



**TESTIMONY OF THE CRITICAL ISSUES FORUM: ADVOCACY
FOR SOCIAL JUSTICE OF MONTGOMERY COUNTY,
MARYLAND
ON MARCH 1, 2021
BEFORE THE HOUSE JUDICIARY COMMITTEE IN SUPPORT OF
HB 200 - Access to Firearms (Jaelynn’s Law)**

Honorable Chair Luke Clippinger, Vice-Chair Vanessa E. Atterbeary, and Members of the House Judiciary Committee:

The Critical Issues Forum: Advocacy for Social Justice (CIF), provides its testimony in support of HB 200, to prevent child access to firearms. Composed of Temple Beth Ami, Kol Shalom, and Adat Shalom, CIF is a coalition of synagogues that include over 1,750 households and 3 denominations of Judaism: Reform, Conservative, and Reconstructionist. CIF serves as a vehicle for our congregations to speak out on policy issues that relate to our shared values, including the Jewish tradition’s emphasis on the sanctity and primary value of human life.

The sponsors of HB 200 choose a short title—Jaelynn’s Law—in honor of Jaelynn Willey, a 16-year-old student at Great Mills High School, who was murdered by a 17-year-old classmate. That classmate used a Glock handgun legally owned by his father. The current law, which relates to children under age 16, did not apply to this horrific incident. Jaelynn’s Law amends and improves current law by:

1. Changing “unsupervised child” to “minor,” up to 18 years of age;
2. Requiring safe storage of unloaded guns as well as loaded weapons;
3. Imposing liability when a minor “could” get access to the firearm; and
4. Including a graduated penalty for failing to safely store a firearm.

These amendments are particularly important given the increased gun sales in Maryland—a more than 75% increase in the first 11 months of 2020 over 2019 as evidenced by FBI background investigations.¹ Gun sales of January 2021 compared to January 2020 increased by 134 percent.² A significant portion of those gun purchases,

¹ Gun Sales Are Rising Amid Fears of More Regulation, Unrest, US News & World Report, December 7, 2020.

² <https://www.washingtonpost.com/business/2021/02/03/gun-sales-january-background-checks/>

40%, were first time gun owners³ who may or may not know about the best safe storage practices.

Marylanders, like so many other Americans, are struggling with staggering loss, isolation, and the resultant mental health impacts resulting from the COVID19 pandemic. Properly securing firearms prevents access to weapons and the likelihood of unintentional firearm injury, death by suicide, and threat. Now, perhaps even more than in years past, Maryland's Child Firearm Access Prevention law needs to be strengthened so that firearms can be securely stored, while still allowing gun owners reasonable access to them when needed.

Extensive data supports this important point - the danger to children posed by unsecured firearms in the home is not limited to school shootings. As a 2017 study concluded: "Pediatric firearm injuries and deaths are an important public health problem in the United States contributing substantially each year to premature death, illness, and disability of children."⁴ Firearms were the second leading cause of death for children aged 1 to 17, surpassed only by motor vehicle injury deaths.⁵ The same study reported that from 2012 to 2014 nearly 1300 children died and 5790 were treated for gunshot wounds each year. According to the authors, 53% of those deaths were homicides, 38% were suicides, and 6% were unintentional. As the authors explained, most of the unintentional deaths occurred when children were playing with a firearm or showing to others:

Our findings indicate that most children who died of unintentional firearm injuries were shot by another child in their own age range and most often in the context of playing with a gun or showing it to others. Previous research shows that children are curious about firearms and will touch a firearm even when instructed not to do so, which points to the importance of adult supervision and the need to store firearms safely and out of the reach of children.⁶

Although the American Academy of Pediatrics recommends that household firearms be stored safely, fewer than 1 in 3 households with children follow this guidance.⁷ Yet the literature demonstrates that adherence to these guidelines by safely storing firearms can significantly reduce adolescent injuries and deaths. One such study concluded that youth suicides could decline substantially if only an additional 20% of gun owning households began safely storing their firearms.⁸ A 1997 study concluded that the first 12 state laws limiting child access to firearms resulted in a 23% lower than expected unintentional firearm-related deaths.⁹ A later study found that these laws were associated with a

³ *Id.* and Background Checks. A Metric for Gun Sales, Hit All-time High, Baltimore Sun, July1, 2020.

⁴ Fowler KA, Dahlberg LL, Haileuesus T, et al. Childhood Firearm Injuries in the United States. *Pediatrics*. 2017;140(1): e20163486.

⁵ *Id.*

⁶ *Id.* (emphasis added).

⁷ Monuteaux, Michael C., et al. Association of Increased Safe Household Firearm Storage with Firearm Suicide and Unintentional Death Among US Youths, *JAMA Pediatrics*, 2019;173(7):657-662. doi:10.1001/jamapediatrics.2019.1078.

⁸ *Id.*

⁹ Cummings P, Grossman DC, Rivara FP, Koepsell TD. State gun safe storage laws and child mortality due to firearms. *JAMA*. 1997;278:1084-1086.

10.8% reduction in firearm suicides overall and an 11.1% reduction in suicide rates for older youth age 18-20.¹⁰ As this study noted, these “laws may encourage gun owners . . . [with young children] to adopt safe practices that endure” after their children are older, and “may increase awareness and change social norms to encourage gun owners to secure firearms”

Maryland leaders understood the great importance of preventing firearm access to young people when they passed our state’s current law. Now, the straightforward amendments that are proposed in Jaelynn’s Law will make that law consistent with other Maryland Laws prohibiting persons under age 21 from possessing a regulated firearm. Significantly, the laws in 17 other states require safe storage for children under age 18. Further, raising the safe storage age will send an important message that safe storage is generally necessary.

In addition to raising the age where safe storage is required, HB 200 modifies the current law in other important respects. The current law requires that only loaded guns be safely stored. The bill requires safe storage of unloaded guns as well.

The bill also changes the standard to impose liability when a minor “could” get access to the firearm, rather than the current standard, which only imposes liability if a minor “would” get access.

Finally, under current law, the maximum penalty for violating the law, no matter how dire the consequences, is a \$1000 fine. Under HB 200, the penalty solely for failing to safely store a firearm would include possible time in jail not to exceed 90 days. The potential penalty is graduated, with more severe penalties where a minor gains access to a firearm and where the firearm causes harm to the minor or another person.

These commonsense modifications to Maryland’s current law for the safe storage of firearms will enhance the safety of our state’s youth, protecting them and their parents from needless tragedy.

CIF urges the committee to produce a favorable report supporting House Bill 200 to strengthen existing child access prevention provisions.

¹⁰ Webster, Daniel W., et al. “Association Between Youth-Focused Firearm Laws and Youth Suicides.” JAMA, 2004;292:594. doi:10.1001/jama.292.5.594