

Testimony Against HB175- Ammunition Sales and Transfers

Hello,

My Name is Karla Mooney I reside at 21175 Marigold Street, Leonardtown, in 5th District– District 29C

I wish to enter testimony on HB175. I stand against the bill as it is written for several reasons,

First reason, I know that it is against federal regulations for the NICS Check to be used for any other purpose than to purchase a firearm: <https://www.fbi.gov/file-repository/nics-participation-map.pdf/view>. Under federal law, the federal NICS system may be used to institute a background check **only** on actual transfers of firearms **that are regulated by the Brady Act. Furthermore, under federal law, only federally licensed firearm licensees (FFLs) and designated Point of Contract State agencies are permitted access to the NICS system.** No other vendor, or person or agency may have access to the NICS system under federal law. See 28 C.F.R. §25.1, et seq. While a federal license is required to engage in the business of importing or manufacturing ammunition, 18 U.S.C. § 922(a)(1)(B), no federal license is required simply to sell ordinary small arms ammunition. 28 C.F.R. § 478.41. See <https://www.atf.gov/firearms/qa/license-required-engage-business-selling-small-arms-ammunition> (“A license is not required for a dealer in ammunition only.”). Such non-licensed vendors of ammunition typically include hardware stores and small businesses, especially in rural areas. Because these vendors are not FFLs they do not have **any** access to the NICS system.

Second reason is this has a requirement for record keeping that would be necessary for both the MSP and the Vendors who sell ammunition that would be difficult and expensive to maintain. Proving to be a tax burden on Marylanders.

Third, you have in the bill that the HQL Licensed person would be exempt- this however is a license to purchase a regulated firearm, it has nothing to do with ammunition sales- and not all ammunition sold is purchased for the use in a regulated firearm so there should be no connection to the two items. Persons are not required to have an HQL in order to continue to lawfully possess and use previously owned handguns and are free to purchase ordinary long guns, subject to background checks imposed by the Brady Act, all without possessing an HQL.

Lastly, under Section 5-117.1(a), the HQL requirements do not even apply to active or retired federal or Maryland law enforcement officers **or** to active or retired members of the armed forces or the National Guard of the United States. All these individuals may purchase handguns in Maryland without an HQL. Yet, except for an exemption for active duty Maryland and federal officers, this bill imposes the record keeping requirements on sales to these categories of persons who are totally exempt from the HQL requirements.

I believe the bill is poorly thought out and extremely over-reaching illegally using the NICS system.

Therefore please issue an unfavorable report on this bill.