

Unfavorable Testimony- HB175

I, Richard Acuti submit this written testimony against HB175.

This bill is patently illegal and unconstitutional. Ammunition sales are not subject to, nor governed by the Brady Act. Federal regulation of ammunition sales was largely repealed by Congress in 1986 with enactment of the Firearm Owners Protection Act of 1986, Public Law 99-308, 100 Stat. 449 (May 19, 1986).

NICS is not configured to conduct background checks for ammunition. Given that ammunition sales are much, much more frequent and recurring than firearms sales, the NICS system would be completely overwhelmed by ammunition background checks, even with the HQL and law enforcement exemptions.

It is actually unlawful to initiate a NICS check for anything other than firearms purchases. Because federal law does not regulate ammunition sales, federal law does not **permit** any NICS background check for ammunition sales. Indeed, federal regulations are quite explicit that a FFL may not access the NICS system for any purpose other than those sales of **firearms** subject to the Brady Act. 28 C.F.R. § 25.6(a) provides that "FFLs may initiate a NICS background check only in connection with a proposed firearm transfer as required by the Brady Act.

To summarize, this bill fails in legality and constitutionality, it lacks a mechanism to implement background checks and it lacks a method to enforce whether checks are being performed.

I urge all Maryland legislators to give this bill an unfavorable reading.

v/r,

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