

BaltimoreCounty_FAV_HB1021.pdf

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Position: FAV



JOHN A. OLSZEWSKI, JR.
County Executive

JOEL N. BELLER
Acting Director of Government Affairs

JOSHUA M. GREENBERG
Associate Director of Government Affairs

MIA R. GOGEL
Associate Director of Government Affairs

BILL NO.: **House Bill 1021**

TITLE: Public Safety – Licensed Firearms Dealers – Security Requirements

SPONSOR: The Speaker

COMMITTEE: Judiciary

POSITION: **SUPPORT**

DATE: March 2, 2022

Baltimore County **SUPPORTS** House Bill 1021 – Public Safety – Licensed Firearms Dealers – Security Requirements. This legislation would establish enhanced security requirements for licensed firearm dealers.

Protecting public safety is one of the most fundamental responsibilities of local government. As leaders, we have an obligation to keep our communities safe and make sure that dangerous weapons stay out of the hands of bad actors. When Baltimore County introduced the Secure All Firearms Effectively (SAFE) Act, it was in response to a series of firearm retailer robberies throughout the region. In just one robbery, 51 firearms had been stolen. Once these weapons are taken, they can be sold, traded, and used in the perpetration of a crime without ever having been registered to a particular owner.

House Bill 1021 employs a combination of physical security, video surveillance, and alarm systems to provide a baseline level of security at firearm retailers to discourage burglaries and prevent guns from being stolen. This legislation is a common sense step to prevent gun violence, keep firearms out of the hands of violent offenders, and make the State of Maryland safer for all residents.

Accordingly, Baltimore County requests a **FAVORABLE** report on HB 1021. For more information, please contact Joel Beller, Acting Director of Government Affairs at jbeller@baltimorecountymd.gov.

Art_Novotny_UNF_HB1021.pdf

Uploaded by: Art Novotny

Position: UNF

Testimony of Art Novotny in OPPOSITION to HB1021

These proposed building alterations are too vague and large scale to be implemented by October 2022. One of my favorite FFL's works out of the finished attic of his house. He does have a security door and camera system (which is prudent), but there is no way he could put barricades around his entire house, nor bars on every single window.

These requirements go beyond prudence and would be prohibitive for all but the largest established dealers to comply with, especially given the timeframe. Perhaps if there was more time allowed and some sort of financial assistance or tax breaks offered on the installation and maintenance of such security measures made available, it would be feasible.

Most importantly, this bill makes no distinction between types of FFL. I have a Collector of Curios and Relics License. It is for personal use and only applies to old firearms. It specifically states that it cannot be used for business purposes, however it is indeed a Federal Firearms License (FFL03). I can barely afford the mortgage on the first house that we bought a few months ago. There is no way I can fortify my house to meet these requirements for my personal use collection. I'm struggling to afford to keep the windows airtight and painted, let alone install bars on them. The whole point of buying a house in the country is that it wouldn't have to be a bunker capable of withstanding a siege attack.

Again, the timeframe is a major problem. It took years to find this house that we could afford. In today's market, we will never be able to find one in PA before October 2022.

Perhaps if the penalties for theft of firearms were increased and enforced, it would be a helpful deterrent in this case...but that is another bill.

Please allow my favorite local businesses to stay in business, and me to stay in my new home in Maryland, by opposing this bill.

Thank you,
Art Novotny
Aberdeen, MD

Also, the 8:00am-3:00pm window on one day to submit testimony really feels discriminatory and disenfranchising to working folks like me. If you are reading this, I guess I found a way... but it meant I had to sneak around work to do it. I'm sure a lot of hard working voices have been silenced.

HB 1021 Licensed firearms dealer security requirem

Uploaded by: charles regan

Position: UNF

HB1021– Licensed Firearms Dealers – Security Requirements

This bill erroneously presumes that licensed dealers are careless storing firearms. It makes unreasonable demands on dealers with regard to how they store firearms. Yet the Maryland State Police are exempt from this very obligation. Why? Because the State Police, just like dealers, already take appropriate security precautions and have a vested interest in proper storage. Dealers are already incentivized to have adequate security measures in place, as they certainly want their inventory protected, and they so do so already. Demanding that premises have security provisions so massive and expensive that not even the police have to protect their guns in storage is unreasonable and unfair. This bill mandates measures in place reminiscent of a military fortress. It is apparent the real motivation of this bill is not public safety, but as a backdoor scheme to drive dealers out of business by imposing upon them unreasonable and unfeasible obstacles. I request an unfavorable report.

HB 1021 Opposition Letter.pdf

Uploaded by: D.J. Spiker

Position: UNF

INSTITUTE FOR LEGISLATIVE ACTION

11250 WAPLES MILL ROAD

FAIRFAX, VIRGINIA 22030



NRA

January 19, 2022

Chairman Luke Clippinger
90 State Cir
Annapolis, Maryland, 21401

Dear Chair Atterbeary:

On behalf of our members in Maryland, I would like to communicate our opposition to House Bill 1021. This legislation puts punitive and overly burdensome mandates on small businesses in Maryland, while criminal enterprise continues unimpeded. Recent incidents involving criminals targeting Federal Firearms Licensees have seen these small businesses victimized, and with HB1021, they would be punished for being victims of crime.

Please review the following for our objects to this onerous legislation:

1. Prohibitive cost to gun dealers and gun owners

The mandatory recording equipment, burglary alarms and monitoring, and required changes to the physical plant of a gun store is an added expense to doing business. At a time when inflation is at a 40-year high, and there is an ongoing ammunition shortage, adding further costs to gun dealers and gun owners is punitive.

The additional costs of acquiring recording equipment and burglary alarm systems and monitoring are obvious. However, two other costs that this legislation would bring about may be less so.

Additional staffing expenses

Consider that the legislation requires firearms businesses to be equipped with:

(II) BARS OR SECURITY SCREENS DESIGNED TO PREVENT UNAUTHORIZED ENTRY ON ALL EXTERIOR DOORS AND WINDOWS OF ALL BUILDINGS WHERE FIREARMS ARE STORED;

Even with this new modification to the physical premises, the business would still be required to:

(2) OUTSIDE BUSINESS HOURS, THE LICENSED DEALER LOCKS ALL FIREARMS STORED ON THE PREMISES IN:

(I) A VAULT;

(II) A SAFE; OR

(III) A SECURE ROOM.

As these requirements are separate, a reasonable interpretation of this legislation could conclude that even

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with bars and security screens at all entrances and windows, the retail floor space of a firearms business would not be considered a “secure room” for the purposes of the second requirement.

Therefore, each evening a store employee would be required to remove all firearms from the retail floor space and place them in a “safe,” “vault,” or “secure room.” As these are the only options, firearm dealers would not be able to use other means of securing firearms kept on the retail floor such as security cables or locking gun display cases. Such stocking and removal of firearms from the retail floor space each day would add significant staffing costs to firearm businesses.

Changes to the Physical Plant

The changes to the physical plant are likely to be the most prohibitive. The legislation states that a gun dealer may not operate unless the business premises is equipped with

(II) BARS OR SECURITY SCREENS DESIGNED TO PREVENT UNAUTHORIZED ENTRY ON ALL EXTERIOR DOORS AND WINDOWS OF ALL BUILDINGS WHERE FIREARMS ARE STORED;

and

(IV) PHYSICAL BARRIERS DESIGNED TO PREVENT THE USE OF MOTOR VEHICLES TO BREACH ALL BUILDINGS WHERE FIREARMS ARE STORED;

The physical plant of some firearm stores may not be able to accommodate all of these requirements under this bill.

If a gun dealer is renting space from a property owner, there is further difficulty in ensuring that a property owner will accommodate the installation of new security equipment on their building. In particular, a property owner would need to be willing to allow the gun dealer alter the outside of the rental space to install what are effectively roadblocks (“PHYSICAL BARRIERS DESIGNED TO PREVENT THE USE OF MOTOR VEHICLES TO BREACH ALL BUILDINGS”) outside the establishment.

Consider, that many firearm business owners may be under lengthy leases. These contracts may not contemplate the sort of drastic changes to a property considered under this legislation.

Harm to gun owners

These onerous security measure will restrict access to firearms in two ways.

First, the bill would impose new costs on gun dealers that would to some degree be passed along to gun buyers. This will price some prospective gun owners out of the market.

Second, the proposed costs on small businesses may make their enterprise unprofitable. If a firearm dealer

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closes up shop, being unable to profitably comply with these requirements, this restricts prospective gun owners' access to firearms.

2. Vague language

The security measures language is vague. Leaving the door open to abuse by elected officials, judges, or overbearing regulators.

Consider the following language,

(2) OUTSIDE BUSINESS HOURS, THE LICENSED DEALER LOCKS ALL FIREARMS STORED ON THE PREMISES IN:

(I) A VAULT;

(II) A SAFE; OR

(III) A SECURE ROOM.

"Safe" and "vault" could be reasonably understood, but "a secure room," what does that mean? I found no other reference to "secure room in existing Maryland statute. Does it mean an ordinary locked room? Does it mean a two-foot thick concrete walls? There is no telling. Some anti-gun Attorney General, judge, or state bureaucrat will help to decide.

All that can be reasonably gleaned from the legislation is that this "secure room" is an even more secure location than the rest of the business that is already required to be equipped with "BARS OR SECURITY SCREENS DESIGNED TO PREVENT UNAUTHORIZED ENTRY ON ALL EXTERIOR DOORS AND WINDOWS."

Similar concerns can be applied to the language regarding the external physical barriers.

(IV) PHYSICAL BARRIERS DESIGNED TO PREVENT THE USE OF MOTOR VEHICLES TO BREACH ALL BUILDINGS WHERE FIREARMS ARE STORED;

Must these barriers be concrete? Rebar concrete? Steel? Tire spike strips? Plastic roadblocks filled with water/sand?

3. Further victimizing the victims of crime

Federal Firearms Licensees and dealers are extensively vetted, business owners, and law-abiding citizens; when they are the victims of property theft it is the fault of the criminal, not the gun dealer. This legislation is victim-blaming, placing the onus on property owners to prevent theft, rather than correctly punishing the criminal responsible for the theft. The proper way to tackle this problem is harsher treatment of the criminal. It's the state's responsibility to protect law-abiding business owners from criminals, burdening the law-abiding in this manner is an abdication of its duty.

Moreover, we can all think of a very specific scenario where this sort of victim-blaming has become

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wildly out of fashion. It shouldn't be tolerated in any other context.

4. Loss of rights for a second violation

The punishment for a violation of new security measures requirements are as follows:

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$1,000 IMPOSED BY THE SECRETARY.

(2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$10,000 OR BOTH, IF THE OFFENSE IS:

(I) A SECOND OR SUBSEQUENT OFFENSE; AND

(II) COMMITTED KNOWINGLY AND WILLFULLY.

Note that a person convicted of a second or subsequent offense committed knowingly and willfully faces up to three years imprisonment. This would result in a federal prohibition barring the gun dealer from possessing firearms.

Now consider how easily an otherwise law-abiding and well-meaning business owner might fall prey to this statute.

As previously mentioned, there is no telling what some of the statute's requirements mean in practice. Say the walls on a firearm business owner's "secure room" are 3 inches too thin for the state regulator, or his vehicle barrier isn't the height that the attorney general would like, he gets written up for a civil penalty and pays a \$1000 fine.

Now say two years after paying his fine, the business owner's alarm system is on the fritz. He calls the monitoring company and they say they can come out to fix it in three days. The business owner figures, "I'm a good guy and trying to follow the law," so he stays open in the meantime.

As a licensed dealer "may not conduct business and store firearms" without a "burglary alarm system that is continually monitored" and he knows that is isn't working, he could be convicted of a subsequent offense and imprisoned for three years.

You could imagine a limitless number of other sympathetic scenarios. Maybe his wife just went into labor and he had to run out of the already wildly secured store without putting all of the firearms in the "secure room." Maybe a snow plow backed over his vehicle barriers and he figured he would stay open until they were replaced.

The point is that no one should face imprisonment or a loss of rights for insufficiently protecting themselves from the criminal conduct of others.

For the foregoing reasons NRA opposes HB1201.

NATIONAL RIFLE ASSOCIATION OF AMERICA

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Sincerely,

A handwritten signature in black ink, appearing to read "D.J. Spiker".

D.J. Spiker
Maryland State Director
NRA-ILA

CC: Delegate David Moon
Delegate Curt Anderson
Delegate Lauren Arian
Delegate J. Sandy Bartlett
Delegate Jon S. Cardin
Delegate Frank M. Conaway Jr.
Delegate Daniel L. Cox
Delegate Charlotte Crutchfield
Delegate Debra Davis
Delegate Wanika Fisher
Delegate Faye Martin Howell
Delegate Rachel Jones
Delegate Lesley J. Lopez
Delegate Susan K. McComas
Delegate Rachel Munoz
Delegate Emily Shetty
Delegate Haven Shoemaker
Delegate Brenda J. Thiam
Delegate Karen Toles
Delegate Nicole A. Williams

HB_1021_JonCMunsonII_UNFAVORABLE.pdf

Uploaded by: Jon Munson II

Position: UNF

Jon C. Munson II
c/o 6613 Pepin Drive
Upper Marlboro, Maryland
20772-3825

240-305-7240

February 28th, 2022

Testimony of Jon C. Munson II
Maryland General Assembly
Senate Judicial Proceeding Committee

HB1021 - UNFAVORABLE

Dear Sirs/Madams:

Regarding HB1021 Public Safety – Licensed Firearms Dealers – Security Requirements, I OPPOSE this bill.

Anyone dealing in high-value items, and in particular dangerous items, knows well the need to secure and protect those items. Firearms dealers already implement many rigorous security measures to protect their goods – enhanced security on their stores, including stronger entrance/exit reinforcements, safety locks on firearms, etc., to prevent unwanted theft. They must also undergo frequent inspections by authorities to ensure compliance with any regulations imposed by licensing.

Further hardening of firearms dealers' locations would require the cooperation of third parties, and those parties may be averse to any structural changes this bill would require. The expense of such hardening would likely be cost-prohibitive to any dealers.

Private collectors would have the most difficult time in attempting to comply with these intended regulations. Licensed dealers with a location would also experience an increased burden in labor costs complying with the off-hours "storage" requirements within this bill, and if they do not have the ability to create a "safe room", further physical costs in hardening the premises if practicable.

I believe the bill is also unconstitutional – citizens choosing to exercise their rights also have access to adjacent rights necessary to enjoy the root rights. Given that the right to keep and bear arms is explicitly stated in the 2nd Amendment of the United States Constitution, and Maryland has acknowledged that said Constitution is the "supreme law of the land", it is more than reasonable that the right to acquire such arms exists, thus implying that purchasing and selling of arms is protected by extension. Introducing a ridiculous burden, such as this bill intends, is clearly an infringement upon the right enshrined in the 2nd Amendment.

As this bill will likely be cost-prohibitive to many firearms dealers/collectors (driving them out of business and/or out-of-state, and perhaps creating instant criminals in the case of private collectors), be non-implementable due to third-party concerns or regulations, it seems there is

Jon C. Munson II
c/o 6613 Pepin Drive
Upper Marlboro, Maryland
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only a political, not practical, motive behind the introduction of this bill and its text. The bill seems incredibly vague in its terminology and to whom it might apply.

I request you return an UNFAVORABLE opinion.

Sincerely,

//s// Jon C. Munson II

Katie _ Novotny_UNF_HB1021.pdf

Uploaded by: Katie Novotny

Position: UNF

Written Testimony of Katie Novotny in Opposition of HB1021

February 27, 2022

I am a member of multiple gun rights organizations. I am a certified Range Safety Officer and an avid firearms collector. I oppose HB1021.

To start with, this bill does not define “licensed dealer”. Based on the language of the bill, I presume this to be an FFL holder. This bill does not specify. Based on this assumption, these regulations would apply to an FFL 03, collector of curios and relics.

FFL 03’s are people who have collections, generally located within a home. We already fall under a number of regulations put forth by the ATF. I can imagine the questions in my neighborhood if I suddenly installed bars on all of the windows in my house and bollards around the outside of my home. I’m sure my friends and family would enjoy the audio and video recording equipment placed in my home. If I have firearms stored in my bedroom, would I need this surveillance equipment there as well? Or is it only for surveillance of firearms that fall under my license?

I investigated the price to install security bars on my windows and doors. I am unable to get an exact price without having a contractor out and I do not wish to waste their time. Home Advisor has an information page on this topic. <https://www.homeadvisor.com/cost/safety-and-security/install-security-bars/#security-bar-installation-cost-calculator> According to this website, bars for windows that open, as most in homes do, starts at \$220 per window. In case of a fire or emergency, bars that open is a necessity. For options that may be reasonably attractive, they easily reach \$1000 each. Installation will likely run about \$150 per window, or \$300 for large windows. Security bars for basement egress windows range from \$150-\$300. A security door is likely to cost me about \$1400. Do I need bars on my second story windows or just the ground floor? It wouldn’t be hard to use a ladder so I presume all windows will need this.

Then we get to bollards. I cannot find a bollard that can go into grass and dirt, so to begin with I would need to pave or concrete around the perimeter of my home. How far apart or close together do these bollards need to be? What standard must they meet? The Article “A Rational Method to Design Vehicular Barriers” <https://www.structuremag.org/?p=4717> goes into detail on some of the concerns about designing barriers such as bollards. Vehicle speed plays a large role in what is effective. How thick of pipe do I need, what gauge pipe? Concrete filled? What height and buried to what depth? Secured in what material? What size or weight vehicle must it be capable of stopping and at what speed? If I opted to use large planters, what size, weight, and construction must they be? This bill does not specify.

These concerns apply to traditional brick and mortar stores as well as my own home. Presumably the reasoning behind this bill is to stop the smash and grab robberies that we have seen at gun shops and convenience stores to steal firearms and ATM’s. There are quite a few problems with this approach. This bill assumes that criminals are dumb and that they won’t adapt to new security

measures. People desperate and determined enough to steal vehicles, often large vehicles, to ram into a business, are not likely to be stupid enough to not figure out a new approach, such as using a chain to rip down the window coverings, or using a larger, heavier vehicle at a higher speed to defeat bollards.

Recently J and K Pawn, located in Havre de Grace Maryland was the victim of this type of smash and grab robbery. The building has window and door grates, and large planters surrounding the building, yet the thieves were still able to smash a vehicle into the small area of the door and steal firearms. This was not the first attempt as a year earlier there was an unsuccessful attempt. Was this a case of the shop being surveilled for the future attempt? Possibly. The successful attempt was well coordinated with multiple people and multiple vehicles. Generally stolen vehicles are used for these crimes, and that was the case here as well. These people have no hesitation in destroying these vehicles to serve their purpose. I presume they will have no difficulty in obtaining a chain and some shackles or hooks as well.

Because of these and many more reasons, I request an unfavorable report.

Katherine Novotny

District 35B

443-617-7568

Katie.Novotny@hotmail.com

MSI Testimony on HB 1021 dealer security revised F

Uploaded by: Mark Pennak

Position: UNF



March 2, 2022

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO HB 1021

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 HB 1021.

The Bill:

The bill would create a new Section 5-145.1 in the Public Safety Article of the Maryland Code that would impose new security requirements on licensed dealers in Maryland. Specifically, the bill provides that a dealer MAY NOT CONDUCT BUSINESS AND STORE FIREARMS AT A LOCATION UNLESS the premises on which the dealer operates is EQUIPPED WITH . . . (1) EQUIPMENT CAPABLE OF FILMING AND RECORDING VIDEO FOOTAGE INSIDE AND OUTSIDE BUILDINGS WHERE FIREARMS ARE STORED; (2) BARS OR SECURITY SCREENS DESIGNED TO PREVENT UNAUTHORIZED ENTRY ON ALL EXTERIOR DOORS AND WINDOWS OF ALL BUILDINGS WHERE FIREARMS ARE STORED; (3) A BURGLARY ALARM SYSTEM THAT IS CONTINUALLY MONITORED; AND (4) PHYSICAL BARRIERS DESIGNED TO PREVENT THE USE OF MOTOR VEHICLES TO BREACH ALL BUILDINGS WHERE FIREARMS ARE STORED. The bill then provides that, outside of business hours, the dealer must LOCK[] ALL FIREARMS STORED ON THE PREMISES IN: (I) A VAULT; (II) A SAFE; OR (III) A SECURE ROOM.

The bill imposes a civil penalty of \$1,000 for the first violation. For a second and subsequent violations, the bill imposes a criminal penalty of 3 years imprisonment and/or a fine of \$10,000 if the offense was COMMITTED KNOWINGLY AND WILLFULLY. This criminal penalty effectively renders the dealer a disqualified person under both federal and state law, thereby ending the ability of the dealer to possess any firearm or modern ammunition for life. See 18 U.S.C. 921(a)(20)(B), MD Code, Public Safety, § 5-101(g)(3). The ability of the dealer to make a living as a dealer is thus destroyed upon indictment, 18 U.S.C. § 922(n), and/or conviction, 18 U.S.C. § 922(g), for this offense.

The Bill Is Senselessly Over Broad

Firearms dealers are already among the most heavily regulated businesses in the United States. This State imposes very strict regulation of 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.

This bill expressly applies to any “LICENSED DEALER” who operates at A LOCATION, but makes no attempt to either define the terms “licensed dealer” or “location” or otherwise differentiate between different types of dealers. See <https://bit.ly/34Stsng> (listing different types of federally licensed dealers). The term “licensed dealer” is not otherwise defined in Maryland law. See MD Code, Public Safety, § 5-101(d),(p) (defining “dealer” and “licensee” but not the term “licensed dealer”). See, e.g., *Trail v. Terrapin Run, LLC*, 174 Md.App. 43, 920 A.2d 597 (2007) (“It is beyond question that different words or phrases may connote different meanings.”). Nothing in the bill limits its application only to dealers who operate a traditional retail store. On its face, the bill would apply to all federally licensed dealers in accordance with the federal definition of that specific term. See 18 U.S.C. § 921(a)(11) (“The term ‘licensed dealer’ means any dealer who is licensed under the provisions of this chapter.”). At the very least, the scope of the bill is ambiguous and vague. As set forth below, such vagueness is fatal to the bill’s constitutionality under both the federal and Maryland constitutions.

The bill, as thus written, applies to individual, Class 03 dealers of curio and relics. Class 03 dealers are collectors and use their Class 03 license simply to trade or add to their own private collections of vintage firearms. Under federal law, a curio or relic is defined as those firearms which are at least 50 years old or are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. 27 C.F.R. § 478.11. Like other types of personal collections, such Class 03 dealer collections are typically stored in the homes of the dealers. This bill would thus require Class 03 dealers to install bollards or other types of “PHYSICAL BARRIERS” around their homes as well as implement the other security measures specified in Section 5-145.1(A)(1) of the bill. Yet, such measures would draw attention to these individuals and will make them and their families more vulnerable to attack and theft, not less. No sane person would willingly subject themselves to such costs and risks. Such Class 03 dealers would thus likely move out of Maryland.

The bill likewise applies equally to a large Class 07 federally licensed manufacturer of firearms, such as LWRC, which is located in Cambridge, MD, and which may produce thousands of firearms over the course of a year. This bill, as written would require LWRC to store its firearms, which may be in various stages of manufacture, in a safe or a vault every night. One can only imagine how costly or disruptive such a storage requirement would prove. A Class 07 manufacturer thus would have a powerful financial incentive to

move out of Maryland, just as Beretta USA left Maryland and exited to Tennessee after passage of the Firearms Safety Act of 2013. <https://bit.ly/35f37zo>.

The bill also applies to a Class 06 dealer, a type of dealer who is licensed to manufacture only ammunition. While such a Class 06 manufacturer would presumably have no firearms to put away at night, it would still be required to have the video recording equipment, the bars and security screens, the burglary alarm system and the physical barriers required by Section 5-145.1(A)(1) of the bill. The requirements would apply to a Class 10 dealer, who is licensed to manufacture destructive devices and armor-piercing ammunition. If the bill is intended to protect **firearms** from theft, it is pointless to apply its requirements to such manufacturers, yet the bill, as written, would require such measures. These manufacturers, many of whom may be federal contractors, would likewise have a strong incentive to move out of Maryland. Applying this bill's requirements to all "licensed dealers" is plainly senseless.

The Bill Will Likely Put Many Dealers Out of Business

Dealers who sell firearms at retail to the public are typically Class 01 dealers and the overwhelming majority of these types of dealers are small businessmen and women. The costs imposed by these new requirements will be devastating to their businesses. For example, the requirement, imposed by the bill, to erect **PHYSICAL BARRIERS DESIGNED TO PREVENT THE USE OF MOTOR VEHICLES TO BREACH ALL BUILDINGS WHERE FIREARMS ARE STORED** is likely impossible for some dealers who rent space from third parties who thus control the physical layout of the facility. That requirement is even more senseless for Class 03 curio and relics dealers operating out of their homes.

Even if possible, the cost of installing bollards or heavy planters or other types of barriers outside a Class 01 dealer's retail store could easily run into the tens of thousands of dollars, a cost that must be borne under this bill before the October 1, 2022, effective date of the bill. Yet, such costs would be largely pointless, as there is hardly any assurance that such barriers would actually work to prevent a break-in. While retail dealers have been broken into by ramming the store with a vehicle, nothing in this bill will prevent a thief from breaching all barriers using different methods. For example, even assuming *arguendo* that the barriers would withstand heavy ramming (not a safe assumption), all the thief need do is run a chain or steel cable from a vehicle to the store and collapse the store front by pulling it down. No reasonable "barrier" or "bars" or "security screens" can or will "prevent" such a breach. In short, it is quite impossible, as a practical matter, to prevent a determined thief from entering a dealer's facility. Such thieves are not as stupid as this bill supposes.

The additional requirement, imposed by this bill, that the dealer lock **ALL FIREARMS** in A **SAFE, A VAULT OR A SECURE ROOM** 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 an enormous, very expensive vault or safe or build an armored annex 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. See <https://bit.ly/3H8LTRm>. Many dealers, of course, have inventories 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 a manufacturer and has 2,077 firearms on site. See attached Engage Testimony on Senate Bill 773 (requiring vault storage). 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. One need only visit the large Bass Pro Shops store in Hanover, Maryland, and view the number of firearms on display to grasp the magnitude of these requirements. The Bass Pro Shops corporation might or might not be able to afford these costs, but a small business operation cannot.

The higher costs imposed on Maryland dealers will also make it impossible 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 handguns from out-of-state dealers simply 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 few 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.”). Compare 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 LICENSED DEALER or the meaning of A VAULT or A SECURE ROOM. These terms are susceptible to a multitude of meanings. Again, the attached testimony of Engage Armament on Senate Bill 773 (requiring vault storage for regulated firearms) 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. That testimony is equally applicable to the ambiguity associated with the term

“A SECURE ROOM” in this bill. 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.”

Such vagueness violates the Due Process Clause of the Fourteenth Amendment under which a penal statute must “define the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.” *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). See also *United States v. Davis*, 139 S. Ct. 2319, 2325 (2019) (“Vague statutes threaten to hand responsibility for defining crimes to relatively unaccountable police, prosecutors, and judges, eroding the people’s ability to oversee the creation of the laws they are expected to abide.”). The same is true under Article 24 of the Maryland Declaration of Rights. Under Article 24, “[t]he void-for-vagueness doctrine as applied to the analysis of penal statutes requires that the statute be “sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties.” *Galloway v. State*, 365 Md. 599, 614, 781 A.2d 851 (2001). Under Article 24, a statute must provide “legally fixed standards and adequate guidelines for police ... and others whose obligation it is to enforce, apply, and administer [it]” and “must eschew arbitrary enforcement in addition to being intelligible to the reasonable person.” (Id. at 615). 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.

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*.”).

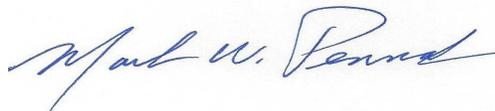
Plainly, under these principles, the State may not make it illegal for a dealer to sell firearms. Nor may the State accomplish the same result by making it so burdensome to sell firearms that few businesses would engage in such sales. See, e.g., *Fairbank v. United States*, 181 U.S. 283 (1901) (noting “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. Dealers also face the risk of going to prison for 3 years if they violate (a second time) any of these provisions of the bill. A simple failure to adequately lock up a single firearm at night could be sufficient to land the dealer in prison. Whether such a failure to do so was willing or knowingly is a jury question. The dealer would still face the crippling litigation costs associated with a criminal prosecution. In sum, the bill creates huge costs on dealers by imposing costly requirements and then the bill severely criminalizes a second offense. Few dealers will risk continuing their businesses where doing so is fraught with the legal risks and costs imposed by these new requirements. Many dealers, especially smaller FFLs, will simply cease doing business so as to avoid the risk of these draconian punishments and the consequent lifetime firearms disqualification. 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,

A handwritten signature in blue ink that reads "Mark W. Pennak". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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?





-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

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



301.838.3151
Fax 301.560.8130
www.EngageArmament.com

HB1021-Unfavorable-Fink-D32.pdf

Uploaded by: Nelda Fink

Position: UNF

UNFAVORABLE Testimony - HB 1201

Nelda Fink, 8372 Norwood Dr, Millersville

MD District 32

No! This bill infringes on the privacy rights of the customer. If the gun store owner wants to protect those rights of their customers, so be it!! Yippee for someone standing up for a persons rights since our government doesn't seem to want to. But if the gun store owner sees this equipment as necessary for his/her safety, then let them have it. But give the gun store owner the choice! Stop infringing on people's rights for the sake of what the government portrays as safety!

OPPOSE This Bill.

Nelda Fink

HB1021_Nicholas_DeTello.pdf

Uploaded by: Nicholas DeTello

Position: UNF

Nicholas DeTello

HB1021 Public Safety – Licensed Firearms Dealers – Security Requirements

Unfavorable

3/2/2022

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.

Personally, I intend to apply for an FFL03 designation as a simple firearms collector. This bill targets all three of the above groups of people; those not of the upper class, small businesses, and firearm collectors. It will also remove an essential source of revenue the state collects from. It is a travesty bills like this see the light of day, while bills to ***punish and prohibit theft of a firearm*** historically haven't left committee. I implore you to consider cross-filing/passing SB533, and pass HB816, instead of this misguided bill.

For these reasons I urge an unfavorable report of House Bill 1021.

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

Nicholas DeTello

2422 Clydesdale Rd, Finksburg, MD 21048

ndetello@hotmail.com

HB1021.pdf

Uploaded by: Theodore Wojtysiak

Position: UNF

Theodore J Wojtysiak
HB1021 Public Safety – Licensed Firearms Dealers – Security Requirements
Unfavorable
2/28/2022

I am writing with regards to my opposition to HB 1021 regarding “Security Requirements” for “Licensed Firearms Dealers”.

The law does not define what a “licensed firearms dealer” is, and due to this I believe that many people in Maryland would be considered dealers as simple Curio and Relic FFL Class 03 license holders. These licenses are used to procure weapons of historic value or significance or age. Almost all Class 03 FFL holders are normal individuals who may own or rent their homes and are **explicitly not allowed** to operate a business using their firearms license. These individuals would have to get a monitored alarm system, persistent video storage, barricade their windows, and place anti-vehicle obstructions because of this law. That is outrageous!

Some licensed firearms dealers are individuals that deal firearms without any inventory. A lot of these dealers rely on internet sales and transfer fees in order to supplement their income by legally transferring firearms between other dealers and individuals. These dealers do not have a large storefront and likely operate out of their homes. Yet now their homes would have to comply with these excessive legislative “security” measures?

Based on the above, it is clear that the person who wrote this bill has no idea what they are proposing to be written into law, and this type of brash legislation does no good for anyone. If the goal is to make firearms dealers with large storefronts more secure against theft, then I would suggest that you use a carrot instead of a stick. Remove sales tax from all purchases and put forward a grant fund that they can use to make their shops safer against theft.

I urge a total and complete unfavorable report.

Ted Wojtysiak
574-596-3082
wojtystj@gmail.com

HB 1021 NSSF Oppose.pdf

Uploaded by: Trevor Santos

Position: UNF



TREVOR W. SANTOS

Director, Government Relations - State Affairs

tsantos@nssf.org | 202-220-1340 x205 | nssf.org

March 2, 2022

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 House Office Building
6 Bladen Street
Annapolis, MD 21401

**HOUSE BILL 1021
OPPOSE**

Re: House Bill 1021 - Public Safety - Licensed Firearms Dealers – Security Requirements

Dear Chair Clippinger, Vice Chair Moon, and Members of the Judiciary Committee:

On behalf of the National Shooting Sports Foundation, and our industry members located throughout the state of Maryland, I write today to express our opposition to House Bill 1021 (“HB 1021”). HB 1021 seeks to mandate costly, burdensome, and even some unattainable requirements of federally licensed firearms dealers (“dealers”), including manufacturers, distributors, retailers, and gunsmiths. Firearms dealers are already some of the most heavily regulated businesses in Maryland, not only having to follow laws and regulations set by the General Assembly and the Maryland State Police, but also the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). The proposed legislation seems to be a solution in search of a problem. NSSF staunchly opposes this legislation because as drafted is a “one-size-fits-all” approach. In reality, each firearms dealer is unique and may not be able to abide by the language set forth in HB 1021. The mandate required by HB 1021 would certainly place a costly burden on dealers throughout the state, while potentially leaving many of these small businesses with no other option than to close their business.

ABOUT NSSF

As the trade association for America’s firearms, ammunition, hunting, and recreational shooting sports industry, the National Shooting Sports Foundation (“NSSF”) seeks to promote, protect, and preserve hunting and the shooting sports. NSSF represents approximately 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, such as Beretta USA, Benelli USA and its family of brands, and LWRC International. Nationally, our industry contributes close to \$63.5 billion annually to the economy creating over 342,000 good paying jobs and paying nearly \$7 billion in taxes. Our industry has a \$890.70 million impact on the Maryland economy, creating more than 4,200 jobs paying over \$287 million in wages and nearly \$109 million in taxes.

VIDEO RECORDING REQUIREMENT

While many traditional firearm dealers utilize some type of video surveillance system, this bill goes far beyond traditional firearm dealers. Manufacturing companies such as Beretta USA and LWRC would be required to essentially put video cameras throughout their entire facilities, including employees’ offices and other common spaces that may have firearms. A head of

marketing or engineering may lock firearms in their office overnight because their position requires them to work intimately with a certain product. Additionally, gunsmiths who may work from home would also be required to install video surveillance systems inside their home. In each of these instances, an invasion of privacy would be of concern.

BARS OR SECURITY SCREENS ON EXTERIOR DOORS AND WINDOWS

While some firearms dealers may already use bars and security screens on exterior doors and windows to prevent unauthorized access, there are times when this simply is not feasible. For example, Bass Pro Shops, a large “big box” retailer may have windows 20 to 30 feet from the ground. Is it really necessary for them to put bars over such windows? Additionally, with facilities such as Beretta USA, which is heavily secured from the outside with fencing, security gates, and on-duty guards, should it be required to have rolldown screen or bars placed on windows and doors? Finally, is it really needed for a gunsmith working out of his or her home to place screens and/or bars over all windows and doors of his or her home? HB 1021 does not consider other options like security window film. Or placing large gun safes in front of windows, but casts a wide net that will ultimately hurt many businesses that cannot comply.

PHYSICAL BARRIERS TO PREVENT BREACH OF BUILDING

Some firearm dealers use bollards, posts, concrete planters, or other physical barriers to keep vehicles from smashing through a building. However, there are instances in which a lease agreement or local ordinance would prohibit such barriers from being installed. If a business is unable to comply, how can they stay in business?

STORAGE OF FIREARMS DURING NON-BUSINESS HOURS

The “one-size-fits-all” approach taken in HB 1021 requiring firearms to be locked in a vault, safe, or secure room is nearly impossible. Some retailers have 100, 200, and even over 1,000 firearms in their inventory. The same goes for manufacturers who could have several thousand firearms in their inventory. A small “mom and pop” retail store would likely not have room for vaults or safes to store their firearms, and those firearms dealers with hundreds of firearms would not be able to find a safe or vault big enough to store their firearms. The time associated with storing firearms at night, and bringing them out for display before opening could take hours and hours, while at the same time increasing the chances of damaging a firearm. The storage requirements set forth in HB 1021 are unworkable. Additionally, the bill does not consider the other options available to secure firearms such as shatterproof display cases, cables and steel rods that can be put through trigger guard, and locking firearm racks. Each option should be considered carefully, but there should also be enough flexibility for a firearm dealer to decide how is best to secure their business and their firearms. Lastly, if a firearm dealer is securing firearms in a safe, vault, or secure room, is it necessary for them to install the security features such as bars over windows and physical barriers?

CONCLUSION

Most firearm retailers are small businesses that would have difficulty in funding the new proposed requirements. The cost of compliance would be prohibitive. House Bill 1021 would cause many lawful firearms dealers to go out of business simply because they are unable to comply with the requirements of the legislation. Firearms dealers take important steps to ensure their firearms (which is an investment for them) are protected from theft, unauthorized access, and their business is secure. In 2018, NSSF, as the trade association for the firearms industry,

embarked on a new initiative in conjunction with ATF, Operation Secure Store. Operation Secure Store (OSS) is a multifaceted initiative providing Federal Firearms Licensees (firearm dealers) with education on solutions and services that enhance operational security and aid in identifying potential risks, protecting interests and limiting the disruption of operations.

In the year following the launch of Operation Secure Store, burglaries and the number of firearms stolen from firearm dealers fell by nearly 25%. This program is working, and NSSF in conjunction with ATF, is glad to lead this effort.

House Bill 1021 does not consider all security and firearm storage options available to firearm dealers, rather it proposes a “one-size-fits-all” mandate for all dealers across the state, even though each business and location is different from the next. Enacting the same requirements for a large firearm manufacturer and a gunsmith who does business from his or her home shows that there is still much to be considered when pursuing legislation on this issue.

Rather than punishing small businesses engaged in an already heavily regulated industry, this legislation should focus on those who are engaging in criminal activities, burglarizing firearm dealers and stealing firearms. NSSF would be happy to work with the Maryland General Assembly on such legislation that holds criminals accountable for their actions when stealing and misusing firearms.

It is for these reasons, the National Shooting Sports Foundation opposes House Bill 1021 and we would respectfully request an unfavorable report.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. W. Santos', written in a cursive style.

Trevor W. Santos