



2A Maryland

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**Senate Bill 560
Criminal Law – Theft of a Handgun
Favorable**

The Maryland General Assembly has created an onerous and burdensome path Maryland citizens who wish to legally purchase or transfer a handgun. A citizen must submit fingerprints, pay for expensive training, pass multiple background checks and after negotiating all these legal hurdles then wait 7 days.

Criminals are unfettered by laws and view a handgun as just something there for the taking. Even in the unlikely event of prosecution, current law considers the theft of a firearm as a simple theft of property, a misdemeanor offense. Because the theft of a firearm is currently not considered more serious than shoplifting, most offenders are given probation or not prosecuted at all.

Under current law, the penalty for the theft of a handgun is based upon the value of the property taken:

1. Value between \$100 but less than \$1,500:
 - a. First conviction: Imprisonment not exceeding 6 months or a fine not exceeding \$500 or both
 - b. Second or subsequent conviction: Imprisonment not exceeding 1 year or a fine not exceeding \$500 or both

These penalties would apply to the theft of perhaps as many as a dozen handguns.

Stolen handguns are invariably destined for black market and criminal use.

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By means of comparison:

1. Straw Purchase - A person convicted of making or participating in a straw purchase of a handgun is subject to imprisonment not exceeding 10 years or a fine not exceeding \$25,000 or both. Each violation is a separate crime. (§5-141)
2. False Statement – A person convicted of giving a false statement on an application to purchase a firearm is subject to imprisonment not exceeding 3 years or a fine not exceeding \$5,000 or both. (§5-139)
3. Illegal Transfer – a person convicted of participating in an illegal transfer of a handgun is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both (§5-144)

Much attention is being paid to punishing firearm owners if someone gains access to their firearms. However, the Maryland General Assembly has so far, refused to impose realistic penalties on those who steal firearms. Why are honest citizens being targeted while at the same time the depredations of criminals are essentially ignored? Do stolen firearms not pose a threat to public safety?

Senate Bill 560 will help correct this inequity and treat the theft of a handgun as a very serious matter by:

1. Establishing a separate offense category for the theft of a handgun.
2. Elevating the offense from a simple misdemeanor to a felony
3. Imposing realistic penalties:
 - a. First conviction: Imprisonment for not less than 2 years and not exceeding 5 years and a fine up to \$1,000 or both
 - b. Second or subsequent conviction: Imprisonment for not less than 5 years not exceeding 10 years and a fine up to \$2,500 or both

We urge this Committee to return a favorable report on Senate Bill 560.

Respectfully,

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