

WRITTEN TESTIMONY IN OPPOSITION TO SB 479 and HB 200

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Senate Bill 479 and House Bill 200: Public Safety – Access to Firearms – Storage Requirements (Jaelynn’s Law)

I am writing to oppose SB 479 and HB 200 because they create requirements that are unrealistic, impossible to meet and will entrap innocent Maryland citizens exposing them to overbearing fines and imprisonment.

These bills would amend Criminal Law Article 4-104 to: change the definition of a child from “under the age of 16 years” to under the age of 18 years and identify the person as a “minor” versus “a child”; add unloaded firearms to the loaded firearm storage requirements of the law; and substitute the word “could” for “would” under the storage criteria.

SB 479 and HB 200 also impose very harsh penalties for violation of the proposed revisions to the Article. The penalties are presented in three tiers depending upon the nature of the alleged violation.

1. A minor does not gain access to a firearm: Imprisonment not exceeding 90 days, or a fine of \$1,000, or both.
2. A minor gains access to a firearm: Imprisonment not exceeding 2 years, or a fine not exceeding \$2,500, or both;
3. A minor gains access to a firearm and the firearm causes injury to the minor or someone else: Imprisonment not exceeding 5 years, or a fine not exceeding \$5,000, or both.

As noted above, these bills add “unloaded firearms” to loaded firearms that must be secured. The question is why an unloaded firearm is considered such a hazard that it would net the owner up to 90 days imprisonment if it is not secured by lock or installed in a safe? Unloaded firearms could include modern day replicas of both black powder and cartridge variety firearms that are hung over fireplaces, displayed in enclosed, glass covered display cases, etc. Why must these be secured to prevent access when the bills also require that “any ammunition that a person owns or controls, that is suitable for use in a firearm...” must be placed “...in a secure location where a minor could not reasonably gain access to the ammunition.”

Most troubling is the substitution in the bills of the term “could” for “would” relative to gaining access to a firearm. The use of “could” opens the door to a very broad interpretation of the circumstances under which either loaded or unloaded firearms must be secured. According to *writingexplained.org*, “would” expresses certainty, intent or

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both, whereas “could” expresses “possibility”. Thus, the latter implies an individual must be clairvoyant as to who, how, when and where someone might gain access to a firearm.

This places a tremendous burden upon firearm owners because they must secure all firearms, loaded or unloaded, against every and any conceivable eventuality. Parents would have to keep the keys to locked firearms in their possession at all times less a minor find the keys hidden in the house, safe combinations would have to be hidden etc.

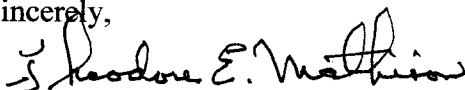
Compounding the problem is the “lousy design” of many gun locks and safes (*For Gun Locks and Safes, Lax Oversight and Lousy Design*, Teresa Carr, ([HTTPS://UNDARK.ORG/UNDARK-Author/Teresa-Carr/](https://undark.org/undark-author/teresa-carr/), 09-27-2019.) According to the author many firearms security devices are poorly designed and made. She cites an individual who purchased a firearm safe. The individual went on line and found a video that showed how to break into his safe. He readily gained access to the safe using a piece of wire. The article also mentions that standards for firearms security devices are sadly lacking, and even in California, which has adopted such standards, they have not been updated since 2002. Some of the criteria utilized for the regulations was adopted in the 1970s.

Thus, gun owners are faced with the “could gain access criteria” and security devices that may or not provide adequate security against an inquisitive “almost 18 teenager” who can go on line and get first hand instructions on how to “crack” firearm security devices. And with the possibility of a minimum of 90 days imprisonment and/or a \$1,000 fine after taking reasonable precautions to secure a firearm, this just does not seem to be the right way to treat honest, Maryland citizens. There has to be a more equitable way to solve the problem. Finally, one also has to wonder how the law will be enforced. Are law enforcement agencies going to make unannounced visits to the homes of those owning firearms or what?

I applaud those who are trying to address firearm security issues, but SB 478 and HB 200 are wide of the mark and appear designed more to punish law abiding citizens than to address the problem. Surely, there is a better approach than is set forth in these bills wherein a firearm’s owner is expected to meet impossible standards with equipment that is far short of fool proof.

In light of the shortcomings of SB 479/HB 200 mentioned above, I respectfully ask these Bills receive unfavorable reports.

Sincerely,



Theodore E. Mathison