



**Testimony in Support of
Firearm Safety - Storage Requirements and Youth Suicide Prevention
(Jaelynn's Law)
SB 676/HB 659
Legislative Director Karen Herren, JD
Marylanders to Prevent Gun Violence**

February 23, 2022

Dear Chair Clippinger, Vice-Chair Moon, and Distinguished Members of the Committee,

Marylanders to Prevent Gun Violence is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. MPGTV has a particular focus on reducing urban gun violence and gun suicide. **We urge the committee for a FAVORABLE report on House Bill 659 to require firearms be stored unloaded and locked, inaccessible to minors, and to establish an education campaign to provide accurate information on child firearm access prevention.**

JAELYNN'S LAW

On March 20, 2018, a 17-year-old student gained access to his father's gun, entered Great Mills High School in Maryland and shot and killed 16-year-old Jaelynn Willey and injured a 14-year-old boy. A strong Child Access Prevention law can help reduce unintentional shootings and youth suicides as well as incidents where a youth in crisis impulsively acts to harm others. At least 80% of school shooters obtain the firearm used from their home or those of relatives or friends.¹ In honor of Jaelynn Willey and aiming to save others, the Maryland's Child Access Prevention bill has been designated "Jaelynn's Law."

This year's legislation, while notably similar to prior years, has a number of adjustments. First it reorders some of the language to improve the clarity of the law regarding what applies to hand guns and what applies to long guns. This reorganization also helps to clarify the safe harbor that exists for gun owners who follow the guidance to store their firearms unloaded, locked, and secured. Second, it makes adjustments to the legal standard used when a gun owner has not taken advantage of the safe harbor and a court is looking at whether or not to hold the gun owner accountable. The standard utilized ("knew or *reasonably* should have known that an unsupervised minor *is likely* to

¹<https://www.washingtonpost.com/news/local/wp/2018/08/01/feature/school-shootings-should-parents-be-charged-for-failing-to-lock-up-guns-used-by-their-kids/>

gain access”) is mirrored in at least 11 other jurisdictions which can provide guidance to courts in Maryland while this law is in its early days. Lastly, this year’s legislation adds an education component which is to be organized and maintained online by the Maryland Department of Health. This material will focus on what safe storage looks like and the mandates the new law places on gun owners. Public education is critically important to the underlying purpose of this legislation, to improve gun owner storage habits and reduce entirely preventable child gun access shootings.

CHILD ACCESS PREVENTION or CAP laws are laws that permit authorities to criminally charge adults who, knowingly or through negligent behaviors, permit children to have access to firearms. There are no CAP laws at the federal level and no federal laws mandating safe storage. Current federal law does require gun transfers to include “a secure gun storage or safety device” and provides some legal immunities to the lawful owner who uses these devices. There is proposed CAP legislation (Ethan’s Law) at the federal level. Maryland has a current CAP law that provides little guidance, does not address older children, and has minor consequences for violations. Maryland does not have a generally applicable safe gun storage mandate for gun owners. Strong CAP laws can significantly reduce:

- Unintentional incidents involving children,
- Youth suicide,
- Intentional incidents by youth in crisis (including school shootings), and
- Gun thefts which lead to legal firearms being diverted into the criminal market.

The presence of unlocked guns in the home increases the risk of both unintentional and intentional gun injuries. In the U.S. approximately 4.6 million kids live in homes with a loaded, unlocked gun.² Between 2009 and 2018, gun suicides of minors increased by 82%.³ With respect to youth suicides, approximately 80% of the time the owner of the firearm was either a parent or another relative.⁴ Firearms are the second-leading cause of death for children under 18 both in the U.S. and in Maryland.⁵ Between 2015 and 2018 more than 35,000 American children were shot before their 18th birthdays. **91% of children killed with guns in high-income countries are killed in the U.S.**

² Deborah Azrael, Joanna Cohen, Carmel Salhi, and Matthew Miller, “Firearm Storage in Gun-Owning Households with Children: Results of a 2015 National Survey,” *Journal of Urban Health* 95, no. 3 (2018): 295–304.

³ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” last accessed June 26, 2020, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 10–17.

⁴ Renee M. Johnson, PhD, MPH, Catherine Barber, MPA, Deborah Azrael, PhD, David E. Clark, MD, and David Hemenway, PhD, “Who are the owners of firearms used in adolescent suicides?” *Suicide and Life-Threatening Behavior* (December 2010)

⁵ Centers for Disease Control and Prevention, Web-based Injury Statistics Query and Reporting System (WISQARS), “Fatal Injury Reports,” last accessed June 29, 2021, <https://www.cdc.gov/injury/wisqars>. Calculations include children ages 0–17 and were based on the most recently available data: 2015 to 2019.

- In 2019, 3,817 children were killed or injured by firearms in the U.S.
- In 2020, that number jumped to 5,141.
- In 2019, at least 98 children were killed or injured with firearms in Maryland.
- In 2020, at least 94 children were killed or injured with firearms in Maryland.
- As of February 16, 2022, there have already been 640 children and teens killed or injured by gun violence in the United States.

Gun violence has become so normalized in this country that some look at these numbers and dismiss the problem as inconsequential. None of this is normal. And critically, unintentional youth access to guns is preventable. Modest improvements in firearm storage practice have been shown to notably reduce youth firearm deaths.⁶ Laws preventing children’s access to guns are associated with significant reductions of suicides by guns.⁷

YOUTH ACCESS TO FIREARMS IS A PUBLIC HEALTH CRISIS

Premature death among youth, especially from preventable causes, is an enormous loss of potential life. The second leading cause of death of children under 18 is firearms, representing 15% of deaths.⁸ Breaking things down further, suicide is the [second](#) leading cause of death in the 10-14 age category (596 deaths) and the 15-24 age category (6,211 deaths). Public and behavioral health experts tell us that when we reduce the lethality of suicide attempts, we provide the person in crisis with the opportunity to get the help that they need to get well. Fewer than 10% of people who attempt suicide and survive go on to die by suicide. Restricting youth access to firearms is one way that we can help youth in crisis from hurting themselves or others. According to the [Harvard T.H. Chan School of Public Health](#) in their extensive “Means Matter” analysis, “every study that has examined this issue to date has found that within the U.S., access to firearms is associated with increased suicide risk.” In fact, in one study adolescent suicides were 72% more likely to have a gun in the home. About 85% of attempts with a firearm are fatal. Firearms are quick and irreversible. There is no turning back once the trigger is pulled.

“Too often youths use their parents’ guns. An [NVISS study](#)⁹ of firearm suicides among youths ages 17 and under occurring over a two-year period in four states and two counties found that 82% used a firearm belonging to a family

⁶ Monuteaux MC, Azrael D, Miller M. “Association of Increased Safe Household Firearm Storage With Firearm Suicide and Unintentional Death Among US Youths.” JAMA Pediatr. Published online May 13, 2019. doi:10.1001/jamapediatrics.2019.1078

⁷ Daniel W. Webster, ScD, MPH; Jon S. Vernick, JD, MPH; April M. Zeoli, MPH; Jennifer A. Manganello, PhD, MPH; et al, “Association Between Youth-Focused Firearm Laws and Youth Suicides.” JAMA. 2004;292(5):594-601

⁸ Leading cause of death is motor vehicle accidents accounting for 20% of deaths; third cause is cancer accounting for 9% of deaths. https://www.americashealthrankings.org/explore/health-of-women-and-children/measure/child_mortality_a/state/ALL

⁹ NVISS or National Violent Injury Statistics System maintained by the Harvard School of Public Health

member, usually a parent. When storage status was noted, about two-thirds of the firearms had been stored [unlocked](#).”

THE STATE OF AFFAIRS IN MARYLAND

Current Maryland law requires gun owners to store firearms away from where a child under the age of 16 would gain access. There is no requirement to lock firearms or to store them unloaded. The American Academy of Pediatrics recommends that gun owners store all household firearms locked and unloaded. Maryland’s current law is not in line with this recommendation and does not apply if the child is 16 or 17 years old. The [National Shootings Sports Foundation](#) recommends that unloaded firearms be secured with a locking device and/or in a locked cabinet, safe, firearm vault or storage case. They further recommend that ammunition be stored in a locked location separate from firearms and out of the reach of children. Jaelynn’s Law is needed to provide clearer gun storage guidelines for Marylanders to follow and to reduce the number of these completely preventable tragedies.

Compounding the risk created by unsecured firearms is the escalating number of gun owners in the state of Maryland. Gun sales in Maryland more than doubled in 2020.¹⁰ The number of approved licenses to buy or own a regulated firearm jumped from 47,093 in 2019 to 95,502 in 2020. An estimated 40% of these buyers were first time gun owners.¹¹ The combination of these numbers and the percentage of gun purchasers who are not utilizing adequate storage methods is a deadly combination for our children.

Safer storage of firearms will reduce youth and young adult suicides by making it harder for those acting impulsively to gain access. Firearms are an extremely effective method of attempting and completing suicide. Behavioral characteristics associated with adolescence, such as impulsivity, feelings of invincibility, and curiosity about firearms make this a particularly important age to protect.

NOTABLE CAP CASES IN MARYLAND

As illustrated in shocking detail by the shooting at Oxford High School in Michigan in November 2021, parents and gun owners need to take more responsibility in assuring that the firearms that they own are kept out of the hands of youth. We have reached a crisis point and we must take steps to shift the culture on this issue. But we need not look to Michigan for egregious examples of gun owners’ failures to secure their firearms. Instances of children gaining access to firearms happen regularly here in Maryland and are not isolated cases.

- In September 2020, an 11-yr-old Baltimore boy was injured when he gained access to a firearm while home [alone](#).
- Also in September of 2020, a three-year-old gained access to a gun and shot himself in the [hand](#).

¹⁰ Over 2019 numbers.

¹¹ <https://thedailyrecord.com/2021/04/22/gun-sales-booming-in-maryland-data-shows/>

- On Christmas Day 2020 in Charles County, 17-year-old Edwin [Juarez](#) was shot and killed when his 13-year-old friend inadvertently fired the weapon the teenagers were handling.
- In March of 2018 at Great Mills High School in St. Mary's County, a 17-year-old, used his father's firearm to kill 17-year-old Jaelynn Willey and injure 14-year-old Desmond Barnes before taking his own life.
- In [January](#) of 2022 a rookie NYPD officer was killed and another officer wounded with a gun stolen five years ago by a 13-year-old Baltimore boy from his security guard mother.
- In [January](#) of 2022, a 15-year-old boy shot and killed his mother and eight-year-old brother, and wounded his father with a firearm registered to his father just a few months after the boy had demonstrated significant signs of mental distress and urges to commit violence.

None of these kids should have had access to a firearm. Safe storage would have prevented these tragedies and many more like them. We can prevent future tragedies by making sure that youth access to firearms is reduced through mandates to store them in the safest way possible.

The sensible strategies set forth in this piece of legislation provide much needed protection while respecting the right to own and possess a firearm. **MPGV urges the committee to vote FAVORABLY on HB 659 to strengthen Maryland's law governing a child's access to firearms.**