



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 16, 2022

SB 533 Criminal Law - Theft of a Handgun

Chairman Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee,

Senate Bill 533 would classify the theft of a handgun as a separate felony offense. The first conviction would impose an additional 5 years imprisonment with a minimum of 2, and/or \$1,000 fine. The second conviction would impose an additional 10 years imprisonment with a minimum of 5 and/or up to \$2,500 fine.

Under current law, Maryland classifies any firearm with a barrel length of 16 inches or shorter as a handgun. Theft of a firearm is subject to general theft statute, which imposes penalties based on the value of the stolen property. Therefore, a first offender handgun theft who steals a \$600 handgun would receive a misdemeanor charge, with a possible 6 months imprisonment and/or a \$500 fine. If they unfortunately do not learn their lesson, the second or subsequent conviction is only a possible 1 year imprisonment and/or a \$500 fine. These penalties are far more fitting to the crime of stealing a handgun, and will do more to deter citizens from doing so.

According to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), 56% of firearm traces in 2020 were pistols/handguns. Additionally, over 1,100 of the traced firearms in 2020 were in the possession of individuals 21 years of age or younger. Around 240 of these firearms were in the possession of 17 year olds and younger. While not every firearm traced by the ATF was previously used in a violent crime, these traces are requested by local law enforcement agencies for the purpose of investigating the sale, transfers and possession of specific firearms.

From this information from 2020 alone, it is clear that the use of a handgun to commit violent crime in Maryland is very common. Current law does not impose serious enough penalties to deter people from stealing a handgun, or using a handgun that you knowingly purchased from someone who stole it. We need to get illegal guns off of the streets of Maryland and reduce the violent crimes they are used to commit.

I respectfully request a favorable report on Senate Bill 533.