

Daniel J. Carlin-Weber
SB676 Firearm Safety - Storage Requirements and Youth Suicide Prevention (Jaelynn's Law)
Unfavorable
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I am a professional firearms instructor and advocate of responsible firearms handling and ownership. I teach through my Baltimore City-based company, C-W Defense, and hold numerous credentials related to firearms instruction including being recognized as a Qualified Handgun Instructor by the Maryland State Police. I currently maintain credentials to provide firearms instruction from the National Rifle Association (NRA), United States Concealed Carry Association (USCCA), and the State of Utah's Bureau of Criminal Identification (UT BCI). Since 2016, I have taught Marylanders from all walks of life how to safely operate firearms and the responsibilities that come with them. I come before you today to request an unfavorable report of Senate Bill 676.

Senate Bill 676 demands, with few exceptions, that Maryland gun owners lock up or otherwise restrict access to firearms, loaded or unloaded, from those under the age of 18. Current law, Maryland Criminal Law § 4-104 currently requires that loaded firearms be kept from those under the age of 16 where the owner left it in a place where the minor would gain access to it. A conviction under current law is a misdemeanor not punishable by more than 6 months in jail, whereas the proposed penalties of imprisonment in SB676 are tiered depending on whether a child would have gained access, did gain access, and used the firearm. Proponents of this legislation say that this is too lenient and not a deterrent to poor or irresponsible firearms storage. As someone who trains individuals from various backgrounds, with different incomes, and different lifestyles, I think this part of the legislation is misplaced, as are most of the bills proposed this year and in years past that continues the trend of finding new ways to punish lawful gun ownership under the guise of promoting public safety. The State should at least attempt the approach taken in its proposed

additions to the Health Article first and incentives for safe storage rather than finding more new ways to incarcerate Marylanders. I don't have objections to what's described in Subtitle 39A.

Before any accusation is made that I am against responsible firearms storage or ignorant to the harms that can happen if someone who shouldn't have access to a gun, gets one, I'm well aware. I regularly teach the course under Md. Public Safety Art. § 5-117.1 for issuance of the Handgun Qualification License. Part of those requirements make teaching about safe firearms storage necessary for would-be HQL applicants, and I spend a great deal of time in my courses focusing on how to properly stow firearms when not in use. Generally speaking, firearms should not be accessible to "unauthorized persons," or simply, anyone the owner doesn't want touching their guns, whether that be a child who isn't mature enough or the curious party-goer who's over to celebrate a birthday.

What this looks like is not going to be the same for every gun owner, as with any non-gun-owner, we tend to have different incomes, living situations, family lives, lifestyles, and other considerations that need to be taken into account when thinking about needs. There is no bright-line or black-and-white answer for what is best for one person against another. Some can afford a \$2500 safe. Others only have a budget of a couple of hundred dollars for a locker. Another might not have anything extra for a storage device – all these individuals equally have the right to protect themselves under the eyes of the law (see *District of Columbia v. Heller*, 554 U.S., 570 (2008)). There are different devices for these sorts of considerations, but if the State is going to require that gun owners have them, they should be willing to pay or at least help to pay. As with nearly every other bill on the topic of guns introduced in both chambers this session, average Marylanders are faced

with another compelled choice without any help on compliance but rather potential imprisonment for potential tragedies.

There have been bills introduced before the General Assembly that would waive sales tax the first \$500 spent towards a firearms storage device for many years now. Indeed, there is one such bill this year in House Bill 816. It's an incentive for people to buy devices, rather than a threat of prosecution, and sadly, I don't expect it will even get so much as a vote in its committee. The State hasn't even so much as sought to make advertising campaigns on safe firearms storage. It leaves that work up to people like myself and advocacy groups. Instead, gun owners just get threats of facing police, imprisonment, and otherwise having their lives turned upside-down because they chose to do as millions of Americans do in owning a gun. Requirements on gun ownership cannot be made so burdensome that the ability is effectively curtailed. This is what counterparts of this body in other states do to their residents on different matters, whether it be concerning how they vote or their access to abortion care. It's shameful it happens here too.

I urge an unfavorable report, or alternatively, that the bill be limited to its propositions relating to the Health article.

Daniel J. Carlin-Weber
225 N Calvert St
Baltimore, MD 21202
410-929-1749
dcw@cwdef.com