

HB200 Written Testimony - UNFAVORABLE

I am a 34 year old criminal defense and civil rights attorney and have been a resident in Montgomery County, Maryland, for more than eight (8) years. I am also a progressive democrat who owns firearms.

Viewing this bill in the most favorable light, it is aimed at preventing children from accessing firearms to prevent tragic accidents, including serious injury or loss of life. This is clearly a valid concern, and one that should be taken seriously by anyone who takes on the responsibility of gun ownership. Unfortunately, this bill is reactive and will not serve to prevent children from accessing firearms. Instead, it opens lawful gun owners up to selective enforcement and prosecution, which can and likely will have a disproportionate impact on minority communities.

It is undisputed that there are intrinsic biases in the law enforcement community. Law enforcement personnel disproportionately violate the civil rights of racial minorities, particularly African-Americans. This includes unconstitutional searches and seizures, and tragically has led to numerous instances of excessive force causing serious injury or death. We do not want to give law enforcement, or prosecutors, the discretion to decide who has stored their firearms in a way that a child "COULD" gain access to them. This leads to my second major concern.

HB200 is overly vague, to the point where no one can keep a firearm in a manner where no child could ever gain access to them. I interpret HB200 as follows:

When children are present in a home with firearms, any loaded or unloaded firearms in that home must be secured by a mechanism that renders them inoperable, secured on the owner's person, OR otherwise secured in a locked container, closet or room.

Unfortunately, the bill does not make it clear that any of these actions would satisfy the standard that no child "COULD" gain access to the firearm. There needs to be a balance between adult access to a firearm should a need arise for defensive purposes and safe storage to prevent children from unauthorized access to firearms. I would also suggest a clearer exception for children over a certain age who have completed hunter safety or a commensurate safety class.

If this body is trying to pass gun laws that are common sense then HB200 does not fit that bill, as it is entirely reactive and will not prevent gun accidents involving children as it is currently written. It is also vague to the point of being meaningless; if this body intends to require safe storage of firearms then resubmit this bill with specific proposals after considering the feedback provided by responsible gun owners. No gun owner should leave a firearm in a home where children are present that isn't secured to prevent unauthorized access. However, as it is currently worded HB200 does not adequately address this issue due to the fact that it is overly broad and overly vague, making it impossible for responsible gun owners to comply.

Thank you for your time and for hearing and considering my concerns.

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