

**Bill Number: HB175 (Ammunition-Sales and Transfers)**

**Position: OPPOSE**

**Witness and Contact Information: Christopher D. Toscano, Ph.D., 6048 Stevens Forest Rd, Columbia, MD 21045**

I am writing today in OPPOSITION to House Bill 175 entitled "Ammunition- Sales and Transfers" filed by Delegate Hanson on October 14, 2020 and read for the first time in the Maryland General Assembly (MDGA) on January 13, 2021.

As written, this bill will require all purchasers of ammunition in the State of Maryland to pass a background check prior to the transfer of ammunition. This bill is redundant, will not prevent criminals from obtaining ammunition, will not decrease gun violence, will infringe upon the Second Amendment right of law-abiding citizens of Maryland to keep and bear arms, and will impose an undue burden on the law-abiding citizens of Maryland by reducing their ability to participate in the interstate market for ammunition and force them to spend even more of their hard-earned money on redundant government fees.

As someone who is no stranger to gun violence--I lost my best friend Shawn at the age of 16 to gun violence--I am extremely sensitive to the need to assure the public that it is protected from gun violence. However, HB 175 is not the mechanism to provide this assurance. Rather, this bill is redundant in that law-abiding citizens, who have already submitted to and passed a background check to purchase a firearm would then be forced to submit, and bear the cost of, yet another background check every time that law-abiding citizen desired to purchase more ammunition. The exact opposite, of course, would happen when a criminal attempted to obtain ammunition, because criminals do not care about laws; it is what makes them criminals. Criminals will find a way to circumvent the provisions of this bill, as evidenced by the ineffectiveness of previous gun control laws passed in Maryland by the MDGA. Additionally, the redundancy of this bill is also evidenced by the fact that possession of ammunition by a felon or other disqualified person is already illegal (Maryland Code Title 5, Subtitle 1, 5-133.1 "Restrictions on possession of ammunition"). Therefore, HB175 will do nothing more than attempt to make something illegal which is already illegal in the State of Maryland, while simultaneously burdening the law-abiding citizens of Maryland with extraneous and unnecessary laws and costs. Given the preexisting illegality of possession of ammunition by disqualified persons, I can only surmise that the members of the MDGA that support HB 175 are either ignorant of the content of existing law or that these delegates are supporting such a bill in order to willfully infringe on the rights of law-abiding citizens by actively delaying the ability of such citizens to participate in a legal business transaction with ammunition vendors.

It is likely no surprise to some members of the MDGA that other states, such as California, have instituted a law requiring background checks for the purchase of ammunition. The effect of such laws has been devastating to the individual rights of law-abiding citizens who seek to exercise their right to keep and bear arms, as is guaranteed in the Second Amendment of the United States Constitution. Because of similar laws in California, many ammunition suppliers have ceased doing business with law-abiding customers in the state of California. This has severely limited the availability of ammunition sources to law-abiding citizens and participation by such citizens in the interstate ammunition market. A similar result would be expected in Maryland if HB 175 were to become law and it would devastate the

shooting sports and rich tradition of hunting in the State of Maryland. For example, I am a current Federal Firearms Licensee (FFLO3) for Curio and Relics, and as such I am in the hobby of acquiring antique firearms. I am also a MDHQL holder. Additionally, I am also an avid hunter of deer and waterfowl; the result of which feeds my family throughout the year. The similarity between these two hobbies, antique firearms collection and hunting, is that the caliber of ammunition used is relatively uncommon (e.g., 7.62x54R, 7.5x55 mm, 6.5x52 mm, 20-gauge sabot slugs, non-toxic waterfowl ammunition such as bismuth, etc.) compared to the caliber of ammunition commonly used in shooting sports and home defense (e.g., .22 cal, 9 mm, 5.56 mm, etc.). The latter is commonly available in sporting good and gun stores throughout the state; however, the former commonly needs to be ordered via interstate commerce because the local availability of antique caliber ammunition and specialty hunting ammunition is usually limited. Therefore, it is expected that if HB 175 becomes law, it will place an undue burden upon myself and others that participate in the collection and shooting of antique firearms and those, such as myself, that hunt within the borders of Maryland. The sum total of the impact of HB 175 will not only be an increased individual burden on law-abiding citizens but it will also result in decreased tax revenue for the State of Maryland. Citizens of Maryland will regularly cross into neighboring states in search for ammunition that they cannot find or cannot acquire via interstate commerce; those funds will be spent outside Maryland. In addition, Maryland is a destination spot for out-of-state hunters, if HB 175 becomes law, it will impact the ability of these out-of-state hunters to access ammunition for their hunting trips, many of which cost thousands of dollars per person. The overall effect will be a decrease in hunting and shooting sports-related tax revenue in Maryland for which the State will realize no additional gain in public safety.

HB 175 would also impose yet another fiscal hardship on law-abiding gun owners in the form of a fee to conduct the background check every time the individual attempted to purchase ammunition; this after such law-abiding citizens already submitted to a background check when purchasing their firearm. If the state government is so driven to ensure the safety of these transactions, then the fiscal burden should fall upon the State of Maryland and not the individual citizens. Therefore, if this bill is not withdrawn, I request that it be amended to require that the State of Maryland must bear the fiscal cost for each background check conducted to support the sale of ammunition to law-abiding citizens. If this is not found to be acceptable, I alternatively recommend that the cost of the background check be refunded to the individual in the form of a universal tax credit that is not subject to phase out in any manner.

To summarize, I vigorously OPPOSE HB 175 and request that this bill be either withdrawn by its sponsor or not advanced out of committee as it is redundant with existing law, will place undue burden on law-abiding citizens, will disproportionately affect those that hunt to feed their families, and will constitute yet another infringement of the Second Amendment rights of the citizens of Maryland.

Thank you for your attention and thank you for your hard work on behalf of the citizens of the State of Maryland.