

SB0861 - 3.30.22 -- (Opposite) Public Safety - Fir

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Position: FAV



POSITION STATEMENT

TESTIMONY PRESENTED TO THE HOUSE JUDICIARY COMMITTEE

SENATE BILL 861 – PUBLIC SAFETY - FIREARM CRIMES - ENFORCEMENT CENTER, OFFENSES, AND PROCEDURES

Sponsor – Senator Beidle, et al

March 30, 2022

**DONALD C. FRY
PRESIDENT & CEO
GREATER BALTIMORE COMMITTEE**

Position: Support

Senate Bill 861 would alter the classification of certain crimes involving firearms, establish the theft of a handgun as a felony, expand the types of cases in which the State may appeal from a decision of a trial court, and establish that certain offenses of “use of a firearm” does not include mere possession. It would also establish the Maryland State Police Gun Center within the Department of State Police as a statewide firearms enforcement center for the tracking, screening, and vetting of all firearm crimes committed in the state. The Center would track the number and type of firearms used in crimes of violence, the jurisdictions where crime firearms are recovered, information regarding the individual found in possession of the crime firearm, and the sources of the crime firearms recovered, if discoverable. The Center would also assist with firearm enforcement and firearm violation reduction efforts.

In 2021, Baltimore City recorded 338 homicides, marking the 7th year in a row where the city suffered more than 300 homicides. Shootings were the cause of death in the vast majority of cases. In 2022, Baltimore City is currently on track to suffer 340 homicides. Of the 51 homicides that have taken place this year, approximately 46 of them have been the result of shootings.

The level of violence in the state, and in particular Baltimore City, is unacceptable and substantive changes are required to improve public safety and ensure economic vitality and competitiveness and increase security among Maryland citizens. Improving public safety has been identified by the Greater Baltimore Committee (GBC) as a key economic growth issue that needs to be urgently addressed.

The GBC has recommended a two-pronged approach to reduce violent crime. The first prong addresses crime control through enhanced public safety programs focused on repeat violent offenders and better coordination among law enforcement agencies. The second prong - crime prevention - must be instituted simultaneously with the crime control efforts. It is critically important to address the root societal causes of crime with programs that address poverty, lack of employment, need for job training programs, and an increase in after-school programs, etc. The GBC supports these types of initiatives with the same weight afforded the crime control strategies.

The Greater Baltimore Committee (GBC) supports Senate Bill 861 as an important step in improving public safety in the region by providing another tool to law enforcement to deal with the scourge of violent crime. Individuals who use firearms in conjunction with a crime of violence should be punished to the fullest extent of the law to dissuade the proliferation of these actions. In addition, centrally tracking firearms involved in criminal activity and making the data available for law enforcement agencies to coordinate in their efforts to reduce violent crime is a common sense solution. The bill’s inclusion of an annual appropriation is an important component in ensuring that the center receives adequate and consistent funding. The GBC contends that this legislation will make a tangible difference toward improving public safety throughout the State of Maryland.

For these reasons, the Greater Baltimore Committee urges a favorable report on Senate Bill 861.

The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 67-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.

GREATER BALTIMORE COMMITTEE

111 South Calvert Street • Suite 1700 • Baltimore, Maryland • 21202-6180

(410) 727-2820 • www.gbc.org

SB 861 Sen Beidle20220328_13323614.pdf

Uploaded by: Pamela Beidle

Position: FAV

PAMELA G. BEIDLE
Legislative District 32
Anne Arundel County

Finance Committee

Vice Chair

Executive Nominations Committee



James Senate Office Building
11 Bladen Street, Room 202
Annapolis, Maryland 21401
410-841-3593 - 301-858-3593
800-492-7122 Ext. 3593
Pamela.Beidle@senate.state.md.us

THE SENATE OF MARYLAND

ANNAPOLIS, MARYLAND 21401

March 24, 2022

SB 861

Maryland State Police Gun Center - Establishment

Good Afternoon Chair Clippinger, Vice Chair Moon and Members of the Committee;

SB861, Maryland State Police Gun Center – Establishment, establishes a statewide Maryland Gun Center inside the Department of State Police (DSP). SB861 passed the Senate unanimously. It was drafted based on the recommendations of the recent Crime Firearms Study released on March 2, 2021. This study was a result of legislation passed in 2020 (HB1629/SB1047). During the twelve months that were studied, there were 9900 calls handled by 3 troopers and 4 civilians.

SB 861 provides additional support for the Maryland Gun Center including increased staffing levels. By requiring a statewide data base to track all crimes committed with firearms, staffing will need to increase to 17 investigators, 4 State Troopers and 13 civilian employees. The fiscal note estimates calls for service will increase to 20,000 calls for 2023, approximately 1200 calls per investigator.

The bill requires all law enforcement agencies to report information on any gun related crime to the Maryland Gun Center. It enacts a “one stop shop” for the screening and vetting of gun cases in Maryland to ensure that offenders are systematically held accountable.

Trooper Tim Frye, who is now retired from the State Police, was the Commander of the State's firearms enforcement center and the principal architect of the Maryland Gun Center. He is still considered the expert on the Maryland Firearms Enforcement Program. During Trooper Frye's time at the Gun Center, it was understaffed and underfunded, but still a very successful program. If we can find a way to properly staff and fund this important asset, it will be more effective going forward as we investigate the use of guns, gun violations and gun dealers. However, to truly be effective it must be a statewide data base that is mandated for all jurisdictions to participate and be held accountable for reporting.

If you have not read the Crimes Firearms Study, you can find it here:

[http://dlslibrary.state.md.us/publications/Exec/GOCPYVS/SB622Ch335\(2019\)_2020.pdf](http://dlslibrary.state.md.us/publications/Exec/GOCPYVS/SB622Ch335(2019)_2020.pdf)

Thank you for the opportunity to present SB891 and I ask for a favorable report so we can reduce gun crimes in Maryland.

SB 861 Organizational Sign-On Testimony.pdf

Uploaded by: Elizabeth Hilliard

Position: UNF



Testimony for the Senate Judicial Proceedings Committee

March 30, 2022

SB 861 - Public Safety - Firearm Crimes - Enforcement Center, Offenses, and Procedures

UNFAVORABLE

For the reasons expressed below, the undersigned organizations respectfully urge an unfavorable report on SB 861 - Public Safety - Firearm Crimes - Enforcement Center, Offenses, and Procedures.

Senate Bill 861, as amended, expands the definition of a crime of violence to include the use of a firearm in the commission of possession with the intent to distribute a CDS. Additionally, the bill expands the types of cases in which the State may appeal from a decision of a trial court and alters the classification of certain crimes involving firearms, increasing the classification from a misdemeanor to a felony when a firearm or assault weapon is used during the commission of a felony or crime of violence. This bill also allows judges to deny pre-trial release to individuals charged with certain firearm-related crimes. SB 861 also establishes theft of a handgun as a felony, punishable by up to five years in prison. The bill also formally establishes the Maryland State Police Gun Center as a statewide firearms enforcement center for the tracking, screening, and vetting of all firearm crimes committed in the State.

Expanded Appellate Rights for States Attorneys is improper and likely ineffective

SB 861 adds crimes of violence as defined in § 14–101 of the Criminal Law Article to the list of criminal cases in which the State may appeal from a trial court decision to exclude evidence or require the return of property alleged to have been seized in violation of the U.S. Constitution, the Maryland Constitution, or the Maryland Declaration of Rights.

The Baltimore City Police Department's Gun Trace Task Force has recently come under fire for improperly seizing money, drugs, and other contraband. Expanding the appellate rights of the State – especially in light of these circumstances – is improper. The exclusion of this evidence serves a deterrent effect by discouraging unconstitutional behavior by our law enforcement.

Harsh criminal penalties are disproportionately levied against communities of color

More serious charges such as those proposed in SB 861 have historically been levied disproportionately against persons of color. In Maryland, African Americans make up only 30% of the general population, but over 70% of the incarcerated population. Until the state can identify causes of and begin to undo the racial disparities that permeate every dimension of the criminal legal system, we strongly discourage this body from enacting new or enhancing existing criminal penalties.

Long sentences are expensive and yield little or no public safety returns

Enhanced sentences require that the state expend unjustified resources housing persons who may otherwise be appropriate for release. Maryland currently expends on average \$3,800 per month per inmate in state facilities. A few years ago, the General Assembly passed the Justice Reinvestment Act in an effort to curb the bloated prison population while maintaining public safety. By increasing the number of persons subject to incarceration, SB 861 threatens to undermine the progress and savings under the JRA, which the state is only just beginning to realize.

In Maryland, the length of prison sentences have been on the rise for decades – far exceeding other states across the country.¹ As the Maryland Justice Reinvestment Coordinating Council concluded in 2015, “[t]hese sentencing trends are not in alignment with the research showing that longer sentences do not reduce recidivism.”²

¹ See Ken Willis, *Maryland's 2016 Criminal Justice Reform* (The Pew Charitable Trusts) (2017), at 3-4, <http://gocep.maryland.gov/wp-content/uploads/justice-reinvestment-advisory-20180220-supplemental-materials.pdf>.

² Final Report of the Maryland Justice Reinvestment Coordinating Council, December 2015 <https://gocep.maryland.gov/jrcc/documents/jrcc-final-report.pdf>

In fact, no evidence indicates that there is a public safety benefit to increasing sentence lengths.³ Indeed, the evidence shows that more severe sentences do not deter crime more effectively than less severe sentences.⁴ In researching the correlation between severe sentences and crime deterrence, Professors Durlauf & Nagin found that the marginal deterrent effect of increasing already lengthy prison sentences is modest at best and evidence suggests the possibility of a negative criminogenic effect from imprisonment.⁵

In its final report to the General Assembly, the Justice Reinvestment Coordinating Council noted:

A growing body of criminological research demonstrates that prison terms are not more likely to reduce recidivism than noncustodial sanctions. For some offenders, *including drug offenders*, technical violators, and first-time offenders, studies have shown that prison can actually increase the likelihood of recidivism. There is also growing evidence that, for many offenders, adding days, months, or years to prison sentences has no impact on recidivism.⁶ (*internal citations omitted*)

Thus, this bill is an unfortunate step in the wrong direction, based on failed policies that have undermined public safety and community stability for decades. Tough on crime policies do not make our communities safer because they actually are proven to increase rates of recidivism and the commission of violent crimes. A common sense approach to combatting crime would entail looking at past mistakes and learning from failed policies and laws that have only exacerbated problems of crime within our communities and broken systems of justice and rehabilitation.

Proponents of “tough on crime” policies like SB 861 fail to understand that safety is inextricably intertwined with equity and economic opportunity. Investing in and

³ See Doris Layton MacKenzie & Lynne Goodstein, Long-Term Incarceration Impacts and Characteristics of Long-Term Offenders: An Empirical Analysis, 12 CRIMINAL JUSTICE AND BEHAVIOR 406, 409 (1985), <https://journals.sagepub.com/doi/pdf/10.1177/0093854885012004001>. See also Seena Fazel et al., Depression and violence: a Swedish population study, *Lancet Psychiatry* 225-7 (2015), [https://www.thelancet.com/action/showPdf?pii=S2215-0366\(14\)00128-X](https://www.thelancet.com/action/showPdf?pii=S2215-0366(14)00128-X); The Impact of Parole in New Jersey 1 (The Pew Charitable Trusts) (2013), https://static.prisonpolicy.org/scans/PSPP_NJParole-Brief.pdf; Kim Steven Hunt & Billy Easley, U.S. Sent’g Comm’n, The Effects of Aging on Recidivism Among Federal Offenders (2017), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf.

⁴ Durlauf & Nagin, *Imprisonment and Crime: Can Both Be Reduced?*, 10 CRIMINOLOGY & PUBL. POLY, 13, 37-38 (2011)

⁵ Id.

⁶ Maryland Justice Reinvestment Coordinating Council—Final Report (December 2015).

expanding opportunities for Maryland's communities is a smarter way to address public safety. Instead of attempting to resolve a complex problem with a simple yet costly solution of expanding prison populations, a more thoughtful and comprehensive effort should entail the following: adequate and equitable fund our schools; fair and affordable housing opportunities; employment opportunities for Marylanders returning from incarceration; and investment in community-based crime-intervention programs, which really work.

While the list is exhaustive on research and data demonstrating the deleterious effects of mass incarceration and "tough on crime" policies on increased recidivism, a small collection of additional resources highlighting long-supported data and supporting real efforts to reduce recidivism is provided in the footnote below.⁷

For the forgoing reasons, the undersigned organizations respectfully urge an unfavorable report on SB 861.

Respectfully,

ACLU of Maryland
Family Support Network
Justice Policy Institute
Leaders of a Beautiful Struggle
Maryland Office of the Public Defender

⁷ Final Report of the Maryland Justice Reinvestment Coordinating Council, December 2015 <https://goccp.maryland.gov/jrcc/documents/jrcc-final-report.pdf>; Winnable criminal justice reforms in 2022 by Naila Awan, A Prison Initiative Report, December 2021 <https://www.prisonpolicy.org/reports/winnable2022.html>; States of Incarceration: The Global Context 2021, A Prison Initiative Report by Emily Widra and Tiana Herring, September 2021 <https://www.prisonpolicy.org/global/2021.html>; Arrest, Release, Repeat: How police and jails are misused to respond to social problems, A Prison Initiative Report, by Alexi Jones and Wendy Sawyer, August 2019 <https://www.prisonpolicy.org/reports/repeatarrests.html>; Era of Mass Expansion: Why State Officials Should Fight Jail Growth, A Prison Initiative Report, by Joshua Aiken, May 31, 2017 <https://www.prisonpolicy.org/reports/jailovertime.html>; Sentencing Laws and How They Contribute to Mass Incarceration, To fight for fairer sentencing, we first need to understand how the system works by James Cullen, October 5, 2018 <https://www.brennancenter.org/our-work/analysis-opinion/sentencing-laws-and-how-they-contribute-mass-incarceration>; Long-Term Sentences: Time to Reconsider the Scale of Punishment, The Sentencing Project by Marc Mauer, November 5, 2018 <https://www.sentencingproject.org/publications/long-term-sentences-time-reconsider-scale-punishment>; Criminal Justice Solutions: Model State Legislation, The Brennan Center, December 20, 2018 <https://www.brennancenter.org/our-work/policy-solutions/criminal-justice-solutions-model-state-legislation>; Smart, Safe, and Fair II: Creating Effective Systems to Work with Youth Involved in Violent Behavior, Justice Policy Institute, November 18, 2021 https://justicepolicy.org/wp-content/uploads/2021/09/child_not_the_charge_report5.26.pdf; Rethinking Approaches to Over Incarceration of Black Young Adults in Maryland, Justice Policy Institute, November 6, 2019 [https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking Approaches to Over Incarceration MD.pdf](https://justicepolicy.org/wp-content/uploads/justicepolicy/documents/Rethinking_Approaches_to_Over_Incarceration_MD.pdf); The Ungers, 5 Years and Counting: A Case Study in Safely Reducing Long Prison Terms and Saving Taxpayer Dollars, Justice Policy Institute, November 15, 2018 [https://justicepolicy.org/wp-content/uploads/2021/06/The Ungers 5 Years and Counting.pdf](https://justicepolicy.org/wp-content/uploads/2021/06/The_Ungers_5_Years_and_Counting.pdf); Maryland Justice Reinvestment Act: One Year Later, Justice Policy Institute, October 31, 2018 <https://justicepolicy.org/research/policy-briefs-2018-maryland-justice-reinvestment-act-one-year-later/>

MSP Position Paper for SB 861 as amended.pdf

Uploaded by: Thomas Williams

Position: INFO



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: March 30, 2022

BILL NUMBER: Senate Bill 861 **Position:** Letter of Information

BILL TITLE: Public Safety – Firearm Crimes – Enforcement Center, Offenses, and Procedures

REVIEW AND ANALYSIS:

This legislation seeks to establish the Maryland State Police Gun Center within the Department of State Police (DSP). The Center will be a statewide firearms enforcement center for the tracking, screening and vetting of all firearms crimes committed in the State. This legislation also requires each law enforcement agency in the state to report certain information to the Center involving crime firearms.

The Maryland Gun Center exists today as a unit within the DSP. Created by the DSP for the purposes of tracking, screening, and vetting firearms crimes reported to the Center by all law enforcement agencies. The Center works in partnership with law enforcement officers and state's attorneys on any request relating to firearms. The Center performs a number of background checks on the person and the firearm when the request for information is presented. They work with law enforcement officers to help determine if the person is prohibited and what, if any, charges should be placed relating to the firearm. However, reporting information or calling the Center is not mandatory.

The Center acts as a voluntary resource for all law enforcement agencies investigating crimes involving firearms or encounters with citizens where firearms are present. As of February 18, 2022, the center is staffed with 3 sworn and 4 contractual civilian employees. In 2021, the Center handled 9,902 calls for service. In 2020, they handled 11,434 and in 2019, over 10,500. Most calls for service to the Gun Center include:

1. Live arrests from officers on the street,
2. Search Warrants with multiple suspects and firearms,
3. Weapon returns for all agencies,
4. Handgun Qualification License disapprovals,
5. Firearm Registration Unit disapproval
6. MAFSS system checks for Emergency Petitions and ERPO's

The Center was established as a great resource and was designed to perform the very functions mandated in the legislation. The Center is not able to take on the additional cases mandated in the legislation. Any effort to expand the services provided by the Center will require additional resources for the program to be a success, i.e. personnel and equipment.