

I am writing to urge you to OPPOSE HB175. As a lawful gun owner who participates in target shooting and hunting, I use a large amount of ammunition and would be unfairly impacted by this bill. Creating a registry for ammunition will effectively ban ammunition sales in Maryland and impact residents' abilities to protect themselves and to participate in legal hunting and target shooting. None of the ammunition I use is for violent or illegal purposes, and I am proudly a law abiding resident of Maryland. Today, it is extremely difficult to obtain ammunition due to a national shortage. Internet sales make it easier for sport shooters like myself to obtain ammunition, whereas if I were to buy ammunition from a Maryland FFL, I would be unlikely to obtain any ammunition today. Practice is critical for hunters to ensure quick, clean kills without causing unnecessary suffering to the animal. Without practice, animals are likely to suffer from poor shots. Sport shooters are not "hoarding" ammunition; it is used regularly in a legal manner.

By requiring the legally impossible NICS check on ammunition sales, the bill would effectively ban the sale of ammunition in Maryland. The bill would thus fail a federal court challenge under the Second Amendment as law-abiding citizens have a constitutional right to acquire ammunition for their lawfully owned firearms. See, e.g., *Jackson v. San Francisco*, 746 F.3d 953, 967 (9th Cir. 2014), cert. denied. 576 U.S. 1013 (2015) ("without bullets, the right to bear arms would be meaningless. See also *District of Columbia v. Heller*, 554 U.S. 570 (2008). A regulation eliminating a person's ability to obtain or use ammunition could thereby make it impossible to use firearms for their core purpose."). A federal court challenge would lie under 42 U.S.C. §1983, to seek equitable relief, plus attorneys' fees under 42 U.S.C. § 1988. See, e.g., *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 327 (2015) ("[F]ederal courts may in some circumstances grant injunctive relief against state officers who are violating, or planning to violate, federal law.") (citing *Ex Parte Young*, 209 U.S. 123, 150-51 (1908)).

The bill would impose extremely burdensome record keeping requirements on the vendor and the Maryland State Police alike. The end result would be to create a vast new database of all ammunition sales that will be expensive to establish and expensive to maintain. Such costs are far from trivial. Roughly 8 billion rounds of ammunition are produced every year and many millions are sold in Maryland, every year. Maintaining a database of that size would be a monumental task. And all this to little or no point. Any purchaser could easily sidestep these requirements simply by driving to a neighboring state and making ammunition purchases in those states. Federal and state law in neighboring states do not regulate these sales to Maryland residents who are free to purchase ammunition in any amount as often as they like without enduring any of the burdensome requirements imposed by this bill. No neighboring state imposes any background checks for the sale of ammunition. Indeed, only one State (California) has even attempted to do so by requiring a background check of State databases (not a NICS check) and a federal district court has already preliminarily enjoined that California statute as violative of the Second Amendment. See *Rhode v. Becerra*, 445 F.Supp.3d 902 (S.D. Calif. 2020), appeal pending, No. 20-55437 (9th Cir.).

I hope you consider my testimony.

Thank you,

Ashley Colburn

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