



March 9, 2023

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN SUPPORT OF SB 655

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 support of SB 655.

The Bill:

The Bill would amend MD Code, Tax-General § 10-757, to create a tax credit of \$250 for up to 100% of any purchase of a “firearm safety device.” That term defined to include a device that prevents the firearm from being operated without first deactivating the device and is designed to prevent operation of a firearm. Such a device may include a safe, a gun safe, a gun case, lock box or other device designed to be or can be used to store a firearm and is designed to be unlocked only by means of a key, a combination or other means.

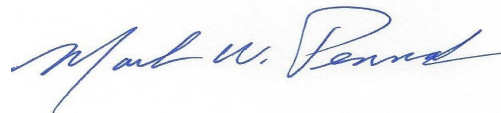
Discussion: The purpose of the Bill is to encourage safe storage by gun owners. That is a laudable goal and one that MSI fully shares and supports. The Bill does so by subsidizing the purchase of gun safes and storage devices by gun owners. That approach was taken by Senator Carter in Senate Bill 773, as amended and passed in the Senate last Session. <https://bit.ly/3JXplrU>. SB 773 created an Income Tax - Credit for Firearm Safety Devices and promoted the purchase of gun safes and other devices designed to prevent a firearm from being operated without first deactivating the device. Devices thus obtained are much more likely to be used.

SB 655 does the same and should be expedited and passed without delay. Prompt passage in the Senate might persuade the House to do likewise. We note that the Virginia legislature has already passed such legislation creating a \$300 tax credit in a bipartisan manner. See <http://bit.ly/413hNu5>. That Virginia legislation is House Bill No. 2387. See <https://lis.virginia.gov/cgi-bin/legp604.exe?231+ful+HB2387+hil>. The Governor of Virginia has until March 27, 2023, to act on the measure. Maryland should do no less.

Such an approach is not only fully constitutional but is, in our view, **much more likely** to lead to safe storage than ineffectually threatening law-abiding gun owners with prison time. As Johns Hopkins Professor Daniel Webster told this Committee in January, the data is clear that harsh penalties for mistakes and simple negligence do not deter or promote compliance. <http://bit.ly/3E0lAOB> (starting at 1:00 hr.). That reality is confirmed by the Department of Justice's National Institute of Justice. See <https://nij.ojp.gov/topics/articles/five-things-about-deterrence>. The Committee should be focused on accomplishing safe storage, not on punishment. It is past time to try something new.

We urge a favorable 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
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