

Testimony in Opposition to Senate Bill 0479 of 2021

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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.