



Testimony for the Judicial Proceedings Committee

February 3, 2023

SB 1 - Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)

GREGORY BROWN
PUBLIC POLICY
COUNSEL

UNFAVORABLE

AMERICAN CIVIL
LIBERTIES UNION
OF MARYLAND

3600 CLIPPER MILL
ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
F/410-366-7838

As currently drafted, the ACLU of Maryland opposes SB 1, which would expand criminal penalties for the wearing, carrying, or transporting of firearms onto the real property of another or within 100 feet of a public accommodation. Gun safety is without a doubt a pressing issue not only in Maryland, but across the country. However, criminalizing legal possession, by imposing possible incarceration for violations of this bill only serves the goals of mass incarceration and police harassment.

WWW.ACLU-MD.ORG

OFFICERS AND
DIRECTORS
HOMAYRA ZIAD
PRESIDENT

Public Accommodation & Enforcement

DANA VICKERS
SHELLEY
EXECUTIVE DIRECTOR

If this bill were to become law, a person could potentially violate this provision for not only being present at, but also being within 100 feet of a public accommodation. This bill defines public accommodation broadly, leaving open too many possibilities for even accidental violations of the law. In highly populous jurisdictions where public accommodations are near ubiquitous, a person could potentially be found in violation of this bill for simply being in public with a firearm.

ANDREW FREEMAN
GENERAL COUNSEL

Our greatest concern is how enforcement of this law will be effectuated. Unless being worn openly, law enforcement would be unaware of a citizen's possession of a gun. Enforcement would be random and left open to an officer's discretion. Only searching the person would produce evidence of gun possession, which is the exact form of police interaction that we seek to limit, especially for Black Marylanders who often face the burden of inconsistent enforcement by being the most frequent targets of enforcement. This creates an environment for inconsistent enforcement to thrive. While gun safety is paramount to the safety of our neighborhoods, expanding criminal penalties is a step too far.

Civil Penalty alternatives

Civil penalties such as fines, revocation of licenses and carry permits, and community service are more worthwhile alternatives to violating firearms restrictions. More importantly, these alternatives would serve to make sure that those carrying weapons are more aware of their surroundings, and does not criminalize the people of Maryland any further. Often criminal penalties are administered in a race negative manner, where Black Marylanders are punished more harshly for violations of law than their white peers. While police harassment and disparities in sentencing are not the intent of this bill, it is often the unintended reality for Black people across Maryland when criminal penalties are expanded.

For the foregoing reasons the ACLU of Maryland urges an unfavorable report on SB1.

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND