

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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\$  -

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**GUN SAFES & VAULTS**

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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](https://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.



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