamsville, MD  
District 4  
09 February 2021

2021 SESSION

**SENATE BILL 0479**

Public Safety – Access to Firearms – Storage Requirements

- **OPPOSED** -

Sirs -

Again, I am writing to the Maryland General Assembly in opposition to proposed legislation. SB-479 is a drift-net of speculative criminality. This is absurd. Let's examine one section of the text:

(c) (1) A person may not store or leave a [~~loaded~~] firearm in a location where the person knew or should have known that an unsupervised [~~child would~~] MINOR COULD gain access to the firearm.

By this text, no actual minor need be present, only that a firearm could possibly be accessed by one (should he magically appear out of thin air.) It is unclear how this speculative "gain access" event would be evaluated and by whom.

Further, the "accessibility" criterion for a "minor" changes drastically from youth to near-adulthood. Placing a firearm on a high-shelf well out of "access" to a toddler would still be in violation because a fictitious-but-not-present 17-year-old could easily gain access.

There is so much more wrong with this legislation, but I am content to stop here. SB-479 is one of the worst bills I have had the displeasure of reading and responding to. Y'all should be embarrassed to put something this bad out for consideration.

I strongly urge an **unfavorable report**.

Regards,



James I. McGuire III

# **I am opposed to SB479.pdf**

Uploaded by: Nash, Melissa

Position: UNF



I am opposed to SB479. This bill is a blatant attack on Marylanders right to keep and bear arms. There is so much gray area within this bill that it will only serve to turn otherwise law abiding citizens into criminals.

Melissa Nash  
Grantsville, MD

# **Art\_Novotny\_UNF\_SB0479.pdf**

Uploaded by: Novotny, Art

Position: UNF

## Testimony of Art Novotny in OPPOSITION to SB0479

Proper storage is a fundamental of responsible firearm ownership. I certainly have done, and always will do my best to store my firearms securely. The standards set by this bill, however, make compliance impossible because it is based on what a minor “could” do.

As an upcoming metalworker, when I was sixteen years old, I am sure that I had the tools and abilities to break into any of the gun safes I own now. (I was raised to be responsible with firearms and respectful of other people’s property, so I certainly would not break into a safe...but I am sure that I **could**). That was over twenty five years ago, before cordless grinders and instructions on the internet were readily available. A sixteen year old me today would be even more capable. Is that the standard against which we have to fortify our firearm/ammunition storage?

Even the elaborate borelocks (such as the Omega brand), which are required by existing law to be included with handgun purchases in Maryland do not meet the criteria of rendering a firearm “inoperable to anyone other than an adult.” A quick tutorial of the LockPickingLawyer channel on Youtube shows how easily these locks (as well as a myriad of other gun locks and safes) can be easily defeated with common household items.

I am also very concerned with how this law will be enforced, specifically section (c) (1), where a (now) illegally stored firearm has not even been accessed. Will this require an inspection of my house and bedroom safes to ensure compliance? I do not allow unsupervised minors in my house. That, and the lock on my door, should be enough.

Certainly, there should be some sort of liability attached to grossly negligent firearm storage that leads to crimes being committed by others. This bill, however, is just too intrusive and impossible to follow.

Thank you,  
Art Novotny  
District 7

**Katie \_ Novotny\_UNF\_SB479.pdf**

Uploaded by: Novotny, Katie

Position: UNF

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*Written Testimony of Katie Novotny in Opposition of SB0479*

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February 08, 2021

I am a member of Multiple Gun Rights organizations. Maryland Shall Issue, Associated Gun Clubs, Maryland State Rifle and Pistol Association, 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 oppose SB0479.

This bill changes the word “would” to “could”. “Could” is used to indicate possibility. “Could gain access”. We all know that kids can do all kinds of surprising things. The internet is a big wide world where all kinds of things can be learned. Things like how to pick a lock. A quick internet search of the terms “how to pick a lock” brings up pages and pages of results. Complete with pictures, videos, links to where to purchase the tools required, or simply a list of household items that could be used. There is a YouTube channel called LockPickingLawyer.

<https://www.youtube.com/channel/UCm9K6rby98W8JigLoZO6h6FQ/featured> He is a lawyer who lives in Maryland and creates videos which evaluate security devices. This illustrates how easy it is to access information on how to pick locks, although he has a disclaimer stating to not use any of his information for illegal purposes. He shows how easily defeated with readily available items, locks actually are.

<https://youtu.be/o0IYq8AhMJc> This video shows how easily a gun lock box is picked with readily available tools. <https://youtu.be/Chu4mvEUc5I> This video shows a gun safe being opened with an orange juice bottle. Hundreds of videos are available, and it really is quite educational on what items to avoid purchasing. The rabbit hole that is YouTube aside, this information illustrates how easily locks are defeated, and how pointless legislation like this is. Nearly any adolescent child has access to the internet at some point, and therefore can obtain this kind of information. This is why changing the word “could” from “would” is such a terrible idea.

Changing the law to include access to unloaded firearms instead of loaded firearms is also a gross overstep. Unloaded firearms are no danger at all, except as a blunt object, similar to a brick, and much less dangerous than items available in most households; Kitchen knives, box cutters, saws, power tools, household chemicals, and prescription drugs.

Project ChildSafe (<https://projectchildsafe.org>) is a program created by the National Shooting Sports Foundation. They promote firearms safety and education. A huge project they have taken on is providing free gun safety kits. These include a cable lock to make a firearm unusable until it is removed. They have given out over 38 million gun locks. Under this proposed bill, these locks would not be adequate because simply having a gun unloaded and locked in a manner that it cannot be loaded and fired does not meet the impossible standards proposed by this legislation. These are free locks, available in every county of our state, securing firearms for people who believe they are safely securing their firearms from minors and complying with current laws. These people at the least will be forced to purchase some sort of safe, but as displayed above, certainly no inexpensive safe or lockbox is adequate against the word “could”.

This proposed law is a direct violation of DC v. Heller, which protects the right to have a firearm for self-defense in the home.

State law requires new handguns to leave the FFL with a lock. A list of approved locks is located here on the Maryland State Police website:

<https://mdsp.maryland.gov/Document%20Downloads/Approved%20Integrated%20Mechanical%20Safety%20Devices.pdf> These locks are also inadequate to meet the requirements of this law, although they were previously adequate.

As a firearms owner, I take responsibility for having my firearms stored safely. This protects my investment from damage caused by improper storage, as well as from theft. This bill, however is so hopelessly vague, that I don't know what is allowed. Historically, preventing a child from gaining ready access to a loaded firearm has been adequate.

This law allows prosecution of a firearms owner who thought they had properly secured their firearms in a manner considered generally reasonable by most people. However if a child does gain access, and does not even have to do anything with the firearm, if the police find out, under penalties in this bill, that person would then become a prohibited person. Over the possibility of a child coming in contact with an unloaded firearm.

There needs to be balance between public safety and rights. The current law does a fair job of treading that line. Unfortunately, sometimes things still happen. This bill is also unenforceable, unless the police are planning on going door to door to inspect storage devices. The only way anyone would likely know this law was violated was if the 3<sup>rd</sup> scenario happened, that a child does gain access and injures another or themselves. In that case, how is tacking on another meaningless sentence helping anyone heal from tragedy?

Because of these reasons above, I request an unfavorable report.

Katherine Novotny

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**MSI Testimony on HB 200and SB 479 unfavorable.pdf**

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February 11, 2021

## WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 479 AND HB 200

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is an all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in opposition to HB 200 and SB 479

### **The Bills:**

These bills would amend Md Code Criminal Law § 4-104. Specifically, current law provides that “[a] person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child would gain access to the firearm.” A child is defined for these purposes as a person “under the age of 16 years.” This bill would change the definition of a child to a person under the age of 18 years and modifies the prohibition to provide that a “person may not store or leave a loaded **OR UNLOADED** firearm in a location where the person knew or should have known that an unsupervised child **COULD** gain access to the firearm, **UNLESS THE FIREARM IS LOCKED.**” The bills will likewise repeal the exception in existing law that allows a child to have access to firearms if the child has a certificate of firearm and hunter safety issued under § 16 10–301.1 of the Natural Resources Article. Instead, for minors under the age of 18 and who have the hunter safety certificate, the bills allow access to a rifle or a shotgun if the minor has been given express permission by a parent. That access is permitted, however, only if the person who stores or leaves the firearm stores the firearm unloaded and stores the ammunition “in a secure location where a minor **could not reasonably** gain access to the ammunition.” Finally, the bills provide an exception if “**THE FIREARM IS LEFT OR STORED UNLOADED AND HAS BEEN RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT.**” The bills do not define “access” or “could” or “inoperable.”

The bills also change the punishment for a violation of Section 4-104. Current law punishes a violation as “a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.” No prison time is imposed under current law. These bills would create three new layers of offense with increasing punishments, including prison time for each layer. Merely leaving a



LOADED or UNLOADED firearm in a “location where the person knew or should have known that an unsupervised MINOR COULD gain access to the firearm,” is punishable with 90 days imprisonment and a \$1,000 fine. At the next level, leaving a LOADED or UNLOADED firearm in a “location where the person knew or should have known that an unsupervised MINOR COULD gain access to the firearm,” and the minor actually gains access is punishable with 2 years of imprisonment and a fine of \$2,500. And, at the final level, leaving a LOADED or UNLOADED firearm in a “location where the person knew or should have known that an unsupervised MINOR COULD gain access to the firearm,” and “THE FIREARM CAUSES HARM TO THE MINOR OR TO ANOTHER PERSON” is punishable with 5 years of imprisonment and a fine of \$5,000.

## **THE BILLS ARE DRACONIAN, IMPOSSIBLE TO COMPLY WITH AND ARE PATENTLY UNCONSTITUTIONAL**

### **Youth Hunting:**

As noted, these bills repeal the exception found in current law for a child with a State-issued hunter safety certificate and substitutes an extremely awkward language that provides that such individuals with a hunter safety certificate. Specifically, the bills impose an **ammunition** access restriction on the person (including the minor) who leaves the or stores the rifle or shotgun, requiring that such person store the ammunition in such a way that “MINOR COULD NOT REASONABLY GAIN ACCESS TO THE AMMUNITION.” Under this provision, the storage statute would not even apply to a minor who has a hunter safety certificate and has permission from a parent. Such minor is allowed access to a rifle or shotgun for legitimate purposes (such as hunting) with parental consent. The bills thus allow that minor (as a “person”) to store the **firearm**, as long as the firearm is unloaded. **Yet, the minor is criminally liable if he or she fails to store the ammunition in the “secure location” where he or she “could not” gain access.** That result is little short of bizarre. The bills expressly exempts from its coverage a minor’s access to a rifle and shotgun if he or she has a hunter safety certificate and has permission. Yet, that same minor must then store ammunition in a way to make it inaccessible to himself or herself! Plainly, if a particular minor with a hunter safety certificate is permitted access to the firearm for legitimate purposes, then that minor should likewise be allowed to access the ammunition for the very firearms he or she is allowed to access. After all, a rifle or shotgun is useless for legitimate purposes (e.g., hunting or varmint control) without ammunition. Yet, that access to ammunition is not allowed by these bills. The bills thus impose nonsense restrictions on ammunition.

These bizarre requirements create a compliance nightmare and directly burden hunting. It is a traditional for hunters in this state and elsewhere to instruct their sons and daughters in hunting, often starting at a very young age. When such minors are ready (in the judgment of their parents), they are typically allowed to hunt on their own. Such hunting often occurs on the farms or other property of the parents or on property owned by family friends. These bills would criminalize such hunting **by criminalizing access to ammunition by the minor.** Mere possession of ammunition by a minor with a hunter safety certificate would be evidence of the very access banned by these bills. No sane parent will take the risk of criminal prosecution of their child or of themselves by allowing their child to possess ammunition. That reality will effectively ban youth hunting in Maryland. The number of hunters is already dropping in Maryland. Yet, Maryland, like other states, is heavily

dependent on the fees and taxes paid by hunters to manage wildlife and promote conservation. Thus, Maryland, like other states, is actively seeking to encourage more hunting. See [https://www.washingtonpost.com/local/maryland-hopes-to-recruit-new-hunters--and-promote-conservation/2018/11/29/69cccf3e-ecf3-11e8-96d4-0d23f2aaad09\\_story.html](https://www.washingtonpost.com/local/maryland-hopes-to-recruit-new-hunters--and-promote-conservation/2018/11/29/69cccf3e-ecf3-11e8-96d4-0d23f2aaad09_story.html) (“The Maryland Department of Natural Resources received \$11 million last year, including \$7.8 million from hunting expenditures”).

This public policy fully applies to youth hunting. Indeed, Maryland law accords “a 1-year gratis hunting license to a Maryland resident under the age of 16 years who has successfully completed a hunter safety course,” MD Code Nat. Resources §10-301.1(f)(1), and creates special youth hunting days for hunters under the age of 16. See <https://dnr.maryland.gov/huntersguide/Pages/JrHunters.aspx>. Over time, these bills, if enacted, will radically reduce youth hunting and hunting in general in Maryland. Again, no sane parent who is aware of this law would allow a child access to ammunition for hunting or for any other legitimate lawful purpose. After all, access to ammunition, under these bills, cannot be afforded to minors with the hunter safety certificate. Either that, or the law will be widely ignored, thereby creating large numbers of new criminals among minors and their parents, especially in rural areas. Law enforcement officers will be free to pick and choose who to arrest and prosecutors will likewise have free reign in picking who to prosecute. **The potential for arbitrary and discriminatory enforcement is self-evident.**

We know of no state that bans access to ammunition or firearms to minors who are hunters. See, e.g. N.Y. Penal Code 265.45 (“It shall not be a violation of this section to allow a person less than sixteen years of age access to: (i) a firearm, rifle or shotgun for lawful use as authorized under paragraph seven or seven-e of subdivision a of section 265.20 of this article, or (ii) a rifle or shotgun for lawful use as authorized by article eleven of the environmental conservation law when such person less than sixteen years of age is the holder of a hunting license or permit and such rifle or shotgun is used in accordance with such law.”). Similarly, California allows full access to a firearm if access is with parental permission. Cal. Penal Code §25100(2). Neither New York nor California impose this sort of novel restriction on the storage of ammunition.

These bills are a breach of trust. In 2013, when Governor O’Malley pushed hard for enactment of the Firearms Safety Act of 2013 (SB 281), he wrote an email to hunters in Maryland stating that “Let me be clear: **We are committed to protecting hunters and their traditions.** That’s why we specifically carved out shotguns and rifles from the licensing requirements of our bill.” <https://www.washingtontimes.com/blog/guns/2013/feb/12/miller-omalley-emails-licensed-hunters-push-gun-co/>. (Emphasis added). As a licensed hunter in Maryland, the undersigned received that email. There is no more fundamental aspect to “hunters and their traditions” than youth hunting. Now, a mere six years later, “hunters and their traditions” are under direct assault by these bills. That promise has been broken. The lesson is clear: the General Assembly cannot be trusted.

#### **Due Process:**

These bills change Section 4-104 from a safe storage measure into a truly draconian and vague law that would severely punish otherwise innocent conduct. It now will severely punish any storage that “could” result in access to the firearm, not “would.” **That change is highly significant.** The Maryland courts commonly refer to standard dictionaries in

interpreting legislative language. *Marriott Employees Federal Credit Union v. Motor Vehicle Admin.* 346 Md. 437, 449, 697 A.2d 455 (1997). Under virtually all dictionary definitions in this context, “could” is defined in terms of what is “possible.” See, e.g., <https://www.englishpage.com/modals/could.html> (“‘Could’ is a modal verb used to express possibility”); The American Heritage Dictionary 232, 330 (2d college ed.1985) (noting that “could” is the past tense of “can,” which is defined as “[u]sed to indicate possibility or probability.”). See also *Keene v. Ault*, 2005 WL 1177905 at \*7 (D. Iowa 2005) (applying “could” in this manner).

Changing “would” to “could” is a radical change because it would literally require prescience for owner to know what a child, **any** child, under the age of 18 “could” do. As a rule, “[t]he law does not require prescience.” *Raffucci Alvarado v. Sonia Zayas*, 816 F.2d 818, 820 (1st Cir. 1987). See also *Goldsborough v. De Witt*, 171 Md. 225, 242 (1937) (“The law does not require infallibility of decision in its fiduciaries nor prescience”); *Ditto v. Stoneberger*, 145 Md.App. 469, 499 (2002) (“The law requires proof of probable, not merely possible, facts, including causal relations”), quoting *Charlton Bros. Transportation Co. v. Garrettson*, 188 Md. 85, 94 (1947). Under this “could” standard, the mere possibility of access would be sufficient. The bills are not limited to minors in the household and thus include the entire universe of minors (other than intruders). The bills thus include minors, anywhere, who have the tools and knowledge sufficient to crack a safe or break into locked storage. Such knowledge is obtainable from the Internet and the requisite tools are easily found at any hardware store. For some safes, all it would take is a diamond edge blade on a circular saw or even a crowbar. Trigger locks, which are often supplied by dealers and universally accepted as a means of securing firearms, can be defeated with tools and a little time. All of this is “possible” for a minor.

Indeed, this bill would effectively repeal MD Code, Public Safety, §5-132(c)(1), which requires that a dealer may not sell a handgun without “unless the handgun is sold, offered for sale, rented, or transferred with an external safety lock.” Federal law, 18 U.S.C. §922(a)(1), imposes a similar requirement, providing that “it shall be unlawful for any licensed importer, licensed manufacturer, or licensed dealer to sell, deliver, or transfer any handgun to any person other than any person licensed under this chapter, unless the transferee is provided with a secure gun storage or safety device (as defined in section 921(a)(34)) for that handgun.” Section 921(a)(34), 18 U.S.C. §921(a)(34), in turn defines the term “secure gun storage or safety device” to mean “(A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; (B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or (C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.”

Pursuant to this legislation, the Maryland Handgun Roster Board has published a list of approved safety devices that the dealer may offer at the time of sale. (Attached). These devices likewise satisfy the requirements of federal law. **Every one** of these devices “could” be defeated by a minor, given time and tools. See, e.g., <https://www.youtube.com/watch?v=U05ixDwsnNs> (video demonstrating using a Bic pen to remove the Roster Board-approved Omega Gunlock very commonly sold with handguns in Maryland). **None** of these devices actually would deny access **to the firearm** itself. These

bills ban all possible access, even to guns locked with Roster Board-approved locks or locks of the type specified in Section 921(a)(34) of federal law. The bills effectively nullify these requirements imposed by existing law. The bills could even ban, for example, access to a quick-release safe containing a firearm because the safe itself could be pried from its moorings, picked up and stolen. “Access” is simply not defined. So what’s next, a requirement that the dealers sell guns only with impenetrable safes that must be bolted to a concrete floor?

There is no appropriate *mens rea* requirement in these bills. The bills impose liability upon gun owners if the owners knew or should have known that **any** minor “could” break into any storage and obtain access, *viz.*, knew or should have known whether such access was “possible.” That is not a defensible *mens rea*. The bills require requires knowledge of all possible facts, and thus cannot be said to indicate any sort of guilty state of mind. As the Supreme Court has stated, “the basic principle [is] that ‘wrongdoing must be conscious to be criminal.’” *Elonis v. United States*, 575 U.S. 723, 135 S.Ct. 2001, 2009 (2015) (citation omitted). That means that “a defendant generally must ‘know the facts that make his conduct fit the definition of the offense.’” *Id.*, quoting *Staples v. United States*, 511 U.S. 600, 608, n.3 (1994). See also *Rehaif v. United States*, 139 S.Ct. 2191, 2196 (2019) (“the understanding that an injury is criminal only if inflicted knowingly ‘is as universal and persistent in mature systems of law as belief in freedom of the human will and a consequent ability and duty of the normal individual to choose between good and evil’”) (citation omitted). These bills fail these principles, as a person cannot be reasonably charged with knowledge of the infinite variety of facts that are “possible.” It is quite impossible for the average gun owner “to choose between good and evil under these bills.” (*Id.*).

Even worse, these bills make the gun owner into a guarantor against the merely possible misconduct of every minor, any minor. That’s absurd burden to place on any law-abiding person. See *Elonis*, 135 S.Ct. at 2007 (The “reasonable person” standard “is inconsistent with the conventional requirement for criminal conduct—awareness of some wrongdoing”). See also *United States v. White*, 810 F.3d 212, 220 (4th Cir. 2016). Such absolute guarantor liability is not even imposed under tort law, much less criminal law. See Restatement (Second) of Torts § 448. Upon the effective date of these bills, every gun owner in Maryland would be immediately guilty of this crime because no gun owner would ever be able to say that it was impossible for a minor to gain access. Arbitrary or discriminatory enforcement is thus virtually guaranteed. See *McDonnell v. United States*, 136 S. Ct. 2355, 2373–74 (2016) (noting that “we cannot construe a criminal statute on the assumption that the Government will ‘use it responsibly’”) (quoting *United States v. Stevens*, 559 U.S. 460, 480 (2010)). As Lavrentiy Beria, who was Stalin’s ruthless secret police chief during the reign of terror, liked to brag: “Show me the man and I’ll show you the crime” <https://www.oxfordeagle.com/2018/05/09/show-me-the-man-and-ill-show-you-the-crime/>. That is exactly what these bills do every gun owner in Maryland. The arbitrary enforcement sanctioned by these bills will undoubtedly be suffered most heavily by the poorer, least educated population of Maryland. These citizens are the least able to defend themselves from such enforcement. See, e.g., [https://www.hrw.org/legacy/campaigns/race/criminal\\_justice.htm](https://www.hrw.org/legacy/campaigns/race/criminal_justice.htm).

These bills violate substantive due process. The State may not constitutionally condition the legality of possession of constitutionally protected property, such as a firearm, on compliance with prerequisites that are literally impossible to achieve, *viz.*, the knowledge

of all means of access that are possible. See, e.g., *Usery v. Turner Elkhorn Mining Co.*, 428 U.S. 1, 15 (1976) (noting a due process violation is established where “the legislature has acted in an arbitrary and irrational way”); *MHC Financing Ltd. Partnership v. City of San Rafael*, 714 F.3d 1118 (9th Cir. 2013), *cert. denied*, 571 U.S. 1125 (2014) (“We will strike down a statute on substantive due process grounds if it is arbitrary and irrational.”). See also *Broderick v. Rosner*, 294 U.S. 629, 639 (1935) (Brandeis, J.) (invalidating a statute, in part, because it “imposes a condition which, as here applied, is legally impossible of fulfillment”). These bills fail these basic principles.

Likewise hopelessly vague is the exemption for firearms left or stored unloaded **and** “RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT.” It is virtually impossible to know what this means, as a practical matter. We know of no manner of storage in which the firearm **is** operable by an 18 year-old, but **is not** operable by a 17 year-old. The bills offer no definition for such storage and the ordinary gun owners would simply have to guess at the meaning of this requirement. Such a statute is facially unconstitutional. A penal statute must “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). See also *United States v. Davis*, 139 S. Ct. 2319, 2325 (2019) (“Vague statutes threaten to hand responsibility for defining crimes to relatively unaccountable police, prosecutors, and judges, eroding the people’s ability to oversee the creation of the laws they are expected to abide.”). **Thus, as the Maryland Court of Appeals has stressed, the General Assembly has an “obligation to establish adequate guidelines for enforcement of the law.”** *Ashton v. Brown*, 339 Md. 70, 88, 660 A.2d 447, 456 (1995). These bills utterly fail that “obligation.”

For the same reasons, the use of “could” makes these bills hopelessly vague and thus a violation of the Due Process Clause. The language of these bills leaves gun owners literally at sea concerning what is required and what is not and is an open invitation to arbitrary and discriminatory enforcement. Such a law is unconstitutionally vague. See *Williams v. State*, 329 M.1, 9, 616 A.2d 1275, 1279 (1992) (“a statute must eschew arbitrary enforcement **in addition** to being intelligible to the reasonable person”). These vagueness principles are especially vigorously enforced by the courts where the vague statute could impact the exercise of constitutional rights. For example, in the *City of Chicago v. Morales*, 527 U.S. 41, 54 (1999), the Court struck down a Chicago ordinance that banned loitering as void for vagueness, noting that “the freedom to loiter for innocent purposes is part of the ‘liberty’ protected by the Due Process Clause.” *Morales*, 527 U.S. at 53. The Court found highly significant that the ordinance was a “criminal law that contains no *mens rea* requirement” and concluded “[w]hen vagueness permeates the text of such a law, it is subject to facial attack.” *Id.* at 55. As explained below, law abiding citizens have a constitutional right to possess firearms in their homes. Vagueness in the scope of these bills is thus particularly intolerable. There is nothing “imaginary” about the chilling effects these bills would have on a law-abiding adult’s constitutional right to possess an operable firearm in the home. *Babbitt v. United Farm Workers Nat. Union*, 442 U.S. 289, 302 (1979). These bills fail these elementary notions of due process.

## **Second Amendment:**

Such criminalization of home possession of a firearm is also unconstitutional under *District of Columbia v. Heller*, 554 U.S. 570 (2008). Under *Heller*, responsible, law-abiding adults

have a constitutional right to keep firearms in the home in order to exercise their right of armed self-defense. The Second Amendment “**elevates above all other interests** the right of law-abiding, responsible citizens to use arms in defense of hearth and home.” *Heller*, 554 U.S. at 635. Thus, in *Heller*, the Supreme Court struck down as unconstitutional DC’s safe storage law that required a firearm to be “disassembled or bound by a trigger lock at all times.” (Id. at 628). The Court held this requirement unconstitutionally burdened the right to self-defense in the home because the requirement prevented residents from rendering their firearms “operable for the purpose of *immediate* self-defense.” Id. at 635 (emphasis added).

The storage requirements imposed by these bills do not permit a homeowner to store a firearm that is “operable for the purpose of immediate self-defense.” These bills are even worse than the DC law struck down in *Heller*. Here, the gun owner is criminally liable if a minor “could” gain access, even though the LOADED OR UNLOADED firearm was locked up or even disassembled. That requirement applies unless “THE FIREARM IS LEFT OR STORED UNLOADED AND HAS BEEN RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT” (whatever that means). Such storage makes it impossible to make use of the firearm for “immediate self-defense.” *Heller*, 554 U.S. at 635. That sort of law is unprecedented. For example, in *Jackson v. San Francisco*, 746 F.3d 953 (9th Cir. 2014), *cert. denied*, 576 U.S. 1013 (2015), the Ninth Circuit sustained a San Francisco safe storage law that required that a **handgun** be locked up in a container or secured with a trigger lock, but exempted from that requirement a “handgun is carried on the person of an individual over the age of 18.” The Supreme Court denied review of the Ninth Circuit’s decision over the vigorous dissent of Justice Thomas and Justice Scalia, who opined that that law was contrary to *Heller*. Id. 135 S.Ct. at 2800-02. These bills apply to **all** firearms, not merely handguns and the storage requirement is more severe in that the firearms under these bills must be rendered **inoperable** to everyone other than an adult. Merely locking up the firearms or attaching a trigger lock is insufficient under these bills.

We believe that it is highly likely that the Supreme Court will, in an appropriate case, make clear that the “text, history and tradition” test is controlling in determining the constitutionality of gun control legislation – not tiers of scrutiny. Four members of the Supreme Court recently employed this text, history and tradition approach in *NY State Rifle & Pistol Ass’n, Inc. v. City of New York*, 140 S.Ct. 1525 (2020), where a majority of the Court held that the case was mooted by the repeal of the offending City of New York ordinance. See id. at 1526 (Kavanaugh, J.) (concurring in judgment of mootness, but agreeing with Justice Alito’s discussion of *Heller* and *McDonald* on the merits); Id. at 1540-41 (Alito, Thomas, Gorsuch, JJ., dissenting from the judgment of mootness but noting further on the merits that the City’s ordinance violated the Second Amendment under *Heller* and *McDonald*). Justice Thomas made the same point very recently in another case. *Rogers, et al. v. Grewal*, 140 S.Ct. 1865, 1868 (2020) (Thomas, J., dissenting from denial of certiorari). See also *Heller v. District of Columbia* (i.e. “*Heller II*”), 670 F.3d 1244, 1269 (D.C. Cir. 2016) (Kavanaugh, J., dissenting) (“In my view, *Heller* and *McDonald* leave little doubt that courts are to assess gun bans and regulations based on text, history, and tradition, not by a balancing test such as strict or intermediate scrutiny.”). With Justice Barrett now joining the Court, we believe that a solid majority of the Court will adhere to these principles when the issue is presented in an appropriate case. See *Kanter v. Barr*, 919 F.3d 437, 452-53 (7th Cir. 2019) (Barrett, J., dissenting). Indeed, in *Wrenn v. District of Columbia*, 864 F.3d 650 (D.C. Cir. 2017), the D.C. Circuit applied this text, history and tradition test in



striking down the carry statute enacted by the District of Columbia. Nothing in the text, history or tradition of the Second Amendment would remotely support the restrictions imposed by these bills.

In any event, these storage requirements will fail under a tiers of scrutiny. From the time that it adopted the two-part analysis in *United States v. Chester*, 628 F.3d 673 (4th Cir. 2010), the Fourth Circuit has stated repeatedly that if a challenged law implicates the core right of a law-abiding, responsible citizen to possess a firearm in his or her home, the law is subject to a strict scrutiny analysis. To satisfy strict scrutiny, the State must establish that the challenged laws are narrowly tailored to promote a compelling government interest. *Centro Tepeyac v. Montgomery Cty.*, 722 F.3d 184, 189 (4th Cir. 2013). To be narrowly tailored under strict scrutiny, the law must employ **the least restrictive** means to achieve the interest. There is nothing “least restrictive” about these bills. Even under intermediate scrutiny, “[t]he burden of justification is demanding and it rests entirely on the State.” *United States v. Virginia*, 518 U.S. 515, 533 (1996). The State will have a difficult time carrying its burden to justify these storage requirements, even under intermediate scrutiny. The Supreme Court has made clear that “to survive intermediate scrutiny, a law must be ‘narrowly tailored to serve a significant governmental interest.’” *Packingham v. N.C.*, 137 S. Ct. 1730, 1732 (2017) (quoting *McCullen v. Coakley*, 573 U.S. 464, 486 (2014)). These bills would fail that test as the bills are hardly “narrowly tailored.” See *Johnson v. Lyon*, 406 F.Supp.3d 651, 669 (W.D. Mich. 2018) (denying the State’s motion to dismiss a suit challenging firearm safe storage requirements for foster parents under intermediate scrutiny).

### **The Requirements Are Extreme:**

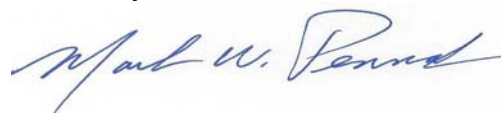
The strict storage requirements imposed by these bills stand alone. Only eleven states even have laws concerning storage. <https://giffords.org/lawcenter/gun-laws/policy-areas/child-consumer-safety/safe-storage/>. No other state has ever enacted any requirements that come even close to those imposed by these bills. For example, only Massachusetts even requires that firearms be stored in a locked container and even that statute does not regulate minor access, much less access that “could” be had by a minor. Mass. General Laws c.140 § 131L(a). That statute does not apply to firearms “carried by or under the control of the **owner or other lawfully authorized user**,” including minors. (Id.). California addresses access by minors, providing, in Cal. Penal Code § 25100, that a person may not “**negligently store[] or leave[]** a firearm in a location where the person **knows, or reasonably should know**, that a child is **likely** to gain access to the firearm **without the permission** of the child’s parent or legal guardian, **unless reasonable action is taken by the person to secure the firearm against access by the child**”) (emphasis supplied). California also **creates safe harbors** under Calif. Penal Code 25105, providing that the safe storage requirements of Section 25100 do not apply where “[t]he firearm is kept **in a locked container or in a location that a reasonable person would believe to be secure**,” or where the “[t]he person who keeps a firearm on premises that are under the person’s custody or control **has no reasonable expectation**, based on objective facts and circumstances, that a child is **likely to be present** on the premises.” Similarly, New York very recently (2019) enacted a storage bill which requires that a firearm be locked up if the owner “**KNOWS, OR HAS REASON TO KNOW, THAT A PERSON LESS THAN SIXTEEN YEARS OF AGE IS LIKELY TO GAIN ACCESS.**” Senate Bill S.2450 (2019), amending N.Y. Penal Code 265.50. That bill completely exempted from its coverage a person under the age of 16 “**WHO IS THE HOLDER OF A HUNTING**

LICENSE.” It further provides that the penalty for a failure to safety store fires “IS A VIOLATION PUNISHABLE ONLY BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS.” *Id.*

These bills go far beyond such requirements. Indeed, the only general exemption from the criminal provisions of these bills is for firearms that are both stored unloaded **and** “RENDERED INOPERABLE TO ANYONE OTHER THAN AN ADULT.” Again, that provision is hopelessly vague; it is virtually impossible to think of a manner of storage in which the firearm is operable by an 18 year-old, but rendered inoperable by a 17 year-old. That requirement might be read, at best, as requiring that the firearm be stored completely inoperable, which was, of course, the very requirement that was struck down in *Heller*. These bills create the impossible standard that the guns be operable only by an adult and thus access to an inoperable gun would violate these bills if it was possible for a minor to render it operable. If it possible for an adult to render the gun operable it most certainly will be possible for a 17 year-old to render it operable. The bills are too clever by half in their attempt to evade *Heller*. These requirements will not survive a court challenge.

Finally, the bills would change the focus of existing law on a “loaded” gun into a ban on access to both a loaded and an **unloaded** gun. Reasonable limits on access to a loaded gun may make sense, as an untrained child might accidentally discharge a loaded gun. But to criminalize the possibility that a minor “could” access an **unloaded** gun makes no sense at all. An unloaded gun is no more dangerous than a brick and far less dangerous than a knife or a baseball bat or many other household items. In *Heller*, the Court stated that its ruling invalidating the DC law did not suggest “the invalidity of laws regulating the storage of firearms to prevent **accidents**.” (554 U.S. at 632). That *dicta* cannot be read as swallowing the holding in *Heller*. Thus, storage laws may not make it impossible or unreasonably difficult for the owner to use the firearm for “immediate” self-defense. For example, there is no risk of an “accident” with an unloaded gun. Criminalizing storage of an unloaded gun is thus particularly unjustifiable under *Heller*. What’s next? Bans on unsupervised access to kitchen knives? We urge an unfavorable report on these extreme bills.

Sincerely,



Mark W. Pennak  
President, Maryland Shall Issue, Inc.  
mpennak@marylandshallissue.org



# Approved Integrated Mechanical Safety Devices

**The Maryland Handgun Roster Board has approved the following integrated mechanical safety devices for either factory, distributor, importer aftermarket installation, or by licensed firearms retailers. Installation of any of these listed devices in an approved handgun when sold satisfies Maryland law.**

3 Second Lock

Bersa Lock (Firestorm)

Bersa Lock (Thunder)

Bond Arms Derringer Lock (not the "Allen Key" version)

Borelock D-31

Charter 2000

Chiappa Firearm Key Lock

Cimarron-Aldo Uberti System for SAA

Ghost, Inc. (for Glocks only)

Glock's Lock (*device that went into the magazine well and kept the gun from being loaded and fired*)

GSI Internal Gunlock

Gunblocker (for handguns)

Gunblocker (for AR-15) style handguns

Heckler & Koch System

Interbore Gun Lock

Omega Gunlock (for revolvers)

Omega Gunlock (for semiautomatics)

Omega Gunlock (12 Gauge Pump & Auto Shotgun Lock)

Omega Gunlock (12 Gauge Over/Under Shotgun Lock)

Saf-T-Trigger by Saf-T-Hammer

Sig Arms (only on model 229 at this time)

Sig Sauer Lock (for semi-automatic pistols)

Smith & Wesson Lock

Smith & Wesson Integrated Lock (for semi-automatic pistols)

Springfield Armory, Integral Locking System

Steyr Integrated Limited Access Device

Strahan Firing Pin Lock

Sturm Ruger Key Lock

Swiss Safety by Aldo Uberti

Taurus Systems (separate systems for revolvers and semi-automatics)

VisuaLock

Walther 22

Last Updated: June 22, 2017

# **SB0479 Testimony.pdf**

Uploaded by: Picard, Jesse

Position: UNF

### ***SB0479/HB200 Testimony***

These bills would place an unreasonable burden on gun owners. Something as simple as using the word “could” as this bill does it would criminalize the *possibility* of unauthorized access by a minor of an *unloaded* firearm. This is extreme because an unloaded firearm poses no greater threat to life than a rock, and certainly less of a threat than a kitchen knife. There’s also the implication that a gun owner must be able to anticipate all possibilities of unauthorized access by a minor. That is an impossible standard by any reasonable measure. The requirements proposed would make criminal any gun owner who is responsible and otherwise law abiding who chooses to store a loaded firearm to be accessed for immediate self-defense. For many, the purpose of a firearm in the home *is* for self-defense, but these bills would require that firearms be effectively inaccessible and/or inoperable. This defeats the purpose of storage for immediate self-defense and in fact was one of the requirements which was struck down by *Heller*. These bills are vague at best in defining acceptable storage practices and carry the potential to expose individuals to unnecessary legal risk through arbitrary and discriminatory enforcement.

I urge an unfavorable report for these extreme bills.

Sincerely,

Jesse Picard

# **Opposition to MD SB479 feb 2021.pdf**

Uploaded by: regan, charles

Position: UNF

I oppose SB479. It will render any firearm owner subject to unjust owing to the bill's unreasonable nature. It penalizes any owner whose firearm "could" be accessed by a minor. That means that even if extraordinary security measures are in place, the owner can be prosecuted. This is capricious and an unattainable standard, and the bill should be scrapped.

The fundamental problem lies in subjecting an owner to prosecution for doing no wrong. The bill puts responsible firearm owners in legal jeopardy, imposing unreasonable and arbitrary standards. It declares firearms owners criminally liable if a minor COULD gain access. The word "could" can and would be construed to mean "under any circumstances, to include even highly improbable ones, and even circumstances that cannot be anticipated.

The bill is rife with ambiguous terms such as "could have", and "should have". There is good reason that such terms have become the subject of the mocking colloquial term in common use today that goes: "Coulda, woulda, shoulda...". This tongue-in-cheek jab describes one who blames others for his poor planning or performance. This bill blames gun owners for occurrences beyond their control.

Even the Secret Service cannot guarantee against threats to those they protect, even though this elite agency takes every conceivable precaution. Yet, despite their sophistication and extraordinary efforts, those under Secret Service protection COULD still face danger. Yet we do not threaten the Secret Service with prosecution. Why not? Because common sense tells us that not every eventuality can be predicted or anticipated.

This bill has the effect of declaring me a criminal if a minor COULD access my firearm even if locked away in a Fort Knox two-ton safe in an underground vault surrounded by alarms and guards. Well, what if a minor were to slip past one of the guards and was a safe cracking prodigy? In that case, I go to jail. I would be subject to prosecution, because suddenly that firearm is accessible to a minor, yet every reasonable precaution was in place to prevent unauthorized access. Implausible? Sure, but the bill makes no exemption for the implausible. The reality is such that even well-intended legislation cannot anticipate all circumstances, yet this bill is not even well-intentioned – its intent is not public safety, but persecution. This bill simply declares me a criminal because something COULD happen. How fair is that? It is NOT fair, nor is it sensible.

The bill is poorly and maliciously constructed. It offers no social benefit, while serving only to criminalize responsible firearms owners that already take reasonable measures to secure their firearms. It is not humanly possible to guard against any possible scenario that could lead to an undesired outcome. Therefore, it is unfair and unreasonable to hold firearm owners to the unattainable standard that this bill imposes. This bill imposes unattainable standards upon citizens. On day one - it renders me and every other owner a criminal, and I stand in opposition.

Charles Regan

Ijamsville MD

# **Opposition to MD SB479 feb 2021.pdf**

Uploaded by: regan, charles

Position: UNF

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Charles Regan

3422 Big Woods Road

Ijamsville MD



**SB 479, Access to Firearms, 2021, Sharpless.pdf**

Uploaded by: Sharpless, Bradford

Position: UNF

**DATE:** February 11, 2021  
**BILL NO.:** Senate Bill 479  
**COMMITTEE:** Judicial Proceedings  
**TITLE:** *Public Safety—Access to Firearms—Storage Requirements*  
**POSITION:** Oppose

Testimony from: Bradford V. Sharpless  
316 Townleigh Road  
Reisterstown, MD 21136  
[bvsharpless@hotmail.com](mailto:bvsharpless@hotmail.com)  
Registered Democrat, District 10

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SB 479 would make it a crime to “store or leave a firearm in a location where the person knew or should have known that an unsupervised minor **could** gain access to the firearm.” This creates a requirement with which it is impossible for a firearm owner to comply. There is no storage location that is so secure that the possibility that it could be accessed by an unsupervised minor is entirely eliminated. SB 479 is an unnecessary bill that would create more problems than it solves. I request an “unfavorable” vote on SB 479.

# **SB479 - Opposition Letter.pdf**

Uploaded by: Spiker, D.J.

Position: UNF

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

January 29, 2021

Chairman William C. Smith Jr.  
90 State Cir  
Annapolis, Maryland, 21401

Dear Chairman Smith:

On behalf of our members in Maryland, I would like to communicate our opposition to Senate Bill 479.

Organizationally, we have a number of concerns regarding this legislation.

**Increasing the age restriction**

SB479 would change § 4-104 by substituting the term “minor” for “child” throughout the section. This has the effect of applying the firearm storage requirement to situations involving anyone under the age of 18.

**Limits the exceptions to rifles and shotguns**

At present, the exceptions under which a child is permitted to have access to a firearm pertains to all “firearms.” SB479 would alter § 4-104 to limit that to only a rifle or shotgun.

**Alteration of the certificate exception**

SB479 would change § 4-104 by removing the certificate of firearm and hunter safety exception to the application of the statute. Meaning that even a responsible minor who has acquired such a certificate could no longer have access to firearm without adult supervision.

The language of the new proposed § 4-104(b)(4) appears contradictory.

(4) FOR A RIFLE OR SHOTGUN:

(I) the [child] MINOR:

1. has a certificate of firearm and hunter safety issued under § 10–301.1 of the Natural Resources Article;  
AND

2. HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN TO ACCESS THE RIFLE OR SHOTGUN FOR THE PURPOSE OF ENGAGING IN A LAWFUL ACTIVITY; AND

(II) THE PERSON WHO STORES OR LEAVES THE FIREARM STORES OR LEAVES:

1. THE FIREARM UNLOADED; AND

2. ANY AMMUNITION THAT THE PERSON OWNS OR CONTROLS THAT IS SUITABLE FOR

**INSTITUTE FOR LEGISLATIVE ACTION**

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**NRA**

USE IN THE FIREARM IN A SECURE LOCATION WHERE A MINOR COULD NOT REASONABLY GAIN ACCESS TO THE AMMUNITION; OR

At present, the exemption in § 4-104(b)(4) creates a means by which a responsible child may have unsupervised access to a firearm. You might imagine a scenario where a 15-year-old get off from school at 2:30pm before his parents get home and would want to go hunting.

Part (I) would appear to be aimed at continuing such a practice if the minor has “express permission” from their parent or guardian. However, part (II) would require a parent or guardian to store the ammunition for the firearm in a manner inaccessible to the minor. This appears to defeat the purpose of the exemption entirely.

Further, SB479 further alters the § 4-104(b)(4) exemption to limit it to a minor’s access to rifles and shotguns, rather than all firearms. So, a .22lr pistol could not be stored in such a manner to permit a 17-year-old just home from school to access it in order to plink or go hunting by themselves.

**Loaded versus unloaded**

SB479 would change § 4-104 by extending the storage requirement from covering only loaded firearms to both loaded and unloaded firearms.

**“Could” versus “would”**

The legislation changes the following existing language,

A person may not store or leave a loaded firearm in a location where the person knew or should have known that an unsupervised child **would** gain access to the firearm.

To

A person may not store or leave a firearm in a location where the person knew or should have known that an unsupervised minor **could** gain access to the firearm.

“Could” is also used in two new similar subsections.

This lowers the threshold for culpability. “Would” connotes that the person knew or should have known that the child was going to gain access to the firearm. “Could” connotes that the person knew or should have known that the child may possibly gain access to the firearm.

The “could” language implicates a larger array of firearm storage arrangements, and is therefore, far worse.

**Increased penalties**

The penalty for a violation of the existing storage provision is increased from a misdemeanor with a fine of up to \$1,000 to imprisonment up to 90 days or a \$1,000 fine or both.

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

The legislation also creates new penalties based on the severity of the result of not properly storing the firearm.

If an unsupervised minor in fact gains access to the firearm it is a misdemeanor punishable by up to 2 years imprisonment or a fine of up to \$2,500 or both.

If an unsupervised minor in fact gains access to the firearm and an injury results, it is a misdemeanor punishable by up to 5 years imprisonment or a \$5,000 fine or both.

**Legislation is unnecessary**

MD Code, Criminal Law, § 3-204 provides,

(a) A person may not recklessly:

(1) engage in conduct that creates a substantial risk of death or serious physical injury to another;

The penalty for such conduct is a misdemeanor that carries up to five years imprisonment, a fine of up to \$5,000, or both.

There is recent caselaw (*Tabassi v. Carroll County Department of Social Services* (2018)) suggesting that this statute has been used to prosecute those who have left children with access to firearms.

**Firearm accidents**

The rate of fatal accidents involving firearms has been at or near all-time lows for the last six years for which data is available (through 2019). In 2019, there were 458 total such accidents - down 2,714 from the record high set in 1903. The rate of such accidents has fallen 96% between 1904 and 2019. The all-time low for the number of accidents was set in 2018, and the rate matched the record low set in 2014.

The rate of fatal accidents involving firearms among children has fallen 91% from 1975 to 2019, with the number of such accidents decreasing from 495 to 51. The rate decreased from 0.91 per 100,000 in 1975 to 0.08 in 2019.

For the foregoing reasons NRA opposes SB479.

Sincerely,

D.J. Spiker  
Maryland State Director  
NRA-ILA

CC: Senator Jeff Waldstreicher

NATIONAL RIFLE ASSOCIATION OF AMERICA

**INSTITUTE FOR LEGISLATIVE ACTION**

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



**NRA**

Senator Jack Bailey  
Senator Jill P. Carter  
Senator Robert Cassilly  
Senator Shelly Hettleman  
Senator Michael J. Hough  
Senator Michael A. Jackson  
Senator Susan C. Lee  
Senator Charles E. Sydnor III  
Senator Chris West

# **SB479 2021 Opposition Testimony Earle Sugar.pdf**

Uploaded by: Sugar, Earle

Position: UNF



## Testimony in Opposition to Senate Bill 0479 of 2021

Earle A. Sugar  
Davidsonville, MD  
Representing Myself

SB479 is one of those apparently well-intentioned bills that, upon closer reading, has potentially severe, hopefully intended, impacts on otherwise lawful Marylanders due to poor wording. There are three key problems:

1. A missing “and” at the end of Line 13 of the bill in section 4-104(c)(3)(I)
2. Section 4-104(b)(4)(II)(2) apparently at cross-purposes with itself, allowing access to a rifle or shotgun for “engaging in a lawful activity”, but criminalizes leaving ammunition accessible.
3. By using the term “COULD gain access” to replace the current “would gain access”, the bill establishes an impossible standard of diligence for firearm owners.

The first problem in section 4-104(c)(3)(I) is a missing “AND” at the end of the sentence. Sections 4-104(c)(2)(I) & (II) make it clear that there is an intent to provide a lesser penalty if a minor accesses a firearm but no harm occurs. By not having an “AND” at the end of 4-104(c)(3)(I), a lesser standard of conduct than 4-104(c)(2) is created, with a much higher penalty. This doesn’t seem the intent, but that is what the bill creates with its wording. That critical “AND” needs to be amended to 4-104(c)(3)(I).

The wording of 4-104(b)(4)(II)(2) is a real head scratcher. It defines conditions where a rifle or shotgun can be left accessible to a minor, but ammunition must remain secured inaccessible. Exactly what “LAWFUL ACTIVITY” involving a rifle or shotgun does not require the use of ammunition? Is the General Assembly recommending hunting by clubbing a turkey with the butt of an unloaded shotgun? Really? The wording of this entire section needs to be entirely re-written so that granting lawful access to the rifle or shotgun also grants lawful access to ammunition for that firearm.

There is also the general problem with changing the wording in existing law from “would” to “could”. This implies that a firearm owner needs to take into account any possible means of access, requiring an essentially impossible standard of diligence to prevent legal liability. A bill such as this needs to establish an achievable standard of diligence, such as “rendered inoperable”, or “secured in a locked container”.

Therefore I am opposed to this bill as currently worded, and see no particular public safety value in changing the existing Public Safety Article 4-104. I therefore request the Committee find this bill UNFAVORABLE.

**SB479\_Testimony\_02092021.pdf**

Uploaded by: Walinkas, Karl

Position: UNF

February 9, 2021

RE: SB479 Testimony

Position: Unfavorable

This bill, as I understand the language, has tricky or “gotcha” language that leaves broad room for interpretation that can criminalize responsible, normal and lawful possession and use of firearms in the state of Maryland. “Could gain access” for a 17 year old is an undefined and unlimited opportunity space. A 17 year old or younger with a brain and normal physical abilities could gain access to a safe or lockbox or a difficult to reach location. This can also include home intruders, conceivably, that could act to steal weapons and misuse them, criminalizing the owner of the firearm stolen.

The same gotcha language occurs with regard to storing of unloaded firearms being rendered inoperable to a child (17 years or younger). This is not possible with any firearm, operable to an 18 year old and older but inoperable to a 17 year old or younger.

Then there is the provision that a child with a certificate of firearm and hunter safety issued by the State cannot access the ammunition required to operate a weapon even with access to a weapon. Unless the purpose of said weapon is not hunting but some kind of show and tell, this effectively outlaws any minor with such a certificate from operating a weapon for the purpose of hunting of any kind. This neutering of the firearm safety certificate not only represents a conflict, it can easily be interpreted as purposefully arranged to entrap law abiding firearms owners.

I recommend voting emphatically against this Senate bill.

A handwritten signature in blue ink that reads "Karl E. Walinkas". The signature is written in a cursive, flowing style.

Karl Walinkas  
42 Boatswain Drive  
Berlin, MD 21811

# Re SBO479 - Garry Wilson.pdf

Uploaded by: Wilson, Garry

Position: UNF

February 9, 2021

Garry Wilson  
Pylesville, Maryland

Re: SBO479

Dear Senators,

I write today to express my concern on behalf of law abiding citizens in Maryland and across this country. It is of great concern that more and more bills are introduced to infringe on the rights of law abiding citizens with no critical data to support such legislation. It is of further concern that bills like SBO479 literally make criminals of citizens, who by all other measures have taken their gun ownership seriously and who provide reasonable safety measure to insure children and others do not have reasonable access to their firearms.

As it may not be obvious, many young "children" have been taught and are responsible gun users. For instance in competitive "3 Gun Events", a great family friend's daughter has competed and won at National levels. Further, their family love the outdoors and nature and are avid, safe hunters. This proposed law would make the parent a criminal, and prevent the continued training of his daughter due to the "potential" access to a firearm.

Laws like these have no business being introduced as they are frivolous and disguised methods to continue to attempt to erode our Constitution Rights. Creating criminals of law abiding citizens, i.e.. your constituents, is never a good idea. It is in fact destructive and evil.

Respectfully,

Garry Wilson

**JHCC Trauma and Burn SB479\_LOI .pdf**

Uploaded by: Ziegfeld, Susan

Position: INFO

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**SB 479**  
**Letter of**  
**Information**

TO: The Honorable Will Smith  
Chair, Senate Judicial Proceedings Committee

FROM: Susan Ziegfeld, MSN, PNP-BC  
Manager, Pediatric Trauma and Burn Program, Johns Hopkins Children's Center

DATE: February 11, 2021

The views expressed here are that of the Pediatric Trauma and Burn Program and do not necessarily reflect the policies or positions of Johns Hopkins Health System.

The Pediatric Trauma and Burn Program at Johns Hopkins Children's Center wants to provide information regarding **Senate Bill 0479 Public Safety - Access to Firearms – Storage Requirements (Jaelynn's Law)**. This bill would reduce unsupervised access of firearms by minors and impose penalties for parents or caregivers who store or leave firearms in locations easily accessible to minors. If this bill were to pass, it would increase the scope of existing firearm storage laws by raising the legal age limit for possession of said firearms from 16 to 18 years of age. This bill would also strengthen current legislation by requiring safe storage practices for all ammunition and firearms regardless of whether the firearm is loaded or not.

Hospitals across the United States are seeing an alarming increase in youth penetrating injuries and gun violence and Maryland is no exception. As a Level I pediatric trauma center, Johns Hopkins Children's Center providers have seen first-hand the devastation that these injuries can cause. To put the current uptick in youth penetrating injuries into perspective, we would like to provide some data from previous fiscal years. During FY 2017, 47 pediatric patients were treated for penetrating injuries and we began to see a gradual downward trend during the subsequent fiscal year. By the end of FY 2019, only 43 pediatric patients were treated at our hospital for penetrating injuries. During FY 2020, the number of pediatric patients treated for penetrating injuries at our institution increased significantly to 73. Unfortunately, our Children's Center has treated 64 pediatric patients to date during this fiscal year and we still have several more months to go. At this rate, we are on track to double the number of pediatric penetrating injuries seen in in FY 2019. This is not only a judicial issue, but a public health crisis in its own right.

While laws related to youth firearm access are less stringent in our neighboring states of Delaware, Pennsylvania, Virginia and West Virginia, Johns Hopkins Children's Center is

providing this information so that the Committee is aware of the current youth violence climate while considering **Senate Bill 0479 Public Safety - Access to Firearms – Storage Requirements (Jaelynn's Law)**.