

Testimony_JPC_SB0773_LR1916.pdf

Uploaded by: Jill Carter

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

**Testimony of Senator Jill P. Carter
In Favor of SB 773
- Public Safety – Firearms Dealers – Storage Vaults for Regulated
Firearms -
Before the Judicial Proceedings Committee
On March 15, 2022**

**Chair Smith, Vice Chair Waldstreicher, and Members of the
Committee:**

Senate Bill 773, as amended, will provide a tax credit to those who purchase and utilize a safety instrument to store their guns. The bill will encourage people to purchase gun safes at the point of sale by providing them with a financial incentive to do so. The bill balances the need for gun safety reform with the rights of citizens under the Second Amendment to the U.S. Constitution.

As we all would agree, the epidemic of gun violence in our country must come to an end. Unfortunately, across Maryland, we have seen a rise in firearm misuse, leading to the painful destruction of lives and communities. A storage vault, such as a safe, ensures that a gun is accessible only by its owner or an intended user, and protects the safety of families and children.

Throughout the country, states of varying political leanings have implemented a similar tax credit. Massachusetts, Maine, Connecticut, New Jersey, Washington, and Michigan all offer financial incentives for safety devices. Joining these states will solidify Maryland's commitment to firearm safety. As one state senator said, "If guns are not stored properly, tragedy can come when we least expect it."

Introducing a tax credit is one practical way to encourage and promote good gun safety habits.

Senate Bill 773 will encourage better home safety, the reduction of unauthorized use and accidental discharge, and an increase in the purchase of convenient storage devices. Estimates show that 30 percent of Marylanders lawfully own a gun, with 103,109 registered firearms in the state.¹ From 2019 to 2021, the number of applications exponentially increased at a rate far above population growth.² Between 2012 and 2017, individuals stole 15,924 guns, costing an estimated value of over seven million dollars. People do not just steal guns from off of the streets; 674 firearms were stolen from dealers.³ We must regulate gun safety through common-sense legislation that does not create substantial burdens on owners.

In 2021, burglars stole 21 guns from a Harford County pawnshop after driving their car into the building. By the time police arrived on the scene at 5:15 am, the thieves were gone.⁴ Thirty years earlier, robbers stole 15 guns from a Baltimore County shop in just minutes. Had storage vaults been utilized in either of these cases, guns would not be on the street and possibly in the hands of criminals.⁵

Utilizing a gun safe is an easy and modest way to ensure community protection; this is a small price to pay for community safety. We must ask ourselves, how much is one life worth?

We need to do all we can to protect Marylanders and ensure firearm safety. A broad coalition of gun-rights advocates and gun-regulation champions have partnered to support this bill, including Moms Demand Action and the National Shooting Sports Foundation.

Given this, I ask for a favorable report on Senate Bill 773.

¹ <https://worldpopulationreview.com/state-rankings/gun-ownership-by-state>

²

<https://www.heraldmillmedia.com/story/news/local/2021/04/25/number-of-civilian-gun-applications-approved-in-md-doubles/43723847/>

³ <https://www.americanprogress.org/article/gun-theft-united-states-state-state-analysis/>

⁴ <https://www.wbal.com/article/23-guns-stolen-burglary-harford-county-pawn-shop/38635583>

⁵ <https://www.baltimoresun.com/news/bs-xpm-1992-02-06-1992037128-story.html>

Respectfully,

A handwritten signature in blue ink that reads "Jill P. Carter". The signature is written in a cursive style with a large, looped initial "J" and a distinct "P" and "C".

Jill P. Carter

SB 773 Testimony ML (1).pdf

Uploaded by: Melissa Ladd

Position: FAV

Good afternoon. Chairman Smith, Vice-Chair Waldstreicher and members of the committee, my name is Melissa Ladd. I live in Olney, in District 19.

I am here in support of SB 773 and I ask for a favorable report out of committee. SB 773 provides a common sense provision to reducing the amount of stolen guns in Maryland.

Maryland gun stores are vulnerable to robbery as evidenced by a growing list of incidents:

- March 2017, a gun shop in Rockville in Montgomery County, 30 guns were stolen in 90 seconds¹
- June 2019, the same gun shop was robbed again in Montgomery County, with at least 10 guns stolen²
- June 2019, a shop in Howard County was robbed of 18 guns³
- August 2019, a store in Essex in Baltimore County, 6 guns were stolen⁴
- October 2020, St Mary's County in Mechanicsville, "numerous" guns were stolen⁵
- March 2021, Waldorf in Charles County, the shop's second burglary, "unknown" number were stolen⁶
- December 2021, Havre de Grace in Harford County, 23 guns stolen⁷

As you can see, gun shops are being robbed in all areas of state and their current security is not sufficient. If we want to keep firearms out of the hands of criminals, encouraging gun shops and FFLs to store the firearms securely will provide an extra barrier against theft and loss.

Thank you for your time.

¹https://www.washingtonpost.com/local/public-safety/break-in-reported-at-gun-shop-in-maryland/2017/03/09/fd4f70ac-04c6-11e7-b1e9-a05d3c21f7cf_story.html

²https://www.washingtonpost.com/local/public-safety/one-person-shot-by-a-police-officer-in-montgomery-county/2019/06/13/4431453e-8dc0-11e9-8f69-a2795fca3343_story.html

³https://www.washingtonpost.com/local/public-safety/three-suspects-arrested-in-rockville-gun-store-break-in-ages-21-17-and-15/2019/06/14/c570f242-8ee3-11e9-8f69-a2795fca3343_story.html

⁴<https://www.usnews.com/news/best-states/washington-dc/articles/2021-06-17/dc-man-gets-nearly-5-year-s-for-maryland-gun-store-theft>

⁵<https://baltimore.cbslocal.com/2020/10/01/vehicle-rams-into-maryland-gun-store-thief-or-thieves-steal-multiple-guns-officials-say/>

⁶<https://www.wusa9.com/article/news/local/maryland/two-suspects-ram-pick-up-truck-into-waldorf-store-to-steal-firearms-charles-county/65-3e6a8d7d-e94c-49e1-990d-59852ad3e7fc>

⁷ <https://baltimore.cbslocal.com/2021/12/29/harford-county-pawn-shop-robbed-23-weapon-stolen/>

2022 - SB 773 - Tax Credit Firearm Safety Devices

Uploaded by: Trevor Santos

Position: FWA



TREVOR W. SANTOS

Director, Government Relations - State Affairs

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March 15, 2022

The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building
Annapolis, Maryland 21401

**SENATE BILL 773
SUPPORT WITH
AMENDMENT**

Re: Senate Bill 773 (with amendment) – Income Tax – Credit for Firearm Safety Devices

Dear Chair Smith, Vice Chair Waldstreicher, and Members of the Judicial Proceedings Committee:

On behalf of the National Shooting Sports Foundation (“NSSF”), and our industry members located throughout the state of Maryland, I write today to express our support for Senate Bill 773 (“SB 773”) as amended. The amended version of Senator Carter’s SB 773 would create a State income tax credit up to \$500 for the purchase of certain firearm safety devices.

As the trade association for America’s firearms, ammunition, hunting, and recreational shooting sports industry, NSSF seeks to promote, protect, and preserve hunting and the shooting sports. We represent nearly 9,000 members which include federally licensed manufacturers, wholesale distributors and retailers of firearms, ammunition and related goods and accessories, as well as public and private shooting ranges, sportsmen’s clubs, and endemic media, including close to 100 businesses located in Maryland.

For more than 50 years, NSSF has encouraged gun owners to safely handle and securely store firearms, and over the last few decades, we have provided valuable resources and free firearm safety kits, including cable-style gun locks through the Project ChildSafe® program, to help prevent firearms accidents, thefts and misuse, including suicide. While we oppose mandatory storage requirements for law-abiding gun owners, recognizing that each person’s living situation may be different, we do acknowledge that promoting true firearm safety and education programs is key to preventing accidents.

Senator Carter’s SB 773 as amended would create an incentive for law-abiding Marylanders to purchase firearm safety devices by allowing a credit of up to \$500 to one’s State income tax responsibilities. In doing so, a small barrier would be removed to one acquiring safe storage devices. The last thing members of the firearm industry want to see or hear about is their products being misused. Certainly, we can all come together to support Senator Carter’s tax credit for the purchase of firearm safety devices.

NSSF and our members are proud to have contributed to declines in firearms accidents and remain committed to further reducing incidents of unauthorized access to firearms.

It is for these reasons, the National Shooting Sports Foundation is proud to support Senate Bill 773 as amended, creating a tax credit for the purchase of firearm safety devices. We would respectfully request a “Favorable Report” from the Senate Judicial Proceedings Committee for Senate Bill 773 as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "T. W. Santos". The signature is written in a cursive, flowing style with a large initial "T" and "S".

Trevor W. Santos

SB0773 - Testimony.pdf

Uploaded by: Jesse Picard

Position: UNF

SB0773

Jesse Picard

Position: **Opposed**

This bill seeks to impose extreme and costly measures on law-abiding gun dealers. Many dealers have hundreds if not thousands of firearms on display in their inventory at any given time. In addition to the cost of the "vaults" required to store hundreds or thousands of firearms, standards for which are not defined in the bill, the cost of man hours required to store that many firearms in vaults at the end of each business day and then distribute them back on display to open the following business day would be extreme.

I urge an unfavorable report on this bill.

Sincerely,

Jesse Picard

SB0773_Testimony_Unfavorable.pdf

Uploaded by: John Josselyn

Position: UNF



2A Maryland

2A@2AMaryland.org

Senate Bill 773

Public Safety – Firearms Dealers – Storage Vaults for Regulated Firearms Unfavorable

The Maryland General Assembly has a disappointing history when it comes to holding criminals responsible for their actions. Worse, we hear legislators arguing that there are too many people in prison. They even go so far as to contend that the criminals are somehow also victims because *their* victims did not do enough to prevent the crime from occurring in the first place. This is not unlike the now rejected defense strategy that a rape did not occur because the victim was dressed a certain way and did not protest enough or fight hard enough to successfully themselves.

Now we have Senate Bill 773, a bill which will place even more burden on already heavily regulated legitimate businesses. It seems that bollards, locks, screens, bars, alarm systems and cameras are not enough. Nor are the laws against breaking and entering, burglary, theft, destruction of property and a host of other offenses.

Senate Bill 773 will place an increased burden on the over 700 licensed firearms dealers in Maryland. Dealers, who are already under attack by criminals now must contend with yet another attack on their livelihood.

It has become increasingly difficult to determine which side the legislature is on. SB 533 Criminal Law - Theft of a Handgun, which would make the theft of a firearm a penalty is languishing in this Committee, where it will likely die of neglect as did SB 560 in 2021 and SB 672 in 2020. This sends a clear message that this Committee is not on the side of the law-abiding. A fact reinforced by this Committee's failure to specifically criminalize the use of a ghost gun in a crime.

Senate Bill 773
Unfavorable

We, the law-abiding citizens, have become too accustomed to being told “NO” when it comes to our rights. When is the Maryland General Assembly finally going to take a principled stand? The climate of placating the gun control groups and coddling the violent criminals must end. When is the Maryland General Assembly finally going to say “NO” to the criminals and stand up for the lawful majority?

There is also the matter of unintended consequences to be considered.

Criminals are resourceful and increasingly ruthless. When one source becomes less attractive, they will almost certainly resort to alternative options, home invasions, home burglary, and daylight armed robberies of gun stores. Muggings of law enforcement officers lured into ambush by innocuous sounding calls for service for the express purpose of stealing the officer’s firearms are not beyond the scope of possible outcome.

We strongly urge this Committee to report unfavorably on Senate Bill 773.


Respectfully,





John H. Josselyn, Director
2A Maryland

Attachments (3)

Owner of gun shop killed in robbery 2nd man wounded; 8 suspects arrested

By Roger Twigg and S. M. Khalid
Baltimore Sun • Sep 12, 1991 at 12:00 am

 A Belair Road gun shop owner was killed and another man seriously wounded yesterday during a robbery by at least four men who broke open display cases and escaped with as many as 50 handguns, Baltimore police said.




 Five suspects were rounded up by police within two hours of the shooting, and three others were captured last night. But one man managed to elude arrest, and police were still searching for most of the stolen weapons.

The robbers' daylight assault at the Northeast Gun Shop was the latest in a series of gun thefts in Maryland this year, but police said last night they had no reason to believe it was linked to earlier incidents.

Killed in the 11:50 a.m. robbery was Charles E. "Eddie" Scheuerman, 53, owner and operator of the business in the 4900 block of Belair Road for at least 21 years. Police said he was wounded in the chest by a shotgun blast and died on arrival at Francis Scott Key Medical Center.

A bystander in the store, Michael Berman, a 42-year-old electronics employee who lives in the 11700 block of Morning Mist Lane in Columbia, was shot once in the upper back and was listed in stable condition at Johns Hopkins Hospital.

Police said two gang members entered the gun shop as the owner was talking to Mr. Berman. Mr. Scheuerman's son, John, who works with him, had just left to go to a nearby business. As the two men started to look at some of the weapons on display, two others entered the shop, and one of them approached Mr.

Scheuerman and shot him in the chest before he could say, "May I help you," said Dennis S. Hill, a police spokesman.

Mr. Hill said another of the men turned and shot Mr. Berman in the back with a handgun.

While the victims were lying on the floor, the four robbers broke the glass cases on two walls of the shop, removed 43 to 50 handguns of various sizes and stuffed them into a green canvas duffel bag they had carried into the store, police said.

Witnesses told police that the robbers fled in three cars -- a white Buick, a red Volkswagen and a brown Ford Escort.

Fortunately, it was done in broad daylight on Belair Road," Lt. Robert M. Stanton of the homicide unit. "Several people stopped to write tag numbers."

The Buick was spotted moments later by police officers traveling to the address listed for its tag numbers in computerized Motor Vehicle Administration records. The officers followed it to a two-story row house in the 1200 block of Clendenin Street, where the car's occupants ran inside with the duffel bag.

An officer who went to the rear of the building caught one suspect climbing out a first-floor window, and three others were coaxed from the building as other police officers surrounded the house, Mr. Hill said.

Out of fear that a fifth suspect might have taken a 2-year-old child hostage in the house, members of the Police Department's Quick Response Team went inside, where they found the toddler unharmed in an empty second-floor bathtub, Mr. Hill said, adding that no one else was found in the building.

A .45-caliber handgun was found on a first-floor dining room table and another on the roof, where it apparently had been thrown by one of the suspects, police said.

A fifth man was taken into custody in a house in the 2300 block of Brookfield Avenue. Police identified him only as the son of a man who owns the white Buick

thought to have been one of the getaway cars.

Police obtained a search warrant last night for the house on Clendenin Street, then examined it. They also arrested three men who arrived as the officers were at work, but a fourth eluded capture, police said.

Seized at the house, Mr. Hill said, were an Uzi semiautomatic firearm, eight handguns of various sizes, a sawed-off rifle, boxes of ammunition of various calibers, magazines for semiautomatic weapons, walkie-talkies and beepers.

"We think they had time to transfer some of the weapons to another bag, and we're looking for a guy we believe might have about 30 additional weapons, including one Uzi," Mr. Hill said.

Lieutenant Stanton said eight guns thought to have been taken in the robbery were recovered but that most of the weapons remained missing.

Another homicide investigator, Sgt. Steven Lehmann, said some the weapons -- 9mm and .45-caliber handguns -- are the type carried by drug dealers, he noted.

All three vehicles thought to have been used in the robbery-murder were recovered in the same neighborhood, police said.

More than 1,000 high-powered weapons have been stolen in 51 robberies of licensed firearm dealers in Maryland and Virginia this year, said David C. Troy, a special agent for the federal Bureau of Alcohol, Tobacco and Firearms' Washington district, which includes both states. The bureau was participating in the investigation of yesterday's robbery.

Agent Troy said the bureau has received information that the stolen guns are being sold to drug organizations operating in Baltimore, Washington and Philadelphia, where the weapons are used in turf battles between rival groups.

In 1974, the shop robbed yesterday was hit by burglars who stole about 25 handguns.

Joseph Brown, owner of the Valley Lounge adjacent to the gun shop, said Mr. Scheuerman's store was well equipped with security equipment. "All you had to do was touch the front door and the alarm would go off," he said.

"Eddie ran a good shop," he said "This is an ongoing affair with gun shop owners -- guys with guns going after more guns."

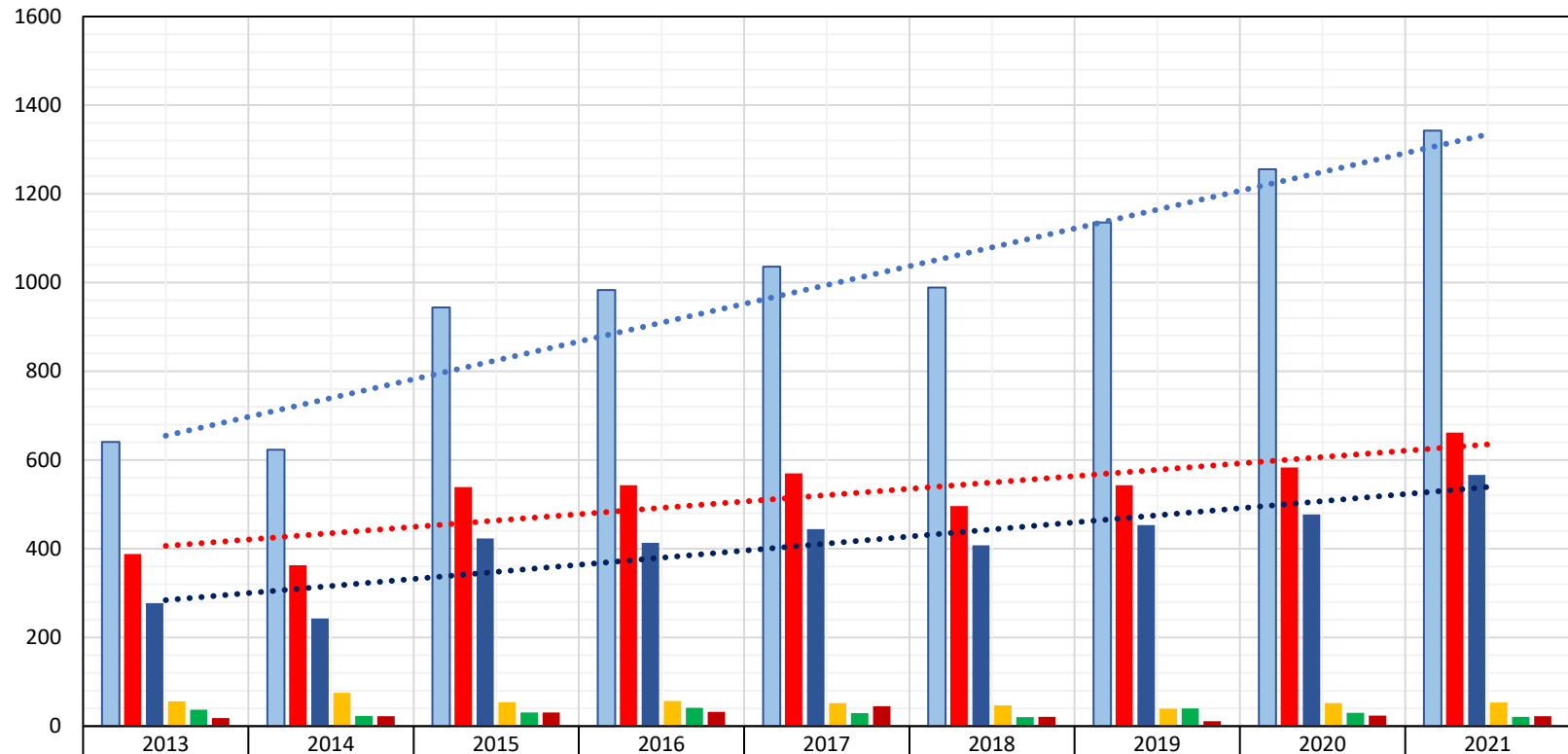
Police said Mr. Scheuerman owned and operated two other gun shops but was not carrying a gun when he was shot.



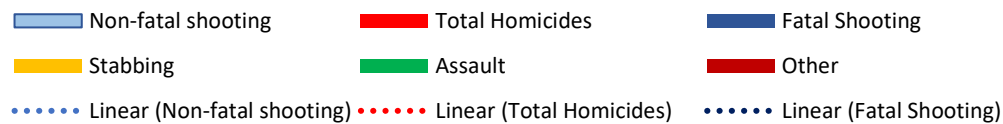
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Maryland Homicides, Non-fatal Shootings & Trends 2013-2021

Data Source: Maryland Coordination & Analysis Center (MCAC)



	2013	2014	2015	2016	2017	2018	2019	2020	2021
Non-fatal shooting	641	623	944	983	1036	989	1136	1256	1343
Total Homicides	388	363	539	543	570	496	543	583	662
Fatal Shooting	277	243	423	413	444	408	453	477	566
Stabbing	56	75	54	57	52	47	39	52	53
Assault	37	23	31	41	29	20	40	30	21
Other	18	22	31	32	45	21	11	24	22



2A MARYLAND
Homicide Victim / Offender Demographics
Data Source: Maryland UCR 2011-2020

Victim - Race	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
White	68	68	69	71	96	85	102	75	88	97
Black	322	301	318	283	449	446	457	402	451	472
Asian	5	3	0	5	4	2	9	5	3	3
American Indian	0	0	0	2	0	0	0	1	0	1
Unknown	3	0	0	2	4	1	1	6	1	0
Total	398	372	387	363	553	534	569	489	543	573
Per Capita Rate	6.8	6.3	6.5	6.1	9.2	8.9	9.4	8.1	9.0	9.5

Victim - Race	2011-2020 Total	Yearly Avg - 10 Years	Ratio to White
White	819	82	1.00
Black	3901	390	4.76
Asian	39	4	0.05
American Indian	4	0	0.00
Unknown	18	2	0.02
Total	4781	478	
Per Capita Rate		7.98	

Offender - Race	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
White	65	44	50	74	85	64	79	58	71	56
Black	258	271	260	186	242	190	305	266	268	310
Asian	1	0	2	2	2	6	2	2	1	2
American Indian	0	0	0	0	0	0	0	1	0	3
Unknown	164	159	158	159	321	339	288	224	285	282
Total	488	474	470	421	650	599	674	551	625	653

Offender - Race	2011-2020 Total	Yearly Average - 10 Years	Ratio to White
White	646	65	1.00
Black	2556	256	3.96
Asian	20	2	0.03
American Indian	4	0	0.01
Unknown	2379	238	3.68
Total	5605	561	

Victim Age Range	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	32	21	26	30	43	27	43	27	29	30
18-21	57	65	65	40	69	81	64	52	79	89
22-29	130	104	115	110	184	179	194	157	172	165
30 and over	179	182	181	183	257	244	266	251	262	290
Unknown	0	0	0	0	0	3	2	2	2	1

Victim Age Range	2011-2020 Total	Yearly Average - 10 Years
Under 18	308	31
18-21	661	66
22-29	1510	151
30 and over	2295	230
Unknown	10	1

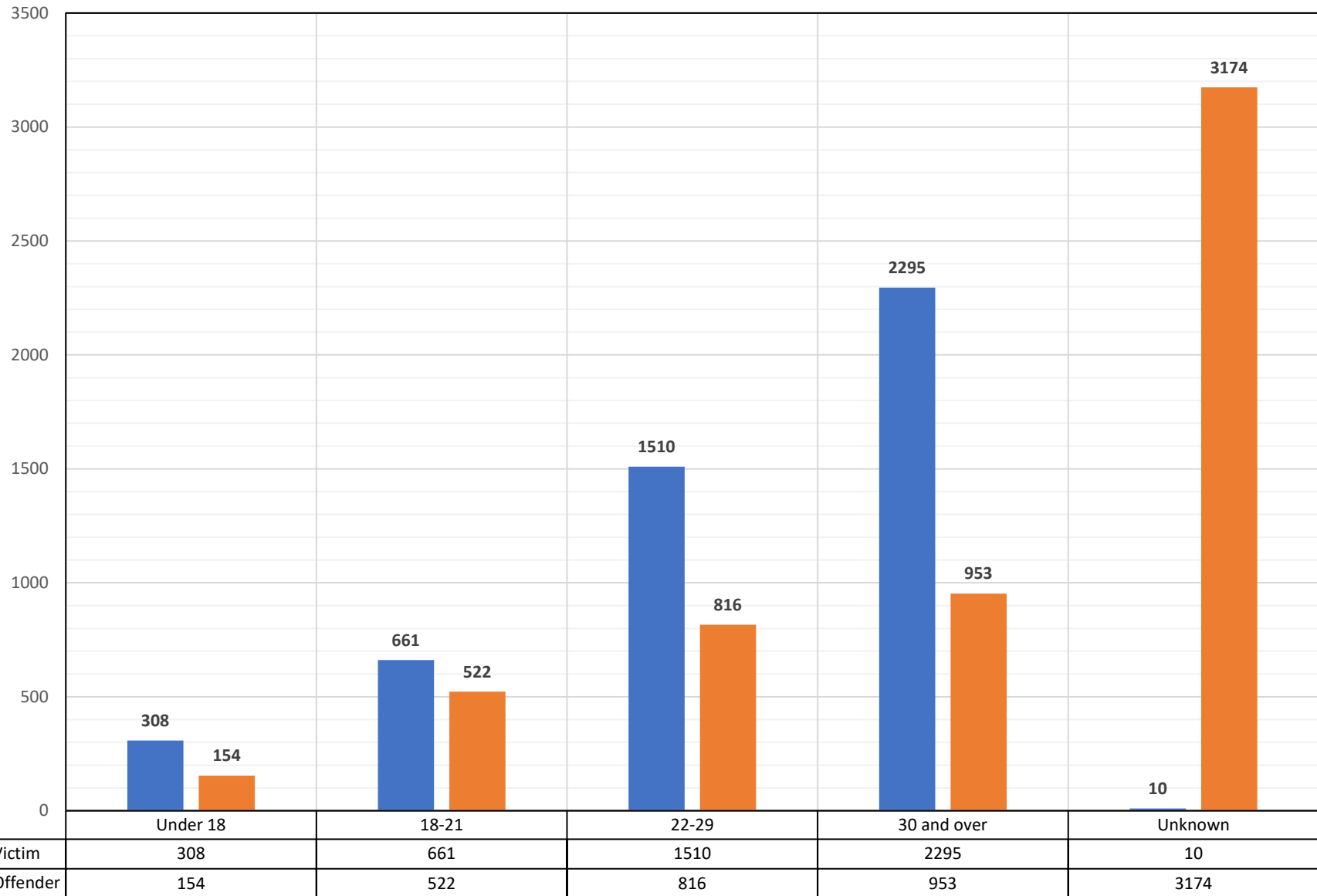
Offender Age Range	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	12	15	10	16	16	16	17	20	14	18
18-21	56	57	57	38	53	55	64	41	48	53
22-29	81	70	69	76	100	90	102	64	81	83
30 and over	99	72	83	97	103	91	107	99	91	111
Unknown	240	260	251	194	378	347	384	327	394	399

Offender Age Range	2011-2020 Total	Yearly Average - 10 Years
Under 18	154	15
18-21	522	52
22-29	816	82
30 and over	953	95
Unknown	3174	317

Population	Percent
White	55.54%
Black	29.89%
Asian	6.28%
American Indian	0.28%

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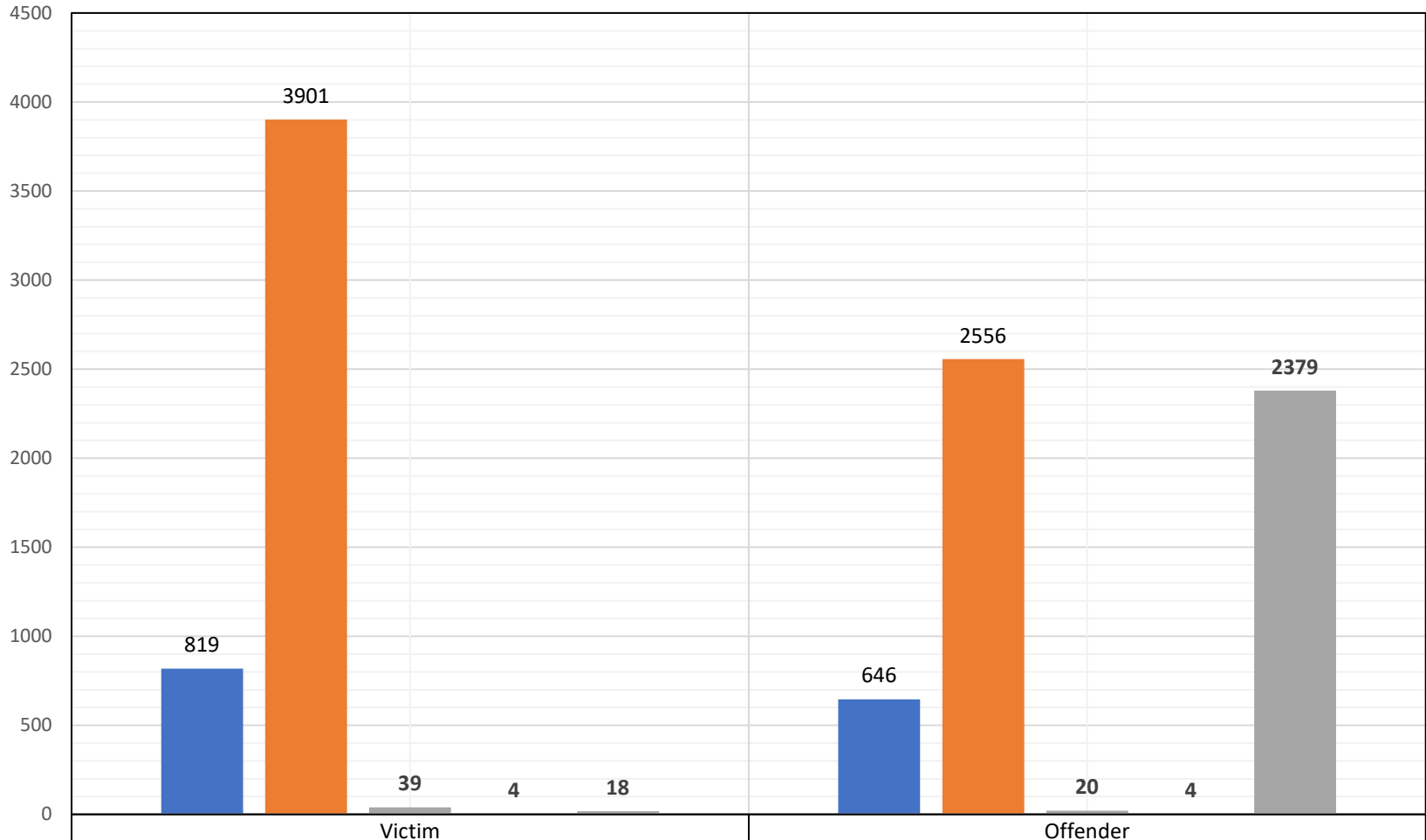
Homicide - Victims & Offenders by Age - Source: MSP Uniform Crime Reports 2011-2020



Victim Offender

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Homicide - Victims & Offenders by Race - Source: MSP Uniform Crime Reports 2011-2020

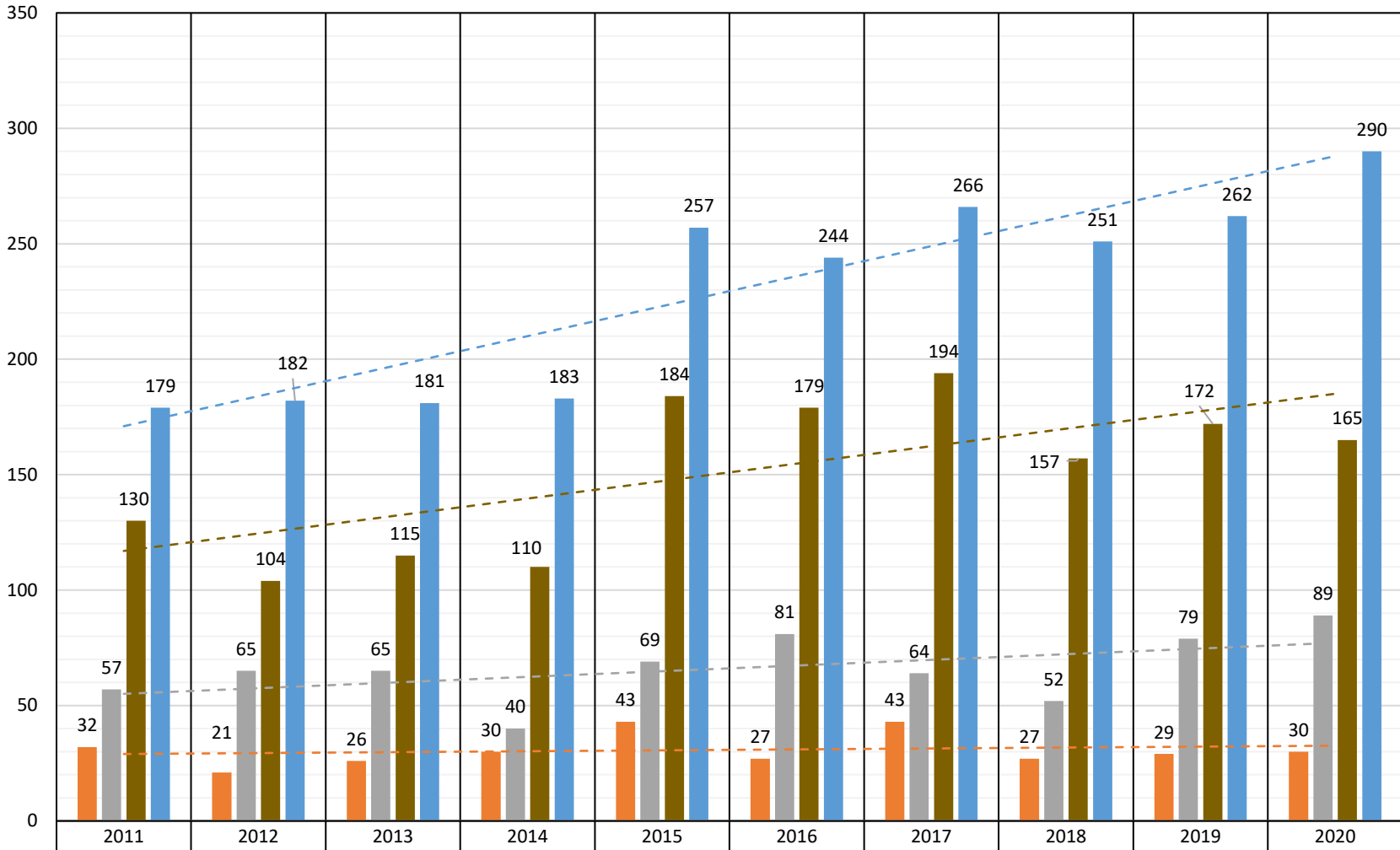


■ White	819	646
■ Black	3901	2556
■ Asian	39	20
■ American Indian	4	4
■ Unknown	18	2379

■ White ■ Black ■ Asian ■ American Indian ■ Unknown

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Homicide - Victims by Year & Age - Source: MSP Uniform Crime Reports 2011-2020

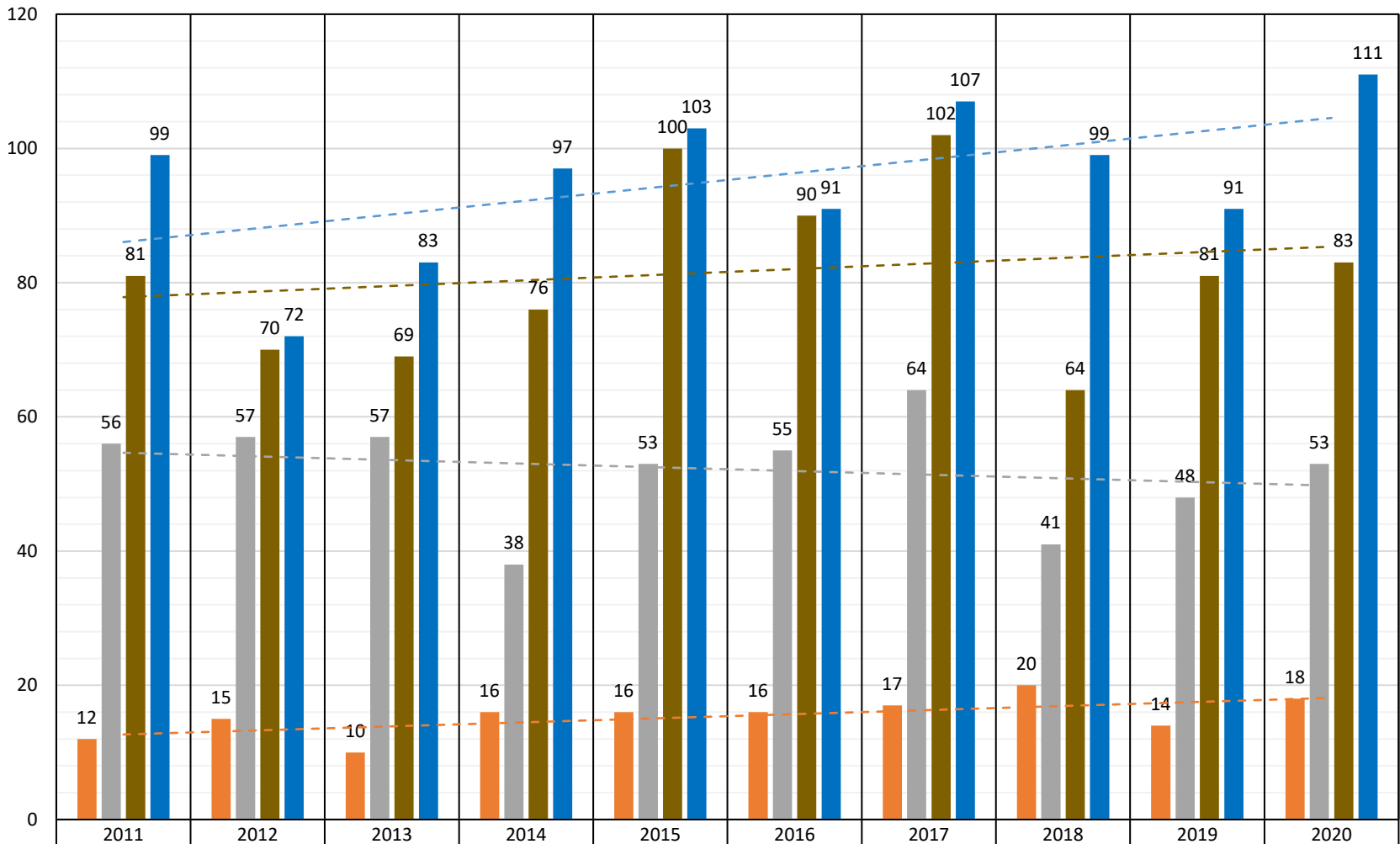


Under 18	32	21	26	30	43	27	43	27	29	30
18-21	57	65	65	40	69	81	64	52	79	89
22-29	130	104	115	110	184	179	194	157	172	165
30 and over	179	182	181	183	257	244	266	251	262	290

■ Under 18
 ■ 18-21
 ■ 22-29
 ■ 30 and over
 - - - Linear (Under 18)
 - - - Linear (18-21)
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Homicide - Offenders by Year & Age - Source: MSP Uniform Crime Reports 2011-2020

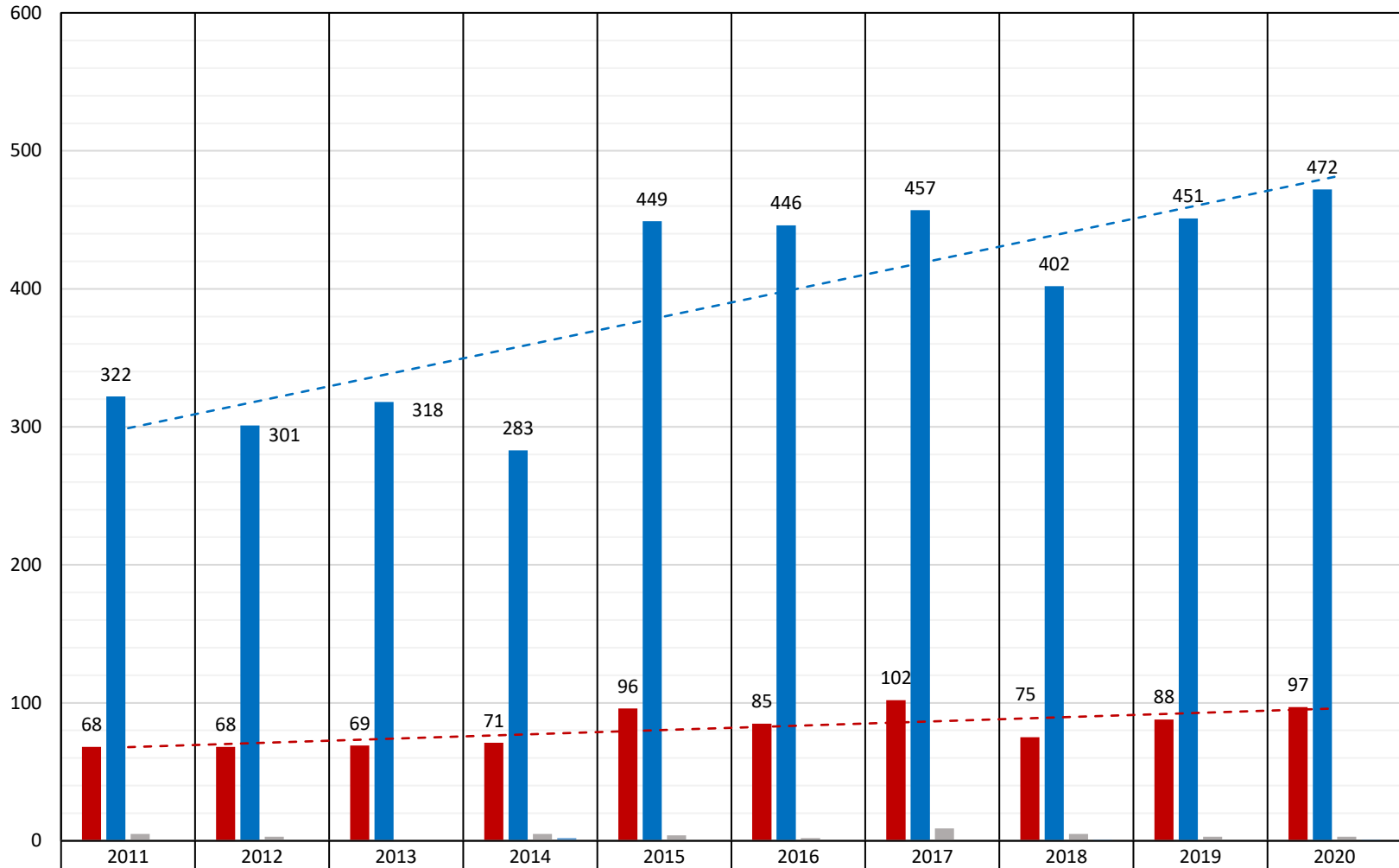


Under 18	12	15	10	16	16	16	17	20	14	18
18-21	56	57	57	38	53	55	64	41	48	53
22-29	81	70	69	76	100	90	102	64	81	83
30 and over	99	72	83	97	103	91	107	99	91	111

■ Under 18
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 ■ 22-29
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2A Maryland

Homicide - Victims by Year & Race - Source: MSP Uniform Crime Reports 2011-2020

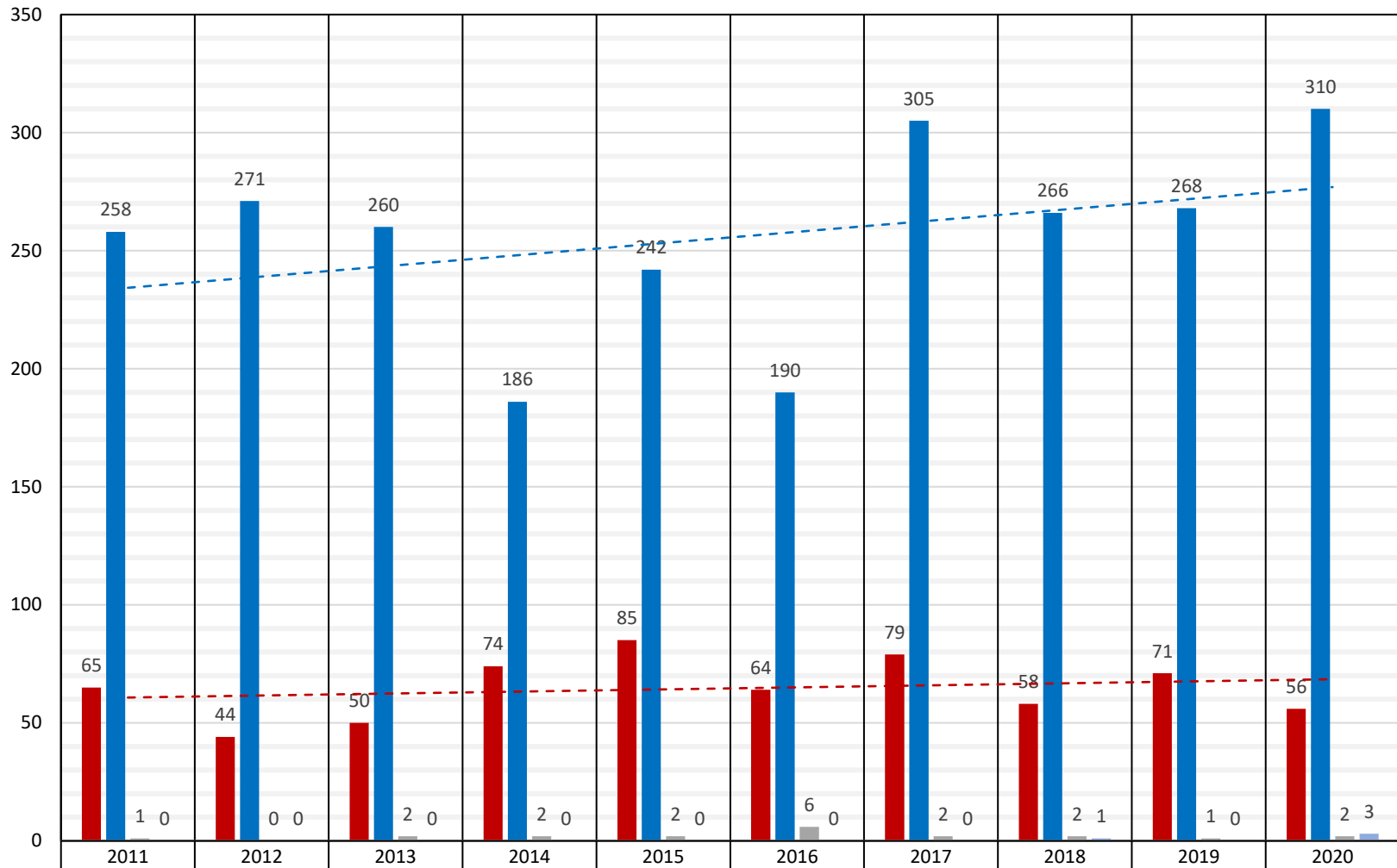


White	68	68	69	71	96	85	102	75	88	97
Black	322	301	318	283	449	446	457	402	451	472
Asian	5	3	0	5	4	2	9	5	3	3
American Indian	0	0	0	2	0	0	0	1	0	1

White Black Asian American Indian Linear (White) Linear (Black)

2A Maryland

Homicide - Offenders by Year & Race - Source: MSP Uniform Crime Reports 2011-2020

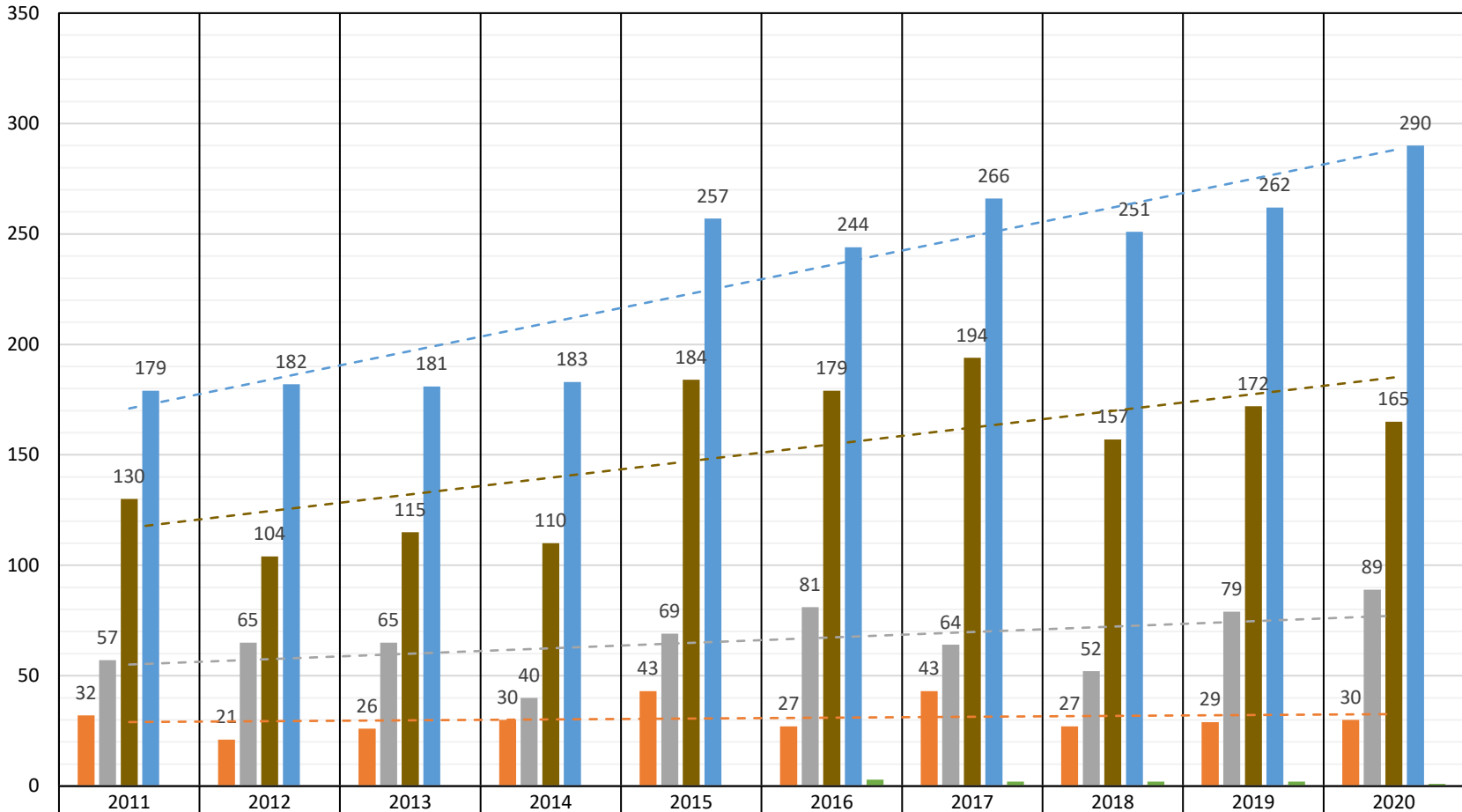


White	65	44	50	74	85	64	79	58	71	56
Black	258	271	260	186	242	190	305	266	268	310
Asian	1	0	2	2	2	6	2	2	1	2
American Indian	0	0	0	0	0	0	0	1	0	3

White Black Asian American Indian Linear (White) Linear (Black)

2A Maryland

Homicide - Victims by Year & Age - Source: MSP Uniform Crime Reports 2011-2020



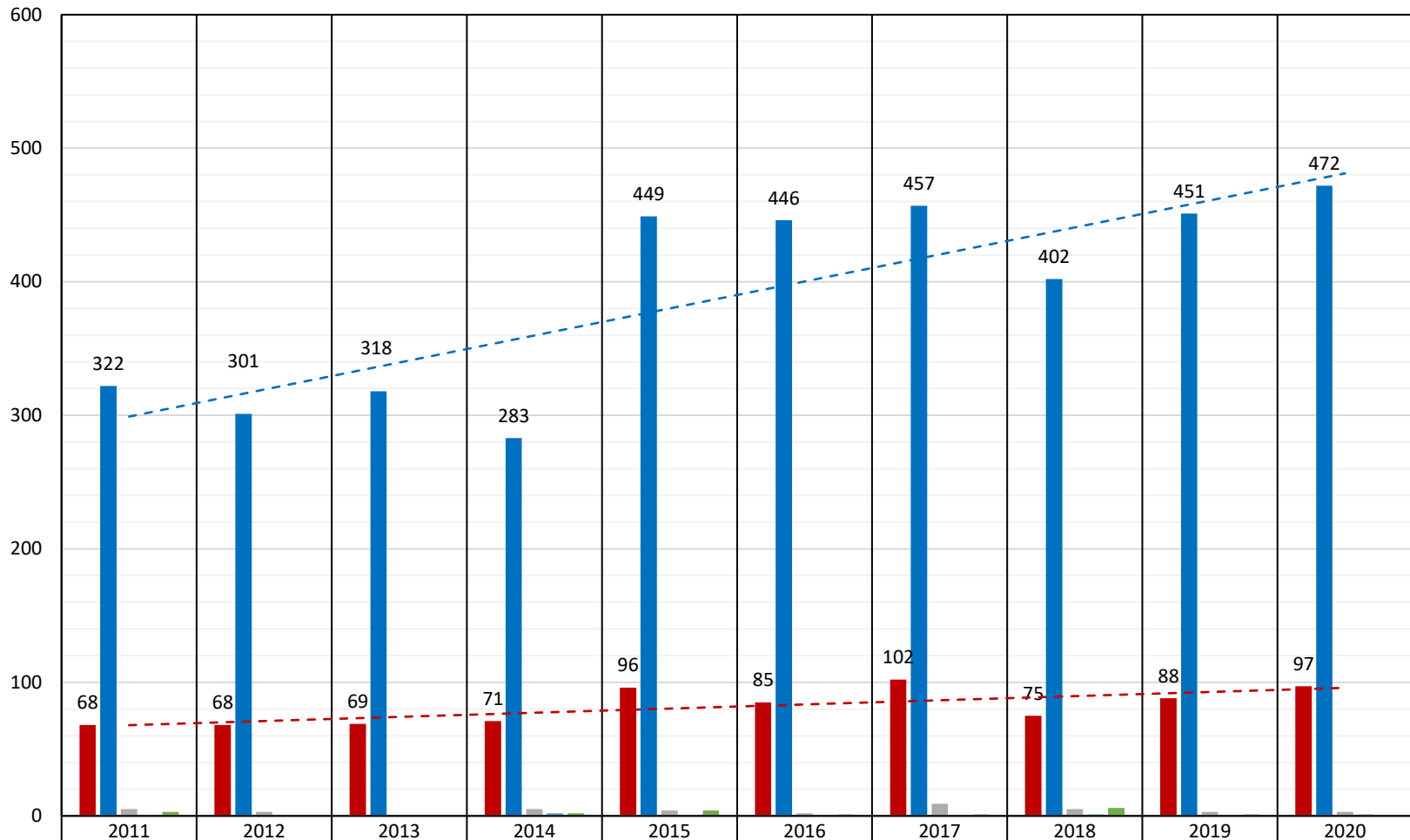
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■ Under 18
 ■ 18-21
 ■ 22-29
 ■ 30 and over
 ■ Unknown
- - - Linear (Under 18)
- - - Linear (18-21)
- - - Linear (22-29)
- - - Linear (30 and over)

This chart includes "unknown" age category.

2A Maryland

Homicide - Victims by Year & Race - Source: MSP Uniform Crime Reports 2011-2020



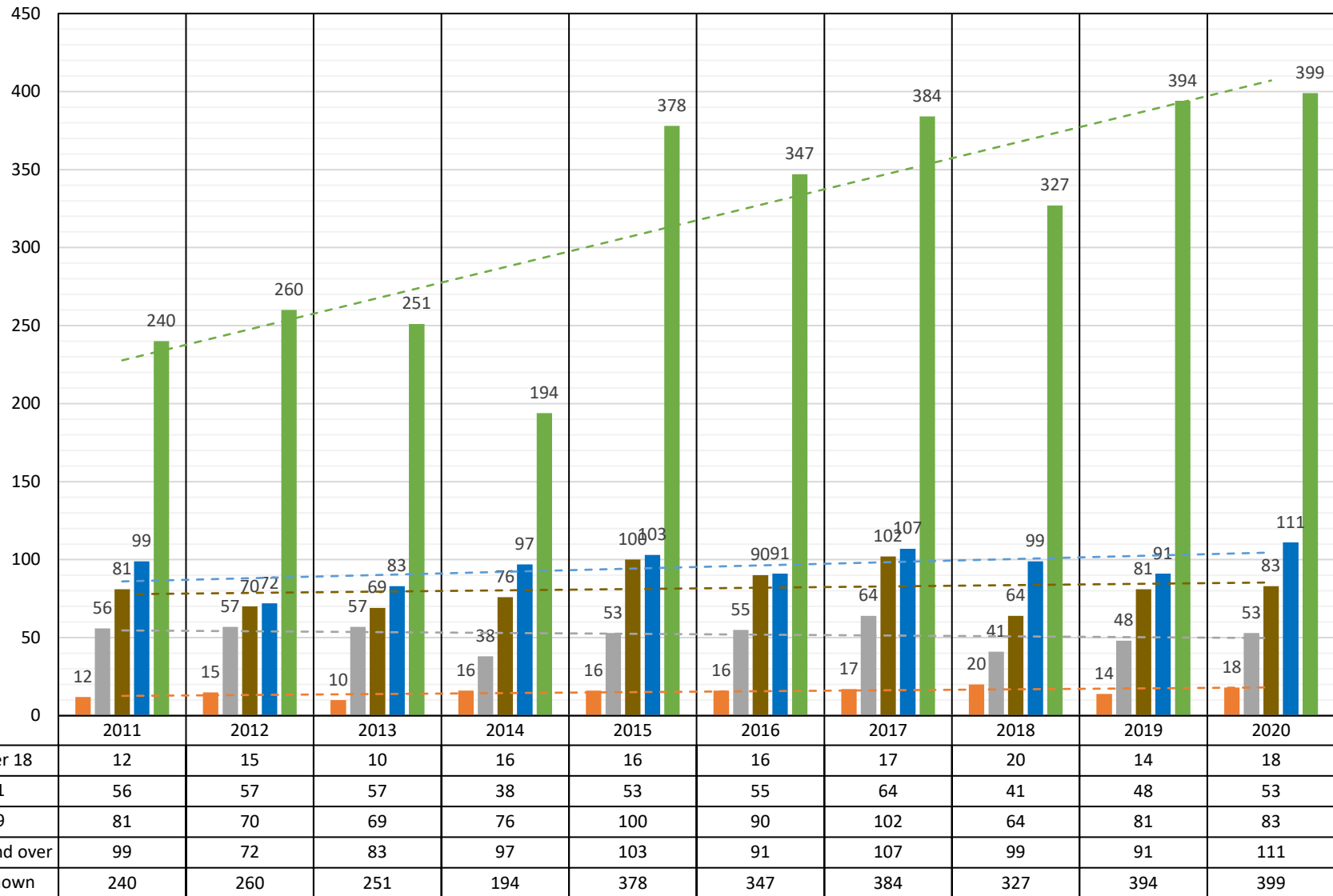
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Asian	5	3	0	5	4	2	9	5	3	3
American Indian	0	0	0	2	0	0	0	1	0	1
Unknown	3	0	0	2	4	1	1	6	1	0

White Black Asian American Indian Unknown Linear (White) Linear (Black)

This chart includes "unknown" age category.

2A Maryland

Homicide - Offenders by Year & Age - Source: MSP Uniform Crime Reports 2011-2020



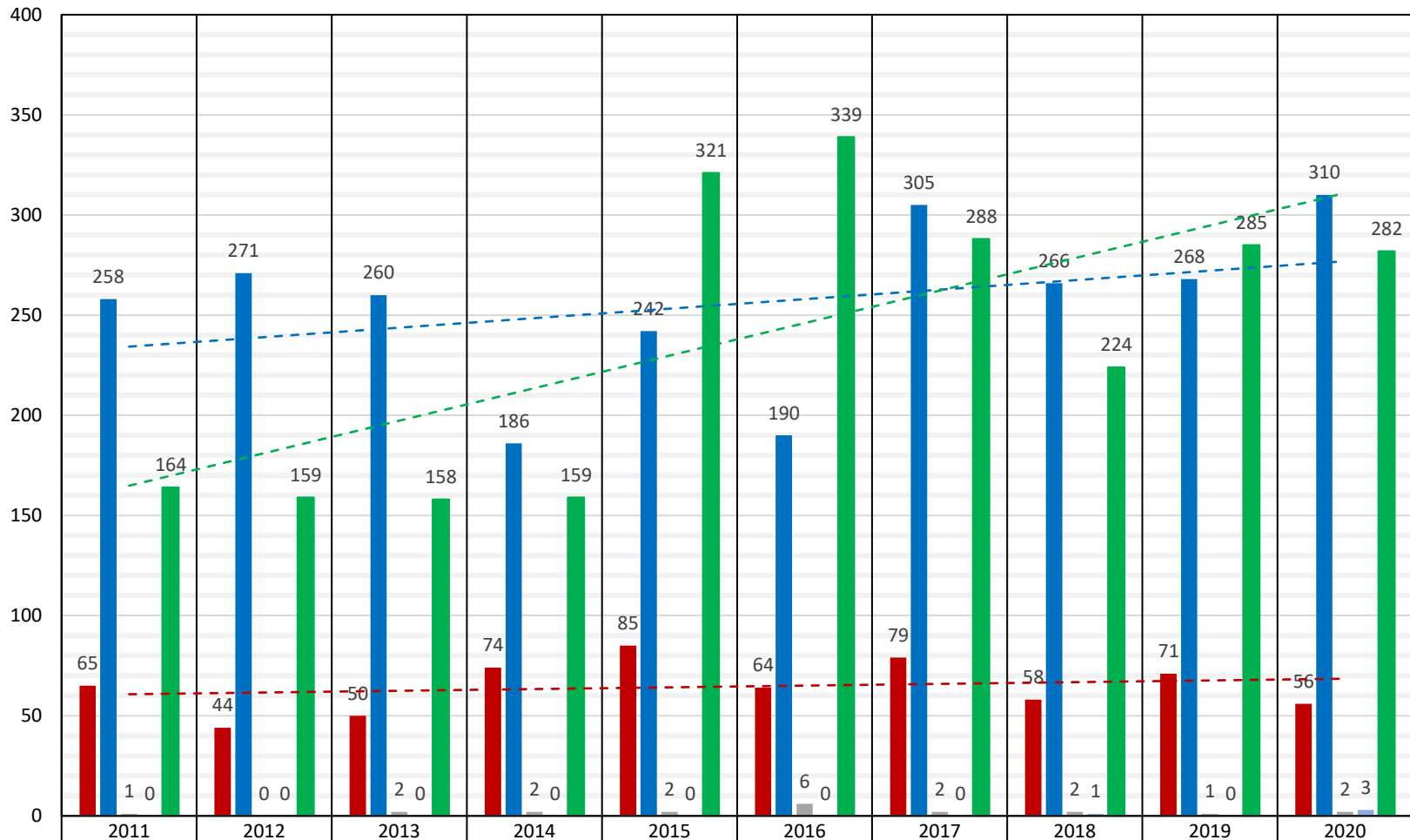
Under 18	12	15	10	16	16	16	17	20	14	18
18-21	56	57	57	38	53	55	64	41	48	53
22-29	81	70	69	76	100	90	102	64	81	83
30 and over	99	72	83	97	103	91	107	99	91	111
Unknown	240	260	251	194	378	347	384	327	394	399

■ Under 18
 ■ 18-21
 ■ 22-29
 ■ 30 and over
 ■ Unknown
- - - Linear (Under 18)
- - - Linear (18-21)
- - - Linear (22-29)
- - - Linear (30 and over)
- - - Linear (Unknown)

This chart includes "unknown" age category.

2A Maryland

Homicide - Offenders by Year & Race - Source: MSP Uniform Crime Reports 2011-2020



White	65	44	50	74	85	64	79	58	71	56
Black	258	271	260	186	242	190	305	266	268	310
Asian	1	0	2	2	2	6	2	2	1	2
American Indian	0	0	0	0	0	0	0	1	0	3
Unknown	164	159	158	159	321	339	288	224	285	282

White Black Asian American Indian Unknown Linear (White) Linear (Black) Linear (Unknown)

This chart includes "unknown" age category.

MSI Testimony on SB 773 dealer vault.pdf

Uploaded by: Mark Pennak

Position: UNF



March 15, 2022

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 773

I am the President of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4) all-volunteer, non-partisan, non-profit organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. It seeks to educate the community about the right of self-protection, the safe handling of firearms, and the responsibility that goes with carrying a firearm in public. I am also an attorney and an active member of the Bar of Maryland and of the Bar of the District of Columbia. I recently retired from the United States Department of Justice, where I practiced law for 33 years in the Courts of Appeals of the United States and in the Supreme Court of the United States. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home and in muzzle loader. I appear today as President of MSI in opposition to SB 773.

The Bill:

The bill would create a new Section 5-110.1 in the Public Safety Article of the Maryland Code that would impose new vault storage requirements on all Maryland licensed dealers. Specifically, the bill states:

(A) BEFORE THE SECRETARY ISSUES A DEALER’S LICENSE TO AN APPLICANT, THE APPLICANT SHALL PROVIDE EVIDENCE SATISFACTORY TO THE SECRETARY THAT THE APPLICANT’S PROPOSED PLACE OF BUSINESS HAS A VAULT THAT IS SECURED TO THE FLOOR AND THAT CAN HOLD ALL OF THE REGULATED FIREARMS TO BE OFFERED FOR SALE.

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHEN A LICENSEE’S PLACE OF BUSINESS IS CLOSED, THE LICENSEE SHALL STORE ALL REGULATED FIREARMS FOR SALE IN A VAULT DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

(2) A PERSON WHO HOLDS A DEALER’S LICENSE ON OR BEFORE OCTOBER 1, 2022, SHALL COMPLY WITH THIS SUBSECTION ON OR BEFORE JULY 1, 2023.

The bill also provides:

THE SECRETARY MAY DENY A DEALER'S LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A DEALER'S LICENSE IF THE APPLICANT OR LICENSEE FAILS TO COMPLY WITH § 5-110.1 OF THIS SUBTITLE.

The Bill Will Likely Put Many Dealers Out of Business

Firearms dealers are already among the most heavily regulated businesses in the United States. This State imposes very strict regulation of regulated firearms dealers, requiring that these dealers obtain a state-issued firearms license and submit to inspections on a regular basis by the Maryland State Police. See, e.g., MD Code Public Safety §5-110, §5-114, §5-115, §5-145. Additional regulatory burdens on dealers were imposed with the enactment of SB 281, the Firearms Safety Act of 2013, including amending MD Code, Public Safety, § 5-145 to impose additional record keeping requirements. In addition to state regulation, all these dealers are also federal licensees and are thus heavily regulated by the ATF, a component of the U.S. Department of Justice. The ATF likewise imposes substantial requirements concerning business operations of FFLs. See 18 U.S.C. § 923; 27 C.F.R. Part 478.

Dealers who sell firearms at retail or who are gunsmiths are typically Class 01 dealers and the overwhelming majority of these types of dealers are small businessmen and women. These dealers are engaged in the business of “selling, renting or transferring firearms at wholesale or retail, or repairing firearms.” MD Code, Public Safety, 5-101(d) (defining “dealer”). See also MD Code, Public Safety, 5-101(e) (defining “dealer’s license” to mean “a State regulated firearms dealer’s license”). This bill would directly be applicable to all such Class 01 dealers of which there are over 500 in Maryland. But this bill is not limited to Class 01 dealers. It would also apply to **all** dealers who have been issued a Maryland dealer’s license by the Maryland State Police. That coverage could easily include a Class 07 manufacturer as well, as it is common for a manufacturer to be both a Class 01 dealer and a Class 07 manufacturer and thus have Maryland dealer’s license.

This bill would thus impose these costs on the literally thousands of regulated firearms that may be in the manufacturer’s inventory. The costs imposed by these new requirements will be devastating to their businesses. The requirement, imposed by this bill, that the dealer **STORE ALL REGULATED FIREARMS FOR SALE IN A VAULT** outside of business hours is hopelessly expensive. For some dealers with moderately large inventories, it would take multiple man-hours to accomplish such a task every night, even assuming that they had a suitable storage facility. More likely, these dealers would be required to procure a very expensive vault to accomplish such storage. For example, the cost of just **one** relatively low quality safe with a capacity from 42-100 guns is over \$13,200 and it is not even clear that such a safe would be deemed a sufficient “vault” under this bill. See <https://bit.ly/3H8LTRm>. Many dealers,

of course, have inventories of regulated firearms well exceeding 100 guns. The up-front costs of obtaining such storage would be huge for a small business.

For example, one dealer, Engage Armament in Rockville is both a Class 01 dealer and a Class 07 manufacturer, and is a licensed Maryland dealer. Engage has 2,077 firearms on site, including 1,746 regulated firearms. See attached Engage Testimony. Engage estimates that it would have to increase the size of its existing vault (which would cost an estimated \$40,000 to build today) by 4 times to comply with the overnight storage vault requirement. Engage simply cannot fit a vault of that size at its current location and cannot afford the costs that would be necessary to expand and construct such a vault. Bear in mind, that this inventory may easily include unfinished firearms. The mere “frame or receiver” is considered to be a firearm under Maryland law, MD Code, Public Safety, § 5-101(h), and thus those incomplete “firearms” would have to be stored in a vault as well.

For such larger dealers, the burden imposed by the storage requirement should be apparent. One can only imagine the cost of storing every regulated firearms in a vault every night and then the additional cost of retrieving these firearms every morning. One need only visit the large Bass Pro Shops store in Hanover, Maryland, and view the number of regulated firearms on display to grasp the magnitude of these storage requirements. Bass Pro Shops is a big business, but even big businesses have to be competitive and cost-conscious. Bass Pro Shops might well decide to respond to costs that would be inflicted under this bill (if enacted) by moving some of its stores out of Maryland or not expand in the State and build elsewhere. The Bass Pro Shop in Hanover could just move a few miles up Interstate 95 into Pennsylvania and be free of these requirements. A small business is even less able to absorb these costs and thus will likely either move to another state or go out of business entirely.

The higher costs imposed on Maryland dealers will also likely make it difficult for Maryland dealers to compete with out-of-state dealers. It is perfectly legal for law-abiding citizens of Maryland to purchase and take possession of long guns in other states, where dealers are not subjected to these costly requirements. Specifically, ever since 1986, with the enactment of PL 99–308, 100 Stat. 449 (May 19, 1986), residents of one state may purchase long guns in any other state “if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States.” 18 U.S.C. § 922(b)(3). Similarly, MD Code, Public Safety, § 5-204, provides that a resident of Maryland who is eligible to purchase a long gun in Maryland may purchase a long gun in an “adjacent” state, defined to include Delaware, Pennsylvania, Virginia or West Virginia. These states do not lack for dealers near the Maryland line. More than half of all manufactured firearms are long guns. <https://www.statista.com/statistics/215540/number-of-total-firearms-manufactured-in-the-us-by-firearm-category/>.

Marylanders may also purchase regulated firearms (handguns) from out-of-state dealers by having the handgun shipped to a Maryland dealer after purchase. In such cases, the Maryland dealer can and does charge a transfer fee for doing the paperwork, but that fee will not even approach the profit that a dealer may enjoy from making the sale itself. Out-of-state dealers will be able to substantially undercut the prices that Maryland dealers would have to charge in order to pass along the costs imposed by this bill. Market forces alone will ensure that fewer and fewer Maryland dealers will survive over time. That result is so obvious and natural it must be presumed to be intended. See, e.g., *State Farm Fire & Casualty Co. v. Estate of Hehlman*, 589 F.3d 105, 114 (3d Cir. 2009) (“An actor is presumed to intend the natural and expected results of his actions.”). Such presumptions are not uncommon in the law. See MD Code, Public Safety, § 5-142(b) (presuming from the mere fact of possession of a firearm with an obliterated serial number that the defendant obliterated the serial number); MD Code, Criminal Law, § 4-203(a)(2) (establishing “a rebuttable presumption” that a person who wears, carries, or transports a handgun in a vehicle does so “knowingly”).

The Bill Is Vague

The bill is also vague, as it does not define the meaning of A VAULT. This term is susceptible to a multitude of meanings. Again, the attached testimony of Engage Armament is on point. Engage notes that the term “VAULT” is not defined and it is simply impossible to know what sort of construction would be deemed sufficient. As Engage Armament states, “[s]ince no guidance is offered in the law, we have no way to know whether we are in compliance and how such compliance would be interpreted until, of course, our license is taken as per this law.” The General Assembly has an “obligation to establish adequate guidelines for enforcement of the law.” *Ashton v. Brown*, 339 Md. 70, 88, 660 A.2d 447, 456 (1995). This bill fails that test. Defining the terms used in a statute, especially one that threatens people’s livelihood, should be the rule. Simple fairness demands nothing less.

The Bill Raises Constitutional Issues Under the Second Amendment

This impact on dealers also has constitutional implications. Law-abiding citizens have a Second Amendment right to acquire or purchase firearms under *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. 742, 768 (2010). The Second Amendment also confers “ancillary rights necessary to the realization of the core right,” including the ancillary right to sell firearms to law-abiding citizens. *Teixeira v. City of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017) (en banc). See also *Richmond Newspapers v. Virginia*, 448 U.S. 555, 579–80 (1980) (“[F]undamental rights, even though not expressly guaranteed, have been recognized by the Court as indispensable to the enjoyment of rights explicitly defined.”). That right to acquire firearms necessarily implies a right to sell firearms because the right to acquire would be meaningless in the absence of sellers. Thus, *Teixeira* and other

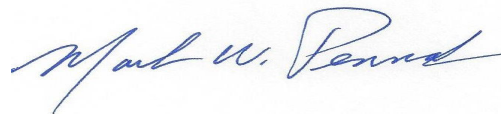
courts have recognized that “[c]ommercer in firearms is a necessary prerequisite to keeping and possessing arms for self-defense.” *Teixeira*, 873 F.3d at 682. See also *United States v. Marzzarella*, 614 F.3d 85, 92 n.8 (3d Cir. 2010) (“If there were somehow a categorical exception for [commercial] restrictions, it would follow that there would be no constitutional defect in prohibiting the commercial sale of firearms. Such a result would be untenable under *Heller*.”).

Plainly, under these principles, the State may not make it illegal for a dealer to sell firearms. Nor may the State accomplish the same result by making it so burdensome to sell firearms that few businesses would engage in such sales. See, e.g., *Fairbank v. United States*, 181 U.S. 283 (1901) (noting “the great principle that what cannot be done directly because of constitutional restriction cannot be accomplished indirectly by legislation which accomplishes the same result.”); *Lebron v. Secretary*, 710 F.3d 1202, 1217 (11th Cir. 2013) (“where an individual’s federal constitutional rights are at stake, the state cannot accomplish indirectly that which it has been constitutionally prohibited from doing directly”).

The risk of that untenable result is quite real. As noted, dealers are limited in the extent to which they are able to pass along to their customers the costs imposed by this bill, as higher prices alone will drive down sales. A simple failure to adequately lock up a single regulated firearm at night could be sufficient to revoke the dealer’s license under this bill and thereby putting him or her out of business. The bill imposes no “knowingly” or intent requirement so the revocation could be imposed regardless of whether it was the result of an oversight or mistake. Many smaller FFLs will cease doing business rather than make the investments required by this bill, only to face later ruin should they make a mistake. The bill’s underlying intent to eliminate dealers is apparent and that intent is constitutionally illegitimate. See, e.g., *Grossbaum v. Indianapolis-Marion Co. Bldg. Authority*, 100 F.3d 1287, 1294 (7th Cir. 1996) (“courts will investigate motive when precedent, text, and prudential considerations suggest it necessary in order to give full effect to the constitutional provision at issue”).

We urge an unfavorable report.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org



**WRITTEN TESTIMONY OF ANDREW RAYMOND, OWNER OF ENGAGE ARMAMENT LLC, AGAINST
SENATE BILL 773**

10 FEB 2022

To Whom It May Concern,

My name is Andrew Raymond and I am the owner of Engage Armament LLC. We are a type 10 FFL (manufacturer) located in Rockville MD. We have manufacturing both handguns and rifles for almost 12 years now, but we also do custom coatings, engraving, gunsmithing, and retail sales.

The above referenced bill has numerous issues and ambiguities which would negatively affect not just our business but all firearm dealers/manufacturers in the state.

One of the most glaring issues is this section:

(a) (1) The Secretary shall suspend a dealer's license if the licensee:

(vii) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5-406 of this title; or

As a manufacturer, we make several models and variants, some of which may require approval from the MD handgun roster to be sold in MD. It would appear from the above referenced part of the law, that it would now be prohibited for us to manufacture a new model for submission to the MD handgun roster board. This portion of the law basically says "You need to submit a sample to the MD roster board for MD compliance, however it is illegal for you to actually manufacture the required sample". It would also appear to be illegal to manufacture a not yet approved handgun model that was solely intended for a market outside of Maryland.

Another major issue is going to be the ambiguity of this law and its possible cost. The law does not define a vault. It does not specify materials, burglar/fire resistance. Its only guidance is that is must be bolted to the floor. The committee should consider the following:

-From a technical perspective, are my walls not "bolted" to the floor?

-If I bolt a series of safes into the floors is that considered a vault as per the law?

-Are my armor roll down doors enough?

Engage Armament LLC

701 E. Gude Drive, Suite 101
Rockville, Maryland 20850



301.838.3151
Fax 301.560.8130
www.EngageArmament.com



-Would a simple fence which is bolted to the floor suffice?

-Would a square room constructed entirely of dry wall (but bolted to the floor) suffice? How about sheet metal or wood or newspaper?

-Can it be built on a wood floor which could be easily defeated by coming in from below?

-Is there a required height to the walls? It appears I could just bolt some metal beams to my floor and call it a vault.

As a firearm manufacturer, these regulatory ambiguities where enforcement may be required are dangerous. Since no guidance is offered in the law, we have no way to know whether we are in compliance and how such compliance would be interpreted until, of course, our license is taken as per this law.

From a practical standpoint we have done our best with the money we have to make our actual store a vault. We selected a location where you cannot ram a vehicle through and have reinforced walls and security throughout knowing that we are a target. We do have a "vault" which in 2012 cost us approx \$12,000 to build and only required one reinforced wall and a door. To rebuild that simple vault with ceiling and 4 walls today might cost \$40,000. A quick internet search of vault and bunkers show costs ranging from \$20,000 up to \$60,000 for something reasonable.

As of today, we have 1746 regulated firearms (2077 total) in our inventory. Our current vault measures 8x15ft and stores approx 400 of them. It seems we would need something 4 times that size to follow this law. I don't know how much just the construction of a vault that size would cost, but I do know I cannot afford it. We also simply cannot fit it in our current location, so now we would have to lease an adjoining space or an entirely new location PLUS the "vault" build out. Again, we do not have the money for this.

All of this just puts unreasonable burden on law abiding firearm dealers who are already stretched with regulations. I probably could construct the vault from stacked copies of federal and state firearm regulations.

I would suggest making a theft or burglary of a firearm from an FFL or MD regulated firearms dealer a separate, state level felony with substantial mandatory minimum. Also, the Maryland State Police certainly also has security experts in its ranks, and could use firearm/dealer application fees to finance free security consultations with FFLs to better inform them of their security weaknesses and best security practices.

I urge an unfavorable report.

Engage Armament LLC

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MSI Testimony on SB 773 vaults.pdf

Uploaded by: Michael Burke

Position: UNF



March 15, 2022

WRITTEN TESTIMONY OF MICHAEL BURKE, CPP IN OPPOSITION TO SB 773

I write as a subject matter expert on Physical Security, as recognized by the preeminent Security Industry standards set by ASIS International. The Certified Protection Professional (CPP[®]) is considered the “gold standard” certification for security management professionals and demonstrates my knowledge and competency in seven key domains of security. This credential is globally recognized as the standard of excellence for security management professionals.

My background includes over 30 years of military service with the US Army and Maryland National Guard as a Military Police officer, Drill Instructor, and Counterintelligence Agent; as well as over 20 years as a Criminal Investigator/Special Agent with numerous Federal law enforcement agencies. I am an expert in Maryland firearms law, federal firearms law and the law of self-defense. I am also a Maryland State Police certified handgun instructor for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License (“HQL”) and a certified NRA pistol instructor. I appear today as a voter and member of numerous other 2nd Amendment advocacy organizations in opposition to **SB 773**.

The Bill:

The bill would create a new Section 5-110.1 in the Public Safety Article of the Maryland Code that would impose new vault storage requirements on all Maryland licensed dealers. Specifically, the bill states:

- (A) BEFORE THE SECRETARY ISSUES A DEALER’S LICENSE TO AN APPLICANT, THE APPLICANT SHALL PROVIDE EVIDENCE SATISFACTORY TO THE SECRETARY THAT THE APPLICANT’S PROPOSED PLACE OF BUSINESS HAS A VAULT THAT IS SECURED TO THE FLOOR AND THAT CAN HOLD ALL OF THE REGULATED FIREARMS TO BE OFFERED FOR SALE.
- (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WHEN A LICENSEE’S PLACE OF BUSINESS IS CLOSED, THE LICENSEE SHALL STORE ALL REGULATED FIREARMS FOR SALE IN A VAULT DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

(2) A PERSON WHO HOLDS A DEALER'S LICENSE ON OR BEFORE OCTOBER 1, 2022, SHALL COMPLY WITH THIS SUBSECTION ON OR BEFORE JULY 1, 2023.

The bill also provides:

THE SECRETARY MAY DENY A DEALER'S LICENSE TO AN APPLICANT OR SUSPEND OR REVOKE A DEALER'S LICENSE IF THE APPLICANT OR LICENSEE FAILS TO COMPLY WITH § 5-110.1 OF THIS SUBTITLE.

The Bill is counterintuitive, poorly phrased, and unlikely to obtain the desired goal

The sponsor appears to believe that a "Vault" is necessary for public safety. It is not. The very best vaults available on the commercial market are only capable of preventing unauthorized access to their contents for a period of 15-20 minutes, at the maximum, against forced entry by mechanical means, or against explosives, or against penetration by locksmiths or persons who may obtain the combination by theft, deception, fraud or coercion.

As a security expert, I ask the Committee and the Senate to take note that police stations across all 23 Counties and Baltimore City do not have "vaults" in the various precinct stations, offices, training facilities – or police officers and Sheriff's Deputies homes. Yet nearly every law enforcement facility, and over 150,000 armed officers, agents, Corrections Officers (to include retirees) store and keep their issued firearms and personal firearms AT HOME across Maryland. The General Assembly does not require law enforcement to install a "Vault" in each precinct, office, vehicle, or residence where firearms are stored.

Even if this bill were passed, it's fairly common knowledge that any vault, safe, or lock-box can be opened by anyone with malicious intent and rather common household tools.

Vaults and safes can be broken into most easily by obtaining the keys or combination from the lawful owner, employees, friends or associates with knowledge of the means of access. More modern vaults and safes utilize electronic locks and switches which can be "hacked" by anyone with time and easily available "hacking" software. Locking mechanisms can be defeated by drilling, grinding, a hammer and chisel, or more powerful industrial tools.

The Bill Will Likely Put Many Dealers Out of Business

Imposing this new and superfluous requirement will cost the State money. Lost tax revenue from sales that will be diverted to neighboring states will not be replaced.

Lost income tax from laid-off workers will not be replaced. Lost amusement tax revenues from closed ranges and other facilities will not be replaced.

To repeat points made by **Mark Pennak**, President of MSI, Firearms dealers are already among the most heavily regulated businesses in the United States. This State imposes very strict regulation of regulated firearms dealers, requiring that these dealers obtain a state-issued firearms license and submit to inspections on a regular basis by the Maryland State Police. See, e.g., MD Code Public Safety §5-110, §5-114, §5-115, §5-145. Additional regulatory burdens on dealers were imposed with the enactment of SB 281, the Firearms Safety Act of 2013, including amending MD Code, Public Safety, § 5-145 to impose additional record keeping requirements. In addition to state regulation, all these dealers are also federal licensees and are thus heavily regulated by the ATF, a component of the U.S. Department of Justice. The ATF likewise imposes substantial requirements concerning business operations of FFLs. See 18 U.S.C. § 923; 27 C.F.R. Part 478.

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This bill would thus impose these costs on the literally thousands of regulated firearms that may be in the manufacturer’s inventory. The costs imposed by these new requirements will be devastating to their businesses. The requirement, imposed by this bill, that the dealer STORE ALL REGULATED FIREARMS FOR SALE IN A VAULT outside of business hours is hopelessly expensive. For some dealers with moderately large inventories, it would take multiple man-hours to accomplish such a task every night, even assuming that they had a suitable storage facility. More likely, these dealers would be required to procure a very expensive vault to accomplish such storage. For example, the cost of just **one** relatively low quality safe with a capacity from 42-100 guns is over \$13,200 and it is not even clear that such a safe would be deemed a sufficient “vault” under this bill. See <https://bit.ly/3H8LTRm>. Many dealers, of course, have inventories of regulated firearms well exceeding 100 guns. The up-front costs of obtaining such storage would be huge for a small business.

The higher costs imposed on Maryland dealers will also likely make it difficult for Maryland dealers to compete with out-of-state dealers. It is perfectly legal for law-abiding citizens of Maryland to purchase and take possession of long guns in other states, where dealers are not subjected to these costly requirements. Specifically, ever since 1986, with the enactment of PL 99–308, 100 Stat. 449 (May 19, 1986), residents of one state may purchase long guns in any other state “if the transferee meets in person with the transferor to accomplish the transfer, and the sale, delivery, and receipt fully comply with the legal conditions of sale in both such States.” 18 U.S.C. § 922(b)(3). Similarly, MD Code, Public Safety, § 5-204, provides that a resident of Maryland who is eligible to purchase a long gun in Maryland may purchase a long gun in an “adjacent” state, defined to include Delaware, Pennsylvania, Virginia or West Virginia. These states do not lack for dealers near the Maryland line. More than half of all manufactured firearms are long guns. <https://www.statista.com/statistics/215540/number-of-total-firearms-manufactured-in-the-us-by-firearm-category/>.

Marylanders may also purchase regulated firearms (handguns) from out-of-state dealers by having the handgun shipped to a Maryland dealer after purchase. In such cases, the Maryland dealer can and does charge a transfer fee for doing the paperwork, but that fee will not even approach the profit that a dealer may enjoy from making the sale itself. Out-of-state dealers will be able to substantially undercut the prices that Maryland dealers would have to charge in order to pass along the costs imposed by this bill. Market forces alone will ensure that fewer and fewer Maryland dealers will survive over time. That result is so obvious and natural it must be presumed to be intended. See, e.g., *State Farm Fire & Casualty Co. v. Estate of Hehlman*, 589 F.3d 105, 114 (3d Cir. 2009) (“An actor is presumed to intend the natural and expected results of his actions.”). Such presumptions are not uncommon in the law. See MD Code, Public Safety, § 5-142(b) (presuming from the mere fact of possession of a firearm with an obliterated serial number that the defendant obliterated the serial number); MD Code, Criminal Law, § 4-203(a)(2) (establishing “a rebuttable presumption” that a person who wears, carries, or transports a handgun in a vehicle does so “knowingly”).

The Bill Is Vague

The bill is also vague, as it does not define the meaning of A VAULT. This term is susceptible to a multitude of meanings. Written testimony of Engage Armament is on point. Engage notes that the term “VAULT” is not defined and it is simply impossible to know what sort of construction would be deemed sufficient. As Engage Armament states, “[s]ince no guidance is offered in the law, we have no way to know whether we are in compliance and how such compliance would be interpreted until, of course, our license is taken as per this law.” The General Assembly has an “obligation to establish adequate guidelines for enforcement of the law.” *Ashton v. Brown*, 339 Md. 70, 88, 660 A.2d 447, 456 (1995). This bill fails that test. Defining the

terms used in a statute, especially one that threatens people's livelihood, should be the rule. Simple fairness demands nothing less.

The Bill Raises Constitutional Issues Under the Second Amendment

This impact on dealers also has constitutional implications. Law-abiding citizens have a Second Amendment right to acquire or purchase firearms under *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *McDonald v. City of Chicago*, 561 U.S. 742, 768 (2010). The Second Amendment also confers “ancillary rights necessary to the realization of the core right,” including the ancillary right to sell firearms to law-abiding citizens. *Teixeira v. City of Alameda*, 873 F.3d 670, 677 (9th Cir. 2017) (en banc). See also *Richmond Newspapers v. Virginia*, 448 U.S. 555, 579–80 (1980) (“[F]undamental rights, even though not expressly guaranteed, have been recognized by the Court as indispensable to the enjoyment of rights explicitly defined.”). That right to acquire firearms necessarily implies a right to sell firearms because the right to acquire would be meaningless in the absence of sellers. Thus, *Teixeira* and other courts have recognized that “[c]ommerce in firearms is a necessary prerequisite to keeping and possessing arms for self-defense.” *Teixeira*, 873 F.3d at 682. See also *United States v. Marzzarella*, 614 F.3d 85, 92 n.8 (3d Cir. 2010) (“If there were somehow a categorical exception for [commercial] restrictions, it would follow that there would be no constitutional defect in prohibiting the commercial sale of firearms. Such a result would be untenable under *Heller*.”).

Plainly, under these principles, the State may not make it illegal for a dealer to sell firearms. Nor may the State accomplish the same result by making it so burdensome to sell firearms that few businesses would engage in such sales. See, e.g., *Fairbank v. United States*, 181 U.S. 283 (1901) (noting “the great principle that what cannot be done directly because of constitutional restriction cannot be accomplished indirectly by legislation which accomplishes the same result.”); *Lebron v. Secretary*, 710 F.3d 1202, 1217 (11th Cir. 2013) (“where an individual’s federal constitutional rights are at stake, the state cannot accomplish indirectly that which it has been constitutionally prohibited from doing directly”).

The risk of that untenable result is quite real. As noted, dealers are limited in the extent to which they are able to pass along to their customers the costs imposed by this bill, as higher prices alone will drive down sales. A simple failure to adequately lock up a single regulated firearm at night could be sufficient to revoke the dealer’s license under this bill and thereby putting him or her out of business. The bill imposes no “knowingly” or intent requirement so the revocation could be imposed regardless of whether it was the result of an oversight or mistake. Many smaller FFLs will cease doing business rather than make the investments required by this bill, only to face later ruin should they make a mistake. The bill’s underlying intent to eliminate dealers is apparent and that intent is constitutionally illegitimate. See, e.g., *Grossbaum v. Indianapolis-Marion Co. Bldg. Authority*, 100 F.3d 1287, 1294 (7th Cir.

1996) (“courts will investigate motive when precedent, text, and prudential considerations suggest it necessary in order to give full effect to the constitutional provision at issue”).

I am a Member of Maryland Shall Issue (“MSI”). Maryland Shall Issue is a Section 501(c)(4), all-volunteer, non-partisan organization dedicated to the preservation and advancement of gun owners’ rights in Maryland. My associates and I seek to educate the community, including the Maryland General Assembly, about the right of self-protection, the safe handling of firearms, and the responsibility that goes with possessing and/or carrying a firearm in public.

I urge an unfavorable report on this bill.

Sincerely;

Michael Burke, CPP
Certified Fire and Explosives Investigator
Sergeant First Class, US Army (Retired)
Senior Special Agent (Retired)

20220314 - SB773 - MSRPA Unfavorable.pdf

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Date: 14 MAR 2022

This bill, like many others in the antigun mentality, is another in a long line of attempts to criminalize the existence of firearms sales to avoid facing the reality that Maryland has a criminal enterprise problem. Instead of focusing on putting criminals that break/enter and steal from a retail/manufacturing establishment, the sponsor is attempting to make crime the problem of a law-abiding citizen failing to take action.

This bill is nothing more than a bald-faced attempt to make firearms dealerships prohibitively expensive to own/operate. The requirements are more restrictive than those required by the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) standard security requirements. The sheer costs, in terms of physical investment and retail staffing costs, will put firearms dealers, who already operate on a drastically thin profit margin, out of business.

The Maryland State Rifle & Pistol Association requests an Unfavorable Report.

V/r,

Michael J Doherty

Chair of the Board of Directors

2nd Vice President – Legislative Affairs

Bill Number:	Senate Bill 773
Bill Title:	Public Safety – Firearms Dealers – Storage Vaults for Regulated Firearms
Position:	UNFAVORABLE

SB773_Nicholas_DeTello.pdf

Uploaded by: Nicholas DeTello

Position: UNF

Nicholas DeTello

SB773 Public Safety – Firearms Dealers – Storage Vaults for Regulated Firearms

Unfavorable

3/15/2022

I am a student, Eagle Scout, family man, as well as a Civil Rights Enthusiast. I have voted independently, I am currently registered as a Libertarian, and I have a diverse set of views (some left, some right). These include but are not limited to: equality, limiting abuse of police power, protection of minority groups (such as my direct LGBT family), and decriminalization of victimless crimes (drug possession, gun possession, exercising civil rights, etc.).

As a Maryland gunowner I am frequently subjected to new and deceptive forms of gun control, including in this case a bill designed to make legal firearm acquisition a privilege for the wealthy, and to knock down small businesses that struggled through lockdowns and other COVID restrictions. It will also remove an essential source of revenue the state collects from, by forcing FFLs out of business. It is a travesty bills like this see the light of day, while bills to *punish and prohibit theft of a firearm* continue to stagnate. I implore you to consider cross-filing/passing HB816, and pass SB533, instead of this misguided bill.

For these reasons I urge an unfavorable report of Senate Bill 773.

A handwritten signature in black ink that reads "Nicholas DeTello". The signature is written in a cursive, slightly slanted style.

Nicholas DeTello

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