

WRITTEN TESTIMONY IN OPPOSITION TO HB 175

Submitted by Theodore Mathison

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Hearing March 1, 2021

House Bill 175: Public Safety - Ammunition - Sales and Transfers

I am writing to oppose House Bill 175, and respectfully request it receive an unfavorable report.

The Bill is flawed and unworkable. In addition, the Bill's provisions are unenforceable and will impose significant burdens upon individual law abiding citizens and many organizations within Maryland that host competitive shooting events. The Bill is very similar to ammunition provisions of a former Federal statute, The Gun Control Act of 1968, which was unsuccessful and eventually repealed by the U.S. Congress. Lastly, legislation very similar to HB 175 was adopted by the State of California in 2016, and that law is currently being challenged in the federal court system as unconstitutional.

HB 175 requires "ammunition vendors" to complete background checks on persons purchasing firearms ammunition and report a significant amount of personal data on each person purchasing the ammunition. These provisions apply whether a single round of ammunition is purchased, the ammunition is purchased for a family member or even for a life-long friend. The background checks are to be conducted using the Federal Bureau of Investigation National Instant Criminal Background Check System (NICS). However, the NICS is prohibited by federal law from being used for any purpose other than to conduct firearm background checks. Thus, for the provisions of HB 175 to work, the State of Maryland would have to set up its own background check system. It is more than likely this would require additional Maryland State Police personnel and other resources.

The Bill's provisions are also unworkable from the standpoint of controlling the distribution of ammunition once initially purchased. Ammunition is generally packaged as follows: .22 caliber rim fire cartridges, 50 per box; center fire pistol cartridges, 50 per box; center fire rifle cartridges, 20 per box; and shot shells, 25 per box. None of these various types of ammunition have any type of individual cartridge identifying markings. Thus, once sold there is no way to trace where the ammunition went. Also, it is very easy to repackage ammunition after the initial sale, again making any type of tracking impossible. HB 175 would create a field day for straw purchases and other nefarious practices such as boot legging ammunition in from other states. In fact, Maryland residents could simply go to another state to purchase their ammunition.

It is noted the Bill would exempt individuals from the background checks and reporting requirements at a "target facility" "... if the ammunition is at all times kept within the

facility's premises." For those sporting organizations in Maryland that conduct competitive shooting events, these requirements are not only burdensome but impossible to enforce. Some shotgun shooting events attract 70 or more shooters who compete over a three day course. Each shooter, if they participate in all events, would fire up to 500 rounds of shot shell ammunition available only in boxes of 25 rounds each. If say only half of the shooters purchased their ammunition at the event, that would be 17,500 shot shells, or 700 boxes of ammunition. And this does not consider the ammunition that would be purchased for practice rounds. It would be extremely burdensome to record all the data required by HB 175 for these purchases, report the data to the State Police plus conduct the back ground checks required by HB 175 without either seriously delaying the events and/or require the hiring of additional staff. Either way, HB 175 would have a very significant impact on the sponsoring organizations.

Further, with the number of shooters, the volume of ammunition involved and the fact that shooting facilities may be spread over a number of acres, it would be impossible for the shoot management to monitor and ensure how the ammunition, once purchased, was utilized at its facility. Accordingly, the data collected via the sale of ammunition would be useless in preventing misuse of the ammunition.

As noted above, the U.S. Congress passed The Gun Control Act of 1968. The Act required all ammunition dealers to be federally licensed. In addition, extensive record-keeping was required of all ammunition purchases. The recordkeeping became extremely burdensome. Eventually the Bureau of Alcohol, Tobacco and Firearms supported elimination of the ammunition requirement because it had "...no substantial law enforcement value." Accordingly, the ammunition requirement was abolished by Congress in the Firearms Owners Protection Act of 1986.

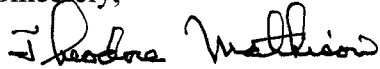
Finally, very similar legislation was passed into law by the State of California in 2016. The California law is currently under litigation before the U.S. Court of Appeals for the Ninth Circuit (Kim Rhode, et al. vs Xavier Becerra). Kim Rhode, a six time medal winner (three gold metals), U.S. Olympic shooter, is challenging the law. The Federal court for the Southern District of California has issued a stay on implementation of the State's ammunition law because it impacts an individual's rights under the 2nd Amendment of the U.S. Constitution.

It makes little sense to move forward with HB 175 given its unworkable flaws, the history of similar federal legislation and the fact almost identical legislation is being challenged in the federal courts.

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Theodore Mathison
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In view of the above reasons, I respectfully request that HB 175 receive an unfavorable report.

Sincerely,

A handwritten signature in black ink that reads "Theodore Mathison". The signature is written in a cursive style with a large initial 'T'.

Theodore Mathison

cc: Delegate Sid Saab