



2A Maryland

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House Bill 659
Public Safety – Access to Firearms – Storage Requirements (Jaelynn’s Law)
UNFAVORABLE

House Bill 659 changes the scope of the law addressing the storage of firearms on multiple levels. It is punitive in nature because it places additional unnecessary burdens on the lawful ownership of firearms which do not enhance public safety. The point missed by most legislative bodies is simple: It is not possible to legislate safety. Only training can enhance safety.

Bill Provisions:

HB 659 expands the scope of the existing Criminal Law Article §4-104 in various and quite significant ways:

The bill language does define the terms “ammunition” (Page 2, Lines 1-2) and “firearm” by reference to §4-201 of the Criminal Law article.

The definition of the term “child” as a person under 16 years of age (Page 2, Lines 3-4) is deleted and replaced with the term “MINOR,” which is undefined in this section and there is no reference to any other section or statute. This is extremely significant because the term “MINOR” is the crux of the entire bill.

The term “AUTHORIZED ADULT” appears only a single time, and then in the nebulous language “RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT.” The words “AUTHORIZED” AND “ADULT” are critical components, yet neither these words nor the term “AUTHORIZED ADULT” are defined in this bill. (Page 2, Lines 25-26)

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The phrase “RENDERED INOPERABLE TO ANYONE OTHER THAN AN AUTHORIZED ADULT,” is excessively vague and subjective. Who will determine exactly who the “AUTHORIZED ADULT” is and exactly what constitutes “INOPERABLE” for any given firearm? Where is the technological difference in what an 18 year old can do, that the same 18 year old could do the week before his or her 18th birthday? (Page 2, Lines 25-26)

Bill Provisions: (continued)

One of the exemptions listed is when the “MINOR” “HAS BEEN GIVEN EXPRESS PERMISSION BY THE MINOR’S PARENT OR GUARDIAN” (Page 3 lines 1-3). The bill language is silent on exactly what constitutes “EXPRESS PERMISSION” and in what form “EXPRESS PERMISSION” must be given and/or documented.

By removing the term “loaded” (Page 3, Line 4) the application of §4-104 is expanded from addressing loaded firearms to include all firearms whether loaded or unloaded.

§4-104 (c) (3) (iii) makes it an offense if “the *firearm causes* harm to the minor or to another person.” (Page 3, Lines 16-17) Several issues are raised by the language in this provision:

1. Should the minor who gained access and/or stole the firearm then give, sell, trade or otherwise transfer the firearm; the rightful owner is now subject to additional penalties based upon the actions taken by the firearm.
2. The language reflects the myopic concept that the firearm, which is an inanimate object, is somehow capable of autonomous actions and the person who holds it bears no responsibility. This belief is at the core of why gun control laws have no impact on public safety or criminal activity.

Bill Penalties:

4-104 (d) (1) The penalty for a simple failure to secure a firearm has been increased from a fine not to exceed \$1,000, to imprisonment not exceeding 90 days and/or a fine not exceeding \$1,000. (Page 3, Lines 21-23)

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4-104 (d) (2) The penalty for a failure to secure a firearm coupled with a minor gaining access is imprisonment for a period not exceeding 2 years and/or a fine of \$2,500. (Page 3, Lines 24-26)

4-104 (d) (3) The penalty for a failure to secure a firearm coupled with a minor gaining access with resultant injury inflicted by anyone at any time with no limitations is imprisonment for up to 3 years and/or a fine of up to \$5,000. (Page 3, Lines 27-29)

Note:

Criminal Law Article Section §4-104 (e) (1) states “A violation of this section may not:

- (i) be considered evidence of negligence;
- (ii) be considered evidence of contributory negligence”

However, the multi-tiered penalties noted above certainly appear to attribute some level of responsibility for the subsequent actions of others as a result of someone gaining access to a firearm. (Page 3, Lines 10-17)

Impact on Maryland citizens in general:

As written, HB 659 makes it difficult for law-abiding Maryland citizens to legally own or possess a firearm in Maryland. It effectively negates the citizens’ means to viable self-defense within the home.

Impact on Existing Handgun Qualification License holders:

The Firearms Safety Act of 2013 mandated safety training as a prerequisite to applying to purchase a handgun. Since 2013, approximately 1,900 instructors have trained approximately 245,000 citizens. Part of that training included Maryland gun laws. Oddly, Qualified Handgun Instructors are not included in the listing of entities who should be given access to the “YOUTH SUICIDE PREVENTION AND FIREARMS SAFE STORAGE GUIDE. Page 5, Lines 3-18) If HB 659 becomes law, these 245,000 citizens will now be in possession of obsolete information and will likely become instant criminals. Creating hundreds of thousands of criminals does nothing to enhance firearm safety.

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Impact on Handgun Qualification License (HQL) Training:

Last year, an additional 45,549 citizens received training from citizens who are Maryland State Police qualified instructors. Many of the students were first time purchasers taking the class to qualify to purchase a handgun. The HQL course requires the use of working firearms and live fire. Most instructors generously allow the use of their personal firearms for use by those students who do not yet have a firearm or who do not own a specific type of firearm needed to complete the course. HB 659 makes it more difficult and expensive for instructors to possess the number of firearms required to present a comprehensive training class.

Impact on Project ChildSafe:

Under the *Project ChildSafe* Program developed and funded by the National Shooting Sports Foundation (NSSF), law enforcement agencies throughout the state have been distributing firearm cable locks upon request and free of charge for many years. Because these cable locks have been distributed by law enforcement agencies, citizens will erroneously believe they comply with the law. Under the provisions of HB 659, they do not.

Summary

HB 659 is not about public safety. It is about escalating restrictions on the lawful ownership of firearms. It is a statement of unfounded and blind faith in the false promise of gun control as the ultimate solution for the social ills that plague our society.

HB 659 serves only to divert attention from the real problem by pretending to do something. In fact, it is all a deception. When this type of bill passes, the sponsors are quick to praise it, while at the same time laying the groundwork for next year's bill by saying "it is a good first step, but more needs to be done." That more is always more gun control.

To put this issue in a parallel context, according to the Centers for Disease Control (CDC), the death rate due to drug overdoses in Maryland is 38.2 per capita, up from 37.2 per

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capita last year. This figure is 170% of the ***combined*** death rate attributed by the CDC to firearms and homicides. (See Attachment #1)

Do those deaths not matter because they cannot be exploited to further a gun control agenda?

HB 659 would save far more lives if instead of focusing on the storage of firearms, it focused on the safe storage of controlled prescription drugs. (See Attachment #2 for information on the magnitude of the problem caused by unsecured prescription drugs.)

We respectfully request an unfavorable report on House Bill 659.

John H. Josselyn
2A Maryland
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National Center for Health Statistics

Maryland



Key Health Indicators

key health indicators	
Fertility Rate	59.2 (births per 1,000 women 15-44 years of age)
Teen Birth Rate	13.9 (births per 1,000 females 15-19 years of age)
Infant Mortality Rate	5.9 (infant deaths per 1,000 live births)
Life Expectancy (at Birth)	78.5 years (2018)
Marriage Rate	5.6 (marriages per 1,000)
Divorce Rate	2.7 (divorces per 1,000)
Leading Cause of Death	Heart Disease
Drug Overdose Death Rate	38.2 (per 100,000) ¹
Firearm Injury Death Rate	12.6 (per 100,000) ¹
Homicide Rate	10.0 (per 100,000) ¹
COVID-19 Death Rate (Q1, 2021)	126.4 (per 100,000) ²

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Attachment #2 – Page 1 of 2

Johns Hopkins Medicine

“What’s in your medicine cabinet?

A common way that people get opioids illicitly is by taking them out of other people’s medicine cabinets. Opioid medicines should be stored in a locked location.”

Source: <https://www.hopkinsmedicine.org/opioids/how-you-can-help.html>

Department of Justice

“HOW DID THIS OPIOID PROBLEM GET TO MY COMMUNITY?

Opioids, particularly diverted prescription drugs, often enter the community through the family medicine cabinet, theft and robbery of local pharmacies, and through fraudulent prescriptions.”

Source: <https://www.justice.gov/opioidawareness/opioid-facts>

CDC

According to the CDC, the death rate due to drug overdoses in Maryland is 37.2. This figure is 1.77 times the *combined* death rate attributed to firearms and homicides.

Source: <https://www.cdc.gov/nchs/pressroom/states/maryland/md.htm>

Yale School of Medicine

“The widespread illicit use of opioid painkillers begins more in bathroom medicine cabinets than back alleys, according to new Yale research published in the *Archives of Internal Medicine*.”

Source: <https://medicine.yale.edu/news/medicineatyale/opioid-abusers-have-supplies-close-to-home/>

American Society of Regional Anesthesia and Pain Medicine

“Opioids should be stored in their original packaging inside a locked cabinet, a lockbox, or other secure locations.” Unfortunately, anyone you know may seek out drugs like opioids for illegal use. Don’t keep opioids in obvious places like bathroom cabinets or on kitchen counters where others might find them.”

Source: <https://www.asra.com/page/2725/safe-opioid-storage-tapering-and-disposal>

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National Center for Biotechnology Information, U.S. National Library of Medicine

“Pharmaceutical opioid prescribing, opioid use disorders, and related poisonings have increased substantially in the last decade. Pharmaceutical opioid deaths among youth have markedly increased. One area that has received relatively little attention is the role of home safety, given that parents are an important source of opioids for youth. Parents may intentionally share opioids with youth, due to low perceived risks or limited knowledge, and youth may divert opioids from parents’ medicine cabinets. Safe medication storage has long been mandated by treatment programs that provide pharmacologically supported treatment of opioid use disorders, but it is not generally encouraged or required for pharmaceutical opioids prescribed for pain. Greater attention is needed on the development, evaluation and implementation of three preventive strategies. These three strategies can be delivered in or supported by adult medical practices: 1) fully informing adults prescribed opioids about the risks of opioids to family members and others; 2) providing locked medication safe storage devices; and 3) educating parents on safe disposal options. However, a critical evidence base is still lacking for these opioid safety interventions.”

Source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4470841/>