

Support - SB 159- Firearms -Ken Shilling, UULM-MD.

Uploaded by: Ashley Egan

Position: FAV



Unitarian Universalist Legislative Ministry of Maryland

Testimony in Support of - SB 159- Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

TO: Senator Will Smith, Jr. Chair and Members of the Judicial Proceedings
Committee
FROM: Ken Shilling, Unitarian Universalist Legislative Ministry of Maryland
Gun Violence Prevention Lead Advocate
DATE: February 7, 2023

We, Unitarian Universalists, hold the life of each person to be sacred. We feel the loss of each life due to gun violence. We have a collective responsibility for protecting all lives from gun violence. Gun violence affects all of us, as the effects of one event ripple out into the community. When firearms are the cause of their suffering, we should take steps to prevent this harm, where possible.

Individuals should have the right to register on a voluntary “do not sell registry”. People know when they should not have access to firearms. They know when they could be a danger to themselves, or to others.

Access to firearms is a major contributor to suicides. Preventing access to guns will decrease suicides by guns and save lives.

The measure before you today is another tool to protect all of us from gun violence. We ask you to stand on the side of love and justice. We urge you to vote for this bill and others that strengthen Maryland’s gun violence prevention laws.

We urge a favorable report,

Ken Shilling

Ken Shilling
Gun Violence Prevention Lead Advocate

SB0159 Bryan Barks Oral Testimony.pdf

Uploaded by: Bryan Barks

Position: FAV

SB0159:

Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

FAVORABLE

Good afternoon Mr. Chair, Mr. Vice Chair, and members of the committee. My name is Bryan Barks, and I am a writer based in Baltimore. I would like to thank the committee for considering this testimony in support of SB0159.

I live with bipolar disorder. I was diagnosed when I was 19 years old. During depressive and mixed episodes, I often experience suicidality. When I am well – which is most of the time – I desperately want to protect my life.

A few years ago, during a mood episode with mixed features, I researched where to buy a gun. When I was well, I advocated for policies that could prevent firearm suicide. But when I was ill – suicidal, sleep-deprived, and agitated – that part of myself disappeared. My unwell self was so loud.

Luckily, there was a help-seeking part of me that was louder. I consulted with my psychiatrist and admitted myself to the hospital. I survived my crisis. Too many others do not.

People who recognize that they are prone to suicidality, do not already own guns, and do not want to be able to obtain guns in a suicidal crisis need this tool. This bill would give people prone to suicidality the agency to make decisions about their own access to guns when they are not actively suicidal.

Though the do-not-sell firearm registry would be a new tool in Maryland, self-regulation is not a novel concept. Maryland allows those who struggle with problem gambling to voluntarily ban themselves from casinos. Similarly, a do-not-sell firearms registry would allow individuals with insight into their risk for suicide to preempt self-destructive urges.

Like those who may oppose this bill, I value the ability to defend myself. For me, self-defense means defending myself from my illness. It means *not* owning a gun. It means knowing I can preemptively put a barrier between myself and the most lethal method of suicide. Please, give Marylanders like me this tool to defend ourselves from firearm suicide.

SB0159 Bryan Barks Written Testimony.pdf

Uploaded by: Bryan Barks

Position: FAV

SB0159:

Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

FAVORABLE

I would like to thank the committee for considering this written testimony in support of SB0159, *Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment*.

I have written about and advocated for this policy in other states for six years and I researched this tool during my graduate studies. But most importantly, I am a Maryland resident who would use the voluntary do-not-sell firearm registry to protect myself from suicide.

I was diagnosed with bipolar disorder when I was 19 years old. During depressive and mixed episodes, I often experience suicidal thoughts and behaviors. In the 12 years since I was diagnosed, I have been hospitalized a number of times, often due to suicidality. When I am well – which is most of the time – I want nothing more than to protect my life. This is the nature of an episodic mood disorder.

Years ago, during an episode with mixed features, I researched where to buy a gun. Having worked in gun violence prevention for years, I knew every reason why someone who is suicidal should not have access to a gun. When I was well, I swore I would never own a gun and advocated for policies that could prevent firearm suicide. But when I was ill – suicidal, sleep-deprived, and agitated – that part of myself disappeared. I became someone who couldn't remember the things I cared about and all the wonderful things I had to live for.

Luckily, the help-seeking part of me prevailed. After consulting with my psychiatrist, I voluntarily admitted myself to the hospital. I survived my crisis. Too many others do not.

Access to firearms is a strong risk factor for suicide. Guns make suicide too quick, too easy, and there is rarely an opportunity for attempters to change their minds and/or seek medical attention. Once a person in suicidal crisis pulls the trigger, there is not a second chance, and the odds that the person will survive are low.¹

Temporarily reducing access to firearms during periods of high risk can save lives. People like me, who recognize that they are prone to suicidality, need this voluntary do-not-sell firearm registry. By allowing individuals who recognize their risk to preemptively put a barrier between themselves and the most lethal method of suicide, we can save lives.

Though the do-not-sell firearm registry would be a new tool in Maryland, self-regulation is not a novel concept. Maryland law allows those who struggle with problem gambling to voluntarily ban

¹ Anestis, M. D. (2018). *Guns and suicide: An American epidemic*. Oxford University Press.

themselves from casinos. In consultation with their doctors, individuals with alcohol use disorder sometimes choose to take medication that makes alcohol physically intolerable. A do-not-sell firearms registry allows individuals with insight into their risk for suicide to protect themselves *before* a crisis occurs; this tool should be offered to individuals with episodic illness/suicidality and high levels of insight who are not actively in crisis and do not already own guns.

A do-not-sell firearms registry would be a lifesaving tool for those who choose to use it, would not burden those who do not, and should be carefully implemented as a tool that is separate and distinct from other critically important, life-saving tools like Maryland's extreme risk protection order (ERPO). The do-not-sell firearms registry will not be an appropriate tool for everyone, but it has potential to protect a population that would otherwise remain vulnerable to firearm suicide.

Individuals who have not experienced the pain of mood episodes and/or recurring suicidal crises may be skeptical that anyone would use a voluntary do-not-sell firearms registry. But a 2017 study on this tool found that 46 percent of survey participants receiving inpatient and outpatient psychiatric care in Alabama would be willing to sign up for a do-not-sell firearms registry.² It is plausible that Marylanders might be even more willing to use this tool.

Given the lethality of firearms, the increased risk associated with access to firearms, the short-lived nature of many suicidal crises, and the nature of episodic illness, the do-not-sell firearms registry can be an important part of a larger strategy to prevent firearm suicide.

This bill would give those who recognize their risk – people like me – the agency to preempt crises and protect ourselves. For the reasons detailed above, I strongly support SB0159, *Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment*.

Respectfully,

Bryan Barks

² Vars, F. E., McCullumsmith, C. B., Shelton, R. C., & Cropsey, K. L. (2017). Willingness of Mentally Ill Individuals to Sign Up for a Novel Proposal to Prevent Firearm Suicide. *Suicide & life-threatening behavior*, 47(4), 483–492. <https://doi.org/10.1111/sltb.12302>

SB 159 Vol Do Not Sell_AFSP Kaplan_Favorable.pdf

Uploaded by: Dorothy Kaplan

Position: FAV



**American
Foundation
for Suicide
Prevention**

RE: Favorable on SB 159; Voluntary Do Not Sell Firearms Registry

February 6, 2023

Dear Senator Hettleman,

I am writing in **strong support of SB159** from my perspectives as a board member of the Maryland chapter of the American Foundation for Suicide Prevention (AFSP), a licensed psychologist in the state of Maryland, a daughter who lost her beloved mother to suicide, a granddaughter who lost her grandfather to suicide, and a mother who supported her daughter for over ten years with a life threatening mental illness that included suicide attempts. I have also worked for almost ten years as a federal contractor supporting the implementation of evidence-based practices for psychological health in the military health system.

AFSP is the leading not-for-profit organization dedicated to saving lives and bringing hope to those affected by suicide through research, education, support, and advocacy. As the nation's largest private funder of suicide prevention research, we know that suicide is a leading yet preventable public health problem. AFSP supports the implementation of voluntary removal initiatives including temporary transfer exceptions, community storage options, and Voluntary Do Not Sell Lists as important components of suicide prevention.

Access to lethal means during a suicidal crisis is strongly linked to suicide. Firearms have the highest suicide case fatality rate relative to other commonly used means in the United States, with research indicating that the odds of death in a suicide attempt by firearm are 2.6 times greater than with suffocation, the second most lethal method. Firearms are also the most used method of suicide. Restricting access to firearms has consistently been linked to reduced suicide. For example, a review of 49 studies examining firearm restriction approaches to suicide prevention found that 98 percent of these interventions were superior to the control condition (Mann et al., 2021; American Journal of Psychiatry) and concluded that means restriction approaches, including firearm restriction, were among the four best options considered in their review for preventing suicide.

SB 159 would establish a voluntary do not sell firearm registry for individuals in Maryland to voluntarily and proactively waive the right to purchase or receive a firearm. This decision would be made when in good mental health, thus empowering residents with a history of serious mental illness or a history of prior suicide attempt(s) to protect themselves against future impulsive firearm suicide. How long the individual stays on the registry is up to them, and removal requests would have to be approved promptly. Other states including Washington, Virginia, and Utah have enacted voluntary do not sell lists. I firmly believe that implementing this initiative in our state would help prevent the tragic loss of life to suicide in the future.

Nationally, 45,979 lives were lost to suicide in 2020 and 585 of these deaths were in Maryland (CDC, March 2022). That year in Maryland, 46% of suicide deaths were by firearms, and 33% of all firearms deaths were suicides; suicide was the third leading cause of death for youth and young adults ages 10-34. Young people involved in the child welfare and juvenile justice systems; LGBTQ individuals; Black, Indigenous, and other people of color; and military Service members and Veterans are at even greater risk of suicide.

Research shows us that putting time and distance between a person at risk and the lethal method can save their life. When people at risk of suicide are unable to access a lethal suicide method, most will not attempt suicide with another method. Temporary restriction of access to a firearm during a time of increased risk gives suicidal individuals something they desperately need: time for the intense suicidal risk to diminish and time for someone to intervene with mental health support and resources. People considering suicide are typically ambivalent about life; part of them wants to live, but part of them is focused on dying to stop the unbearable pain they are experiencing. This bill provides a lifeline to that part of them that wants to live and saves their loved ones and communities from the devastating impact of their suicide.

Sincerely,

Dorothy A. Kaplan, Ph.D.

Board Member, AFSP Maryland; Licensed Psychologist, Maryland

Zeller-SB159-Support.pdf

Uploaded by: Eileen Zeller

Position: FAV

**SB159: Firearms – Maryland Voluntary Do Not Sell Firearm Registry -
Establishment
Judicial Proceedings Committee
February 7, 2023
Position: SUPPORT**

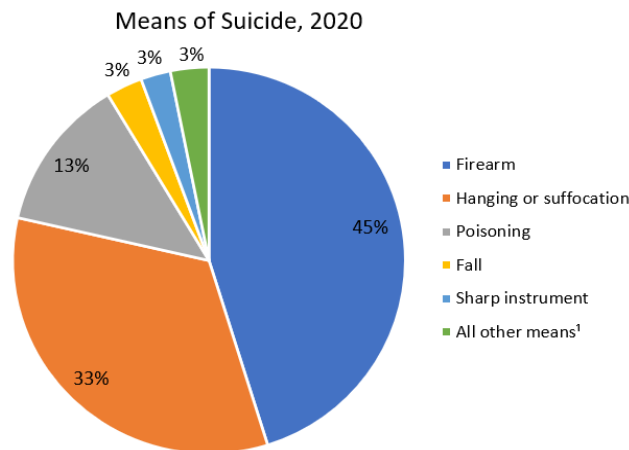
Eileen Zeller, MPH
12808 Brighton Dam Road
Clarksville, MD 21029

My name is Eileen Zeller and in retirement, I chair the Maryland Governor’s Commission on Suicide Prevention and serve on the board of directors of the Mental Health Association of Maryland. But I am submitting this testimony representing only myself.

I retired from the federal government’s Substance Abuse and Mental Health Services Administration (SAMHSA) in 2018, where I was Lead Public Health Advisor in the Suicide Prevention Branch. In that role I managed a team of public health professionals responsible for national grant programs including the National Suicide Prevention Lifeline, Suicide Prevention Resource Center, and a range of state, tribal, and campus suicide prevention programs.

I support SB159 because it can save lives, while respecting the autonomy of people who are struggling with suicidal thoughts.

In all 50 states, including Maryland, the most common method of suicide is firearms. If we had been able to prevent all firearm suicides in 2020^{1,2}, 260 lives would have been saved.



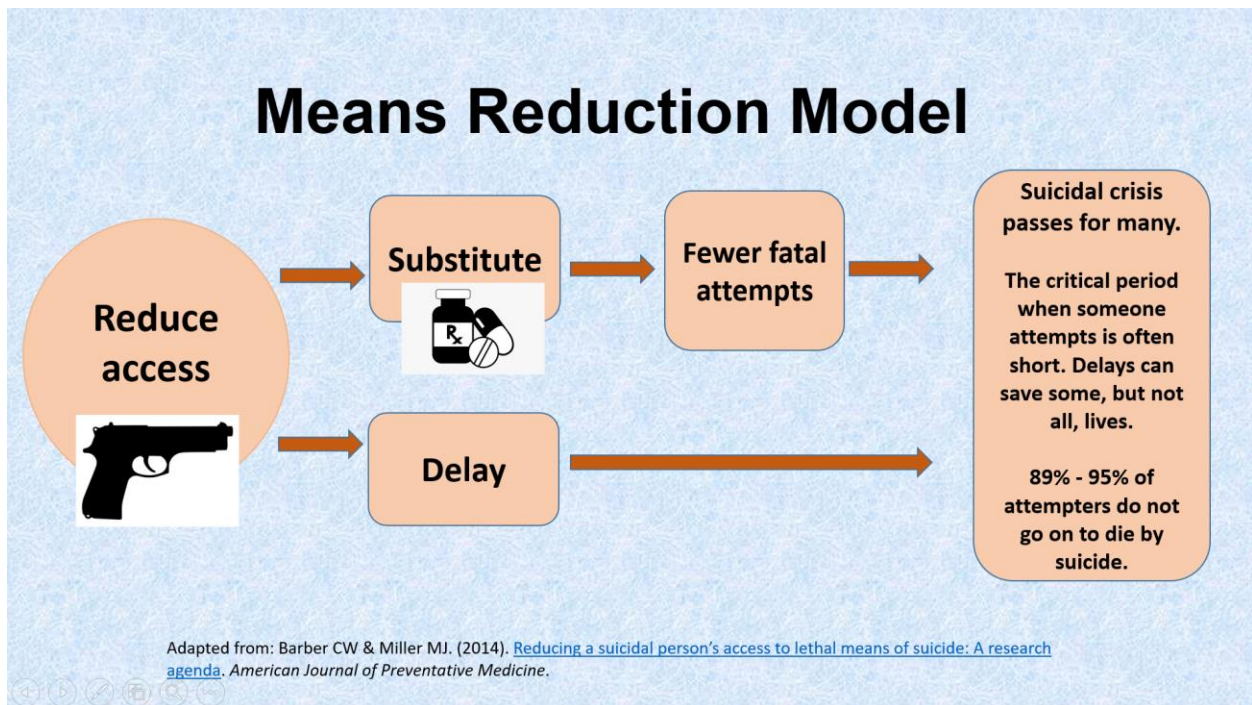
¹All other means includes: drowning, explosive, fire or burns, motor vehicle, and other.

¹ WISQARS: Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Web-based Injury Statistics Query and Reporting System (WISQARS) [online].

² Governor’s Commission on Suicide Prevention. Maryland Suicide Prevention Plan 2022-2024. Submitted to the Office of the Governor December 1, 2022.

Research shows that the decision to attempt suicide can be a powerful, but brief impulse during a short-term crisis. Many studies that interview people who survive suicide attempts report that—although those individuals may have considered suicide days, weeks, and months before the attempt—the actual decision to kill themselves was made hours or in as little as 5 minutes before the attempt.

If we can prevent access to a firearm during that brief period of impulsivity, we can drastically reduce the lethality of the attempt and the chance that that person will ever go on to die by suicide. (See evidence-based model below.) And giving suicidal people a tool like the Voluntary Do Not Sell Firearm Registry, allows them to keep themselves safe in moments of crisis.



I therefore urge a favorable report on SB159.

SB 159 Firearms- Maryland Voluntary Do Not Sell Fi

Uploaded by: Erin Dorrien

Position: FAV



Maryland
Hospital Association

February 7, 2023

To: The Honorable Will Smith, Chair, Senate Judicial Proceedings Committee

Re: Letter of Support - Senate Bill 159 - Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

Dear Chair Smith:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment in support of Senate Bill 159.

Suicides account for 54% of all firearm deaths, and 53% of all suicides involve a firearm, according to the [Kaiser Family Foundation](#). In Maryland, 2,837 lives were lost between 2010 and 2020 to self-inflicted harm with the use of a firearm—about 4.3 deaths per 100,000 Marylanders—the Centers for Disease Control and Prevention found.

Voluntary do not sell firearm registries are an innovative tool to prevent suicide by firearm. Laws, like the one proposed by SB 159, have passed in Washington state, Virginia, and Utah and grant people the option to add their names voluntarily and confidentially to a state system to prevent them from impulsively purchasing a gun.

While advocacy groups can cite statistics, the best arguments come from individuals with lived experience. In an op-ed published in [The Washington Post](#) Aug. 30, 2022, Bryan Barks wrote “I have mental clarity most of the time, but I know storms will come again. I want to have the ability to preempt crises. I want to have the ability to protect myself from the version of me that is not thinking clearly.”

For these reasons, we urge a *favorable* report on SB 159.

For more information, please contact:
Erin Dorrien, Vice President, Policy
Edorrien@mhaonline.org

Vars Statement of Support - SB 159.pdf

Uploaded by: Fredrick Vars

Position: FAV

February 6, 2023

My name is Fredrick Vars. I am a law professor at the University of Alabama, where I specialize in mental health and firearm law. On behalf of myself, I urge you to take action to combat the suicide epidemic by enacting the “Maryland Voluntary Do Not Sell Firearm Registry” (SB 159).

To call suicide an “epidemic” is not exaggeration: 24,292 people in the U.S. died by gun suicide in 2020. That’s 67 people each and every day. Many of those people used a recently purchased gun. SB 159 would allow individuals to temporarily suspend their OWN ability to purchase a firearm and thereby prevent impulsive suicides.

Some people think that if you limit access to guns, people will just choose another method, but that’s not true. People don’t switch methods, or they switch to much less lethal methods. Guns are 90% lethal, whereas all other methods combined are 4% lethal. Someone who uses a gun almost never gets a second chance. And data show that those who attempt suicide don’t just keep trying. Only 10% of suicide attempt survivors eventually die by suicide.

SB 159 will save lives without impacting gun owners in any way. Signing up is confidential and purely voluntary. No one is affected who doesn’t want to be. This is not gun control; it is self-control. Gun owners recognize this: in a national survey, a majority of gun owners supported the policy.

But a voluntary program is effective only if people volunteer. What if no one signs up? That’s not going to happen. Three states (WA, VA, & UT) have enacted similar laws that apply within their borders and dozens of people have already signed up. Several surveys confirm that many more people want this option.

I think I know why. I have bipolar disorder. I’ve been suicidal. I want to sign up. 15% of people with bipolar disorder die by suicide. If I had had easy access to a gun at certain points in my life, I might already be one of them. People who have never been severely depressed cannot understand what it’s like. You lose joy, you lose hope, and you lose the ability to make rational decisions. However, like almost all people with mental illness and others who consider suicide, I have periods of clarity. During these periods, I want to protect myself against future dark days.

Please support SB 159. Help us help ourselves.

Sincerely,

Fredrick E. Vars

SB159 Voluntary Do Not Sell Registry CHF FAV.pdf

Uploaded by: Joyce Lombardi

Position: FAV

SB159 – Firearms - Maryland Voluntary Do Not Sell Firearm Registry – Establishment
February 7, 2023

Senate Judicial Proceedings Committee

Testimony of Martha Nathanson, Vice President, Government Relations and Community Development;
Adam Rosenberg, Vice President, Violence Intervention and Prevention

Position: **SUPPORT**

We are pleased to **SUPPORT** SB159, which would create a registry in which a person could voluntarily enroll for the purpose of being prohibited from obtaining a firearm in Maryland.

LifeBridge Health is a regional health system comprising Sinai Hospital of Baltimore, an independent academic medical center; Levindale Geriatric Center and Hospital in Baltimore; Northwest Hospital, a community hospital in Baltimore County; Carroll Hospital, a sole community hospital in Carroll County, and; Grace Medical Center in Baltimore (formerly Bon Secours Hospital).

LifeBridge also operates the Center for Hope, a comprehensive crisis and violence intervention center that serves the Baltimore region. We work daily with people dealing with trauma and violence.

Voluntary firearm registries are a self-selecting tool to prevent suicide by firearm. Utah, Washington state, and Virginia have passed similar laws that give people the option to add their names voluntarily and confidentially to a state system that prevents them from impulsively purchasing a gun. The model is similar to that of gambling registries in many states: many people know the limits to their own mental health, and want to protect themselves and others from what they may do in less stable moments.

As advocates for a similar law pointed out, “easy access to guns during a suicidal crisis is a recipe for tragedy.”¹ Data show that guns are lethal 90 percent of the time, whereas attempts with the other most commonly used methods of suicide are lethal less than 2 percent of the time.²

We urge a **FAVORABLE** report on SB159.

Contact:

Martha D. Nathanson, Esq., Vice President, Government Relations & Community Development,
LifeBridge Health
mnathans@lifebridgehealth.org (443) 286-4812

Adam Rosenberg, Esq., Vice President, Violence Intervention and Prevention Executive Director, Center
for Hope arosenberg@lifebridgehealth.org (410) 601-HOPE

¹ “Fredrick Vars and Bryan Barks: Utah’s voluntary do-not-sell firearms law can save lives,” [Salt Lake Tribune](#), July 7, 2021)

² Id.

2023 SB159_Do Not Sell.pdf

Uploaded by: Karen Herren

Position: FAV



Testimony in **Support** of

Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

SB159/HB162

Executive Director Karen Herren
Marylanders to Prevent Gun Violence

February 7, 2023

Dear Chair Smith, Vice-Chair Waldstreicher, and distinguished members of the Committee,

Marylanders to Prevent Gun Violence (MPGV) is a statewide, grassroots organization dedicated to reducing gun deaths and injuries throughout the state of Maryland. We urge the committee for a **FAVORABLE** report on Senate Bill 159 to establish a voluntary “do not sell” firearm registry.

In Maryland, approximately 36% of gun deaths are suicides. That is an average of 265 people who die. Another 32 are wounded in gun suicide attempts. The registry established by this legislation would allow an individual to make a choice to place themselves on a “do not sell” list to help protect them from an impulse to purchase a firearm when they are least able to resist. The vast majority of suicides are performed in moments of crisis. Research indicates that if we can get the person through that moment there is an excellent chance they do not ultimately die of suicide. Access to lethal means is one of the key contributors to completion of a suicidal act. This voluntary list could be a simple but effective tool for individuals and their families navigating complicated mental illnesses. MPGV urges a **FAVORABLE** report on SB159.

SB 159 - MoCo_Boucher_FAV (GA 23).pdf

Uploaded by: Kathleen Boucher

Position: FAV



Montgomery County

Office of Intergovernmental Relations

ROCKVILLE: 240-777-6550

ANNAPOLIS: 240-777-8270

SB 159

DATE: February 7, 2023

SPONSOR: Senator Hettleman

ASSIGNED TO: Judicial Proceedings

CONTACT PERSON: Kathleen Boucher (Kathleen.boucher@montgomerycountymd.gov)

POSITION: Support

Firearms – Maryland Voluntary Do Not Sell Firearm Registry – Establishment

This bill requires the State Police to establish a Maryland Voluntary Do Not Sell Firearm Registry. It establishes an application process for individuals who would like to voluntarily place their names on the Registry and removal process for individuals who would like to take their names off the Registry. The bill prohibits the sale or transfer of a firearm to an individual whose name is on the Registry. The bill is intended to be a suicide prevention measure that allows an individual with mental health challenges to voluntarily choose to be placed on the Registry at a point in the individual's life when she/he is clearheaded to protect the individual from moments of psychological crisis when she/he is at risk of suicide. Although an individual can request to be taken off the Registry at any time, the bill creates a mandatory waiting period of 21 days before the name will be removed.

The County supports this bill as a tool to help address mental health concerns by allowing individuals to opt out of firearms ownership if they have a history of mental health issues. Advocacy groups can cite numerous statistics regarding the overwhelming number of suicides and failed suicide attempts that involve firearms. However, the experience of vulnerable individuals goes to the heart of the matter. In an opinion piece published in *The Washington Post* last summer, one individual described how this bill might help him: "I have mental clarity most of the time, but I know storms will come again. I want to have the ability to preempt crises. I want to have the ability to protect myself from the version of me that is not thinking clearly."¹

¹ Bryan Barks, *The Washington Post*, August 20, 2022.

MSP Letter of Information.docx.pdf

Uploaded by: Michael Brady

Position: FAV



State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

DATE: February 7, 2023

BILL NUMBER: Senate Bill 159 **POSITION:** Letter of Information

BILL TITLE: Firearms – Voluntary Do Not Sell Firearm Registry – Establishment

REVIEW AND ANALYSIS

This legislation requires the Department of State Police (DSP) to create and maintain a Voluntary Do Not Sell Firearm Registry. The registry will be for those individuals who wish to voluntarily enroll for the purpose of being prohibited from obtaining a firearm. A person may not sell, transfer, or loan a firearm to another if the person receiving the firearm is registered on the registry.

Under current law, a person wanting to acquire a regulated firearm is required, with certain exceptions, to obtain a Handgun Qualification License (HQL). This process takes up to 30 days. Once obtaining the HQL, the person has to apply to the DSP to purchase the regulated firearm. Transfer of the regulated firearm to the buyer may not happen until 7 days have passed and the buyer is “not disapproved”. If the person wants to purchase a rifle or shotgun, the transaction must go through a firearms dealer. The background check, for this type of purchase, is done by the FBI NICS. In most cases the rifle or shotgun can be transferred in a day.

SB 159 creates a few problems for the DSP. First, any registry will be required to be developed, built and managed. This takes operating funds and personnel of which none have been provided. Second, based on 4-325.1(B), the language in the legislation prohibits access to the registry by anyone other than the applicant, the applicant’s attorney, and law enforcement. Yet, the burden is placed on the person transferring, loaning, or selling the firearm to know whether or not the person is on the registry and thus not eligible. The conflict created in the language of SB 159 would put DSP in a very precarious situation of determining how to share the data.

The bill requires the Central Repository to be notified of the applicant’s placement on the registry. But the bill doesn’t tell the Central Repository what to do with it. According to the Department of Public Safety and Correctional Services, the Central Repository is unable to receive the information, store, or process it. The Central Repository is for criminal justice data only. This voluntary registry would not qualify as such information.

State of Maryland
Department of State Police
Government Affairs Section
Annapolis Office (410) 260-6100

POSITION ON PROPOSED LEGISLATION

The legislation also presents privacy concerns. Should this registry be open to everyone to search for a name, it would be difficult for DSP to verify the registrant's identity for the dealer or anyone else seeking to make sure a person is not on the registry. There are many common names and how is a dealer or other person to know if the person on the registry is the same person in front of them. This bill and other laws prohibit the release of personal identifying information. DSP would be unable to confirm DOB, Social Security Number, or other information for the dealer or other person querying the registry. Finally, there is the issue of proving that the applicant completing the application for the registry is who they say they are.

SB 159 prohibits a person from obtaining a firearm once they are on the list. Although the issue is not addressed in the bill, what is the expectation of DSP when a person on this list already owns a firearm and now claims to be voluntarily prohibited?

MD Catholic Conference_FAV_SB0159.pdf

Uploaded by: MJ Kraska

Position: FAV



MARYLAND
CATHOLIC
CONFERENCE

February 07, 2023

SB 159

Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

Senate Judicial Proceedings Committee

Position: Favorable

The Catholic Conference is the public policy representative of the three (arch)dioceses serving Maryland, which together encompass over one million Marylanders. Statewide, their parishes, schools, hospitals, and numerous charities combine to form our state's second largest social service provider network, behind only our state government.

Senate Bill 159 requires the Department of State Police to create and maintain a Maryland Voluntary Do Not Sell Firearm Registry in which a person may voluntarily enroll for the purpose of being prohibited from obtaining a firearm and prohibits a dealer or other person from selling, renting, loaning, or transferring a firearm to a purchaser, lessee, borrower, or transferee who the dealer or other person knows or has reason to believe is registered on the registry.

The Catholic Church has a strong interest in public safety and keeping communities safe. The United States Conference of Catholic Bishops states in response to rising violence that “[w]e have an obligation to respond. Violence – in our homes, our schools and streets, our nation and world – is destroying the lives, dignity and hopes of millions of our sisters and brothers.” To that point, the Church supports legislation that controls and strengthens regulations on firearms, and other such legislation that makes our communities safer. When community members are not in fear of their lives, they can live up to their God-given potential and enrich the world around them. Every person has a right to life, and the Conference will continue to work to combat violence and promote a culture of peace.

The Conference appreciates your consideration and respectfully urges a **favorable** report for Senate Bill 159.

SB159 FAV FINAL (003).pdf

Uploaded by: Morgan Mills

Position: FAV

February 7, 2023

Chairman Smith, Vice Chair Waldstreicher, and other members of the Judicial Proceedings Committee,

The National Alliance on Mental Illness, Maryland and our 11 local affiliates across the state represent a statewide network of more than 45,000 families, individuals, community-based organizations, and service providers. NAMI Maryland is a non-profit that is dedicated to providing education, support, and advocacy for persons with mental illnesses, their families and the wider community.

A Voluntary Do Not Sell Firearms Registry is a completely voluntary process in which an individual may request to be placed on a Do Not Sell Firearm Registry that prohibits them from obtaining firearms. An individual may request, at any time, to be removed from the registry. 21 days after the request, they are removed from the Do Not Sell Registry and are again able to purchase firearms should they choose to do so.

NAMI supports laws and policies that prevent unwanted use of firearms and self-harm. In 2020, suicide accounted for over half of the gun related deaths in the United States¹. Firearms are particularly lethal; approximately 90% of gun suicide attempts result in death². Limiting access to a means of suicide plays a significant role in prevention.

When someone is experiencing a mental health crisis, their judgment is clouded. This legislation will allow someone, while in a stable state of mind, to acknowledge they may experience a future mental health emergency. A Do Not Sell Registry allows individuals to prepare for a potential crisis before it occurs. Placing themselves on this registry ensures that they will not impulsively buy a firearm that will cause themselves, their families, and their communities harm and trauma. 70% of people who made the decision to commit suicide took less than one hour between the decision and the actual suicide attempt³. Most suicidal crises are brief, so delaying firearms purchases will allow people in crisis the opportunity to reconsider their decisions post-crisis.

When guns are less available, fewer people will die from gun-related suicides. There will be a greater number of people with the ability to reconsider their decisions- and “90% of people who attempt suicide and survive never go on to die by suicide.”⁴

A Do Not Sell Registry is a voluntary way to prevent nonsensical gun deaths in the State by allowing people to be proactive about their life and personal safety. For these reasons, NAMI MD urges a favorable report.

¹ <https://www.pewresearch.org/fact-tank/2022/02/03/what-the-data-says-about-gun-deaths-in-the-u-s/>

² <https://everytownresearch.org/report/firearm-suicide-in-the-united-states/>

³ <https://onlinelibrary.wiley.com/doi/abs/10.1521/suli.32.1.5.49.24212>

⁴ <https://www.cambridge.org/core/journals/the-british-journal-of-psychiatry/article/fatal-and-nonfatal-repetition-of-selfharm/721FD68B3030C46E2070CC08CA869523>

SB159_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Judicial Proceedings Committee

Joint Committee on Children, Youth,
and Families

Joint Committee on the Chesapeake
and Atlantic Coastal Bays Critical Area



James Senate Office Building
11 Bladen Street, Room 203
Annapolis, Maryland 21401
410-841-3131 • 301-858-3131
800-492-7122 Ext. 3131
Shelly.Hettleman@senate.state.md.us

The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB159
MARYLAND VOLUNTARY DO NOT SELL FIREARM REGISTRY

SB159 is a suicide prevention effort that empowers those who may be experiencing a serious mental health crisis. It is a way to prevent an opportunity to inflict self-harm and lethality at a time when someone is most vulnerable. This bill enables someone to voluntarily put themselves on a list so that they are prohibited from purchasing a firearm at a time when they may be at heightened risk for suicide. It is our hope, and many individuals who suffer from episodic mental illness tell us, that when individuals with mental illness are in periods of stability, they would take this effort to protect themselves.

Firearms are the most common means used for suicide, making easy access to them a highly concerning matter for public health.¹ Public health data demonstrate that purchasing a gun and bringing it into your home—especially for first-time gun buyers—significantly increases the risk of suicide approximately threefold.²

On average, 265 Marylanders die of a firearm suicide each year, with suicide accounting for 36% of gun deaths in our state.³ Even more concerning, the Maryland firearm suicide rate has recently risen – declining in 2018 and 2019, from 45% to 43% respectively, to 52% in 2021. Unfortunately, some of the highest rise is among Black men.⁴

While approaches like this voluntary self-prohibition are new, 3 states have recently passed laws: Washington, Utah, and Virginia. Since 2021, 33 people have placed themselves on the list in Virginia and 30 remain – you have an option to remove yourself from the list.

A 2017 survey of 200 individuals receiving treatment at both in and outpatient psychiatric clinics asked participants if they would put their own names on a “Do Not Sell” list to voluntarily waive their right to purchase a firearm. 46% of respondents said yes.⁵ This is a significant number of people, in this study conducted in Alabama, who desired restricted firearm access for their own well-being.

¹ <https://www.kff.org/other/issue-brief/do-states-with-easier-access-to-guns-have-more-suicide-deaths-by-firearm/>

² <https://www.nimh.nih.gov/health/statistics/suicide>

³ <https://everystat.org/#Maryland>

⁴ <https://publichealth.jhu.edu/2022/gun-deaths-spiked-during-the-pandemic>

⁵ <https://pubmed.ncbi.nlm.nih.gov/27704597/>

In gambling, we enable Marylanders to put themselves on a list to restrict their access to casinos – why shouldn't we do the same here – where the stakes are even higher? In fact, according to the Maryland Lottery and Gaming Control Agency, 1,074 individuals have opted for a lifetime ban from gambling while 1,624 have a 2-year prohibition – self-induced.

It is imperative that Marylanders have the opportunity to restrict their access to firearms ahead of time if they know it will protect them in a time of crisis. We enable certain people to raise red flags about others via our Extreme Risk Protection Order program (ERPO), why shouldn't we enable individuals to raise those red flags for themselves?

I urge a favorable report on SB 159, and I thank you for your consideration.

SB159-Firearms - Maryland Voluntary Do Not Sell Fi

Uploaded by: Willow Goode

Position: FAV



TESTIMONY TO SENATE JUDICIAL PROCEEDINGS

SB0159-Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

POSITION: Support

BY: Nancy Soreng, President

Date: February 7, 2023

The League of Women Voters of Maryland Supports the passage of SB00159-Firearms - Maryland Voluntary Do Not Sell Firearm Registry – Establishment. This bill would require the State Department of Police to establish a voluntary do not sell firearms registry in which a person would enroll and be prohibited from purchasing or obtaining a firearm.

The League strongly believes that protecting the health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semi-automatic weapons will help to reduce the impacts of gun violence in our communities. Establishing a voluntary do not sell database would help to prevent more people unqualified people from obtaining a firearm.

In addition, for people who are aware of their mental health status and recognize that it can be unstable this may offer another level of protection for themselves and other members of the community. This voluntary do not sell registry would prevent them from purchasing a firearm in an unstable state.

The League of Women Voters Maryland urges a favorable report on SB0159.

SB 159 - SWA - MPS WPS.pdf

Uploaded by: Thomas Tompsett

Position: FWA



February 5, 2023

The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East - Miller Senate Office Building
Annapolis, MD 21401

RE: Support with Amendment – Senate Bill 159: Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

Dear Chairman Clippinger and Honorable Members of the Committee:

The Maryland Psychiatric Society (MPS) and the Washington Psychiatric Society (WPS) are state medical organizations whose physician members specialize in diagnosing, treating, and preventing mental illnesses, including substance use disorders. Formed more than sixty-five years ago to support the needs of psychiatrists and their patients, both organizations work to ensure available, accessible, and comprehensive quality mental health resources for all Maryland citizens; and strive through public education to dispel the stigma and discrimination of those suffering from a mental illness. As the district branches of the American Psychiatric Association covering the state of Maryland, MPS and WPS represent over 1000 psychiatrists and physicians currently in psychiatric training.

MPS/WPS supports with an amendment, Senate Bill 159: Firearms - Maryland Voluntary Do Not Sell Firearm Registry – Establishment (SB 159). A "Voluntary Do Not Sell Firearm Registry" is a list of individuals who voluntarily choose to have their names included in a database that informs firearms dealers not to sell firearms to them. MPS/WPS contend that such registries have the following beneficial effects on both the individual and society as a whole: ¹

- **Empowering individuals:** The registry allows individuals to choose not to own firearms and provides a means for them to make this choice known to firearms dealers.
- **Addressing mental health concerns:** The registry can help address mental health concerns by allowing individuals to opt out of firearms ownership if they have a history of mental health issues. Further, research suggests that reducing access to firearms may be a factor in reducing suicide rates. Studies have shown that access to firearms increases the risk of suicide, especially among individuals who are experiencing a crisis

¹ Before we discuss the benefits, it is important to note that a voluntary do not sell firearms registry is not a substitute for comprehensive background checks and other measures to prevent firearms from falling into the hands of individuals who are not legally allowed to possess them. However, it can be a useful supplement to these measures and help to further support responsible firearms ownership.



or are at high risk of suicide. By reducing access to firearms, a voluntary do not sell firearm registry could potentially help to reduce the number of suicides. While voluntary do not sell firearms registries are not a complete solution to the complex issue of suicide, it is a meaningful step.

- **Supporting responsible firearms ownership:** The registry can be seen as a tool for responsible firearms ownership, as it will reduce firearm access to those who believe they may be a danger to themselves or the community if they possess them.
- **Improved public safety:** By reducing the number of firearms that fall into the hands of individuals for whom it might be dangerous to possess them, the registry can help to reduce instances of gun violence and improve public safety.

MPS/WPS strongly recommends that the waiting period for the return of firearm access after placing oneself on the Do Not Buy list be extended from twenty-one (21) days to one hundred and eighty (180) days because future episodes which may put the petitioner or the community in danger include depressive, manic, or psychotic episodes which generally last longer than twenty-one (21) days. The amendment is as follows:

On page 6, line 14, strike "21" and substitute " 180".

In addition, MPS/WPS would like to see the following abstract amendments considered by this honorable committee:

- **Mental Health Care Information.** Petitioners should be provided with resources to mental health care at the time of filing their petition. This could include information on Maryland 9-8-8 crisis hotline.
- **Include long guns.** MPS/WPS worry that the legislature is missing an opportunity to have a more robust bill by not including long guns and solely focusing on handguns.
- **Data collection.** Accessible data that also respects the privacy of the petitioner should be made available to improve the implementation and efficacy of the law.

With the amendments mentioned above adopted, MPS/WPS ask this committee for a favorable report on SB 159. If you have any questions with regard to this testimony, please feel free to contact Thomas Tompsett Jr. at tommy.tompsett@mdlobbyist.com.

Respectfully submitted,
The Maryland Psychiatric Society and the Washington Psychiatric Society
Legislative Action Committee

Art_Novotny_UNF_SB159.pdf

Uploaded by: Art Novotny

Position: UNF

Testimony of Art Novotny in OPPOSITION to SB159
(Maryland Voluntary Do Not Sell Firearm Registry)

Discussing, let alone implementing this bill seems to me a waste of everyone's time. Surely Everytown, Mom's Demanding Action, et al. would be happy to organize some sort of pledge system (like a high schooler's "Prom Promise") without tying up tax dollars that are so desperately needed elsewhere. For all I care, they could set up outside of gun stores (like some folks do at abortion clinics), offering alternatives and extravagant quid pro quo compensations for signing their registry, as long as they are using their own money and not state funds.

Maryland's firearm purchase requirements are robust enough that no one will "accidentally" become a gun owner.

Most importantly, I wish to record my intention that my name, Art Novotny, NEVER be added to that list. If I decide that I no longer want to purchase firearms, I will voluntarily stop purchasing firearms completely on my own without squandering any government resources.

Please return an unfavorable report on this bill

Thank you, and I apologize for wasting your time.

Art Novotny
Aberdeen, MD
35A

sb159.pdf

Uploaded by: Brenda Scarborough

Position: UNF

SB 159 Oppose

Good Afternoon Committee Chair, Vice Chair and Committee Members. Thank you for allowing me to testify today.

I am opposed to this bill for many reasons, most of which you have probably already heard here today.

This Bill if enacted would create a registry although voluntary, is still unconstitutional and is contrary to the Statutory Gun Registry Prohibitions.

The phrase below requires the firearm dealer to speculate on whether a person is on a do not sell list which could cause an otherwise eligible person from being able to purchase a firearm. *“prohibiting a dealer or other person from selling, renting, loaning, or transferring a firearm to a purchaser, lessee, borrower, or transferee who the dealer or other person knows or **has reason to believe** is registered on the registry”*

Belief is not fact. The denial of anyone's' 2nd Amendment rights is a serious matter and should not be at the speculation of a retail clerk or person working behind the gun counter at the FFL Dealership.

The logistics for creating this do not sell list are not clear in this legislation. Are taxpayers expected to foot the bill for the creation of the department within the MSP to monitor this list? The MSP is already working short staffed. This bill would further encumber our Troopers with ministrative activities and preclude them from performing on more imminent activities.

Furthermore, if a person has the wherewithal to voluntarily enter their name on a do not sell list, without coercion, they should be competent enough to determine that they can simply choose to not go to the FFL to purchase a firearm. Authorities already have the ability to “Emergency Petition” a person in need of immediate mental assistance and an individual can certainly voluntarily seek help through multiple channels already in place.

For these reasons I urge you to respond with an UNFAVORABLE Report.

Brenda Scarborough

7117 Olivia Rd.

Baltimore MD 21220

443-621-0494

SB 0159 Firearm registry.pdf

Uploaded by: Dana Schulze

Position: UNF

SB 0159

I oppose SB 0159 voluntary registry because it is a step the government will take to control an individual's rights. Be honest, who will willingly put themselves onto a list? The law abiding citizens NOT the criminals that need to be stopped from committing crimes and possessing weapons.

Stop infringing upon American's rights to possess and bear arms. As a combat veteran, I fought, and my friends died to protect and defend the US Constitution from enemies both foreign and domestic. You elected officials are sworn to protect the US Constitution and protect the rights of citizens to protect ourselves.

Written Testimony.pdf

Uploaded by: Douglass Palmer

Position: UNF

Written Testimony:

Douglass R Palmer
14001 Molly Berry Road
Brandywine, MD 20613
814-207-6052

Date: February 6, 2023

I am writing in regards to the follow bills and would like to make the following statements on each as noted:

SB001:

I am in opposition of this bill in its entirety. I would like to believe that the Maryland Legislature is making policy based on sound evidence and facts. The limiting and restricting of possession of firearms by permitted carriers is not based on either. Unless one is very meticulous cherry-picking studies performed on the subject there is no basis in facts to limit law abiding citizen from defending themselves outside their homes. The criminal rate of wear and carry permit holders is one of the lowest rates among any groups of people nationwide. The crime **rate** of gun permit holders is lower than that of off duty police officers. There is no data that even suggest that restrictions on permit holders will affect crime rates. The reality is that the states that have the most restrictive gun laws also have the highest violent crime rates. Despite Maryland having some the most stringent gun laws in the nation and, up until July of 2022, an almost impossible means to get a wear can carry permit we still have some of the highest gun violence in the nation. Baltimore is either first or second in the nation in gun violence currently. There is no correlation or connection between lower rates of gun violence and increase restrictions on a person's ability to legally wear and carry a firearm for personal protection. The overwhelming majority of locations that gun violence and mass shooting take place are in areas that either guns are entirely prohibited or that the laws make having a gun so burdensome that no one, except those committing crimes, have them. The statical reality is, the more "gun free" zones there are, the more targets murderous lunatics have to commit atrocities. And they do exactly that, they attack the area that are gun free because they are coward and know that they will not be stopped until they have killed as many as possible. The SCOTUS ruling clearly denotes that one has a right to protect themselves outside of their homes. Its sad time in this country when it takes a SCOTUS ruling to affirm that right, but it did. I hope that this legislative session also affirms that constitutional right, instead of choosing to act out of ignorance and emotion.

SB0086:

I am in opposition of this bill in its entirety. The constitution grants **all** full right of citizens at the age of 18. Owning a firearm and purchasing the ammunition for the firearm is a constitutional right. Unless we decide to change the legal age of adulthood, we should not be taking away constitutional rights from 18-20 year old citizens. If a person is legally an mentally able to choose their leadership (able to vote), they are also legal and mentally able to exercise the right of owning a firearm.

SB0113:

I am in opposition of this bill in its entirety. We need to hold the people who commit a crime responsible for their actions. We don't blame a car manufacture when someone purposely uses a vehicle to harm or kill someone, but we are somehow we are trying to justify doing exactly that with firearm producers. This law is a subjective law that will allow people to go after third parties who are not a party to a crime in an effort to make purchasing a firearm more difficult. Anyone trying to sell this bill as anything other than an end run around the Constitution and federal law is not be intellectually honest with themselves or others.

SB0159:

I believe this bill as written could be abused. If it is solely construction to be **entirely voluntary** and would requiring an affidavit, then I might support the bill. My fear is that the law enforcement would use this as a tool in criminal plea bargaining. I would hope that the process to restore a persons right after they have voluntary surrendered it is clear and unburdening.

HB0364:

I fully support this bill. Half of the state in the country are now constitutional carry states. The first state became so in 2003. We now have two decades of crime data on the impact of removing the requirement of permits to carry a firearm for your personal protection. Clearly, there is no correlation between the increasing or decreasing of legal firearms possession and crime rates. There have been multiple studies conducted and the best that can be said is that there was no impact on crime rates by making it legal to carry firearm without a permit. There are multiple studies that have inferred that it may actually reduce the crime rates in certain states.

HB0413:

I support this bill. There is no factual or evidentiary basis for denying a legal cannabis user the ability to purchase a firearm. There is absolutely no evidence that a legal cannabis user is more prone to commit violent crime than any other group of people. Denying someone their constitutional right solely based on an arbitrary guideline that is not basis in fact or evidence is wrong.

HB0481:

I am in opposition of this bill in its entirety. I think that any prison sentence upon people that are constitutionally entire to ware and carry a firearm for personal protection is a travesty. Increasing the already overly punitive sentencing is idiotic at best.

Ian Rus Maxwell SB159 H162 Testimony MGA 2023.pdf

Uploaded by: Ian Rus Maxwell

Position: UNF

SB 159/HB 162 - Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

I am writing to oppose, and urge an unfavorable report on, SB159/HB162.

I believe the proposed law puts an undue burden on those engaged in the business of selling firearms. The state of Maryland should develop a method to incorporate into the standard firearm background check the proposed voluntary "do not sell to" list of individuals. Firearms retailers should not be required to engage in, what amounts to, a second background check prior to selling an individual a firearm. The burden of such a system should not be on the business, it should be on the state. Once the state has developed a viable proof-of-concept system then the proposed law might have merit.

Sincerely,

Ian Rus Maxwell

18307 Crestmount Road Boyds MD 20841 ianrus.maxwell@gmail.com 301.325.7152

02-07-2023_Attachments.pdf

Uploaded by: John Josselyn

Position: UNF

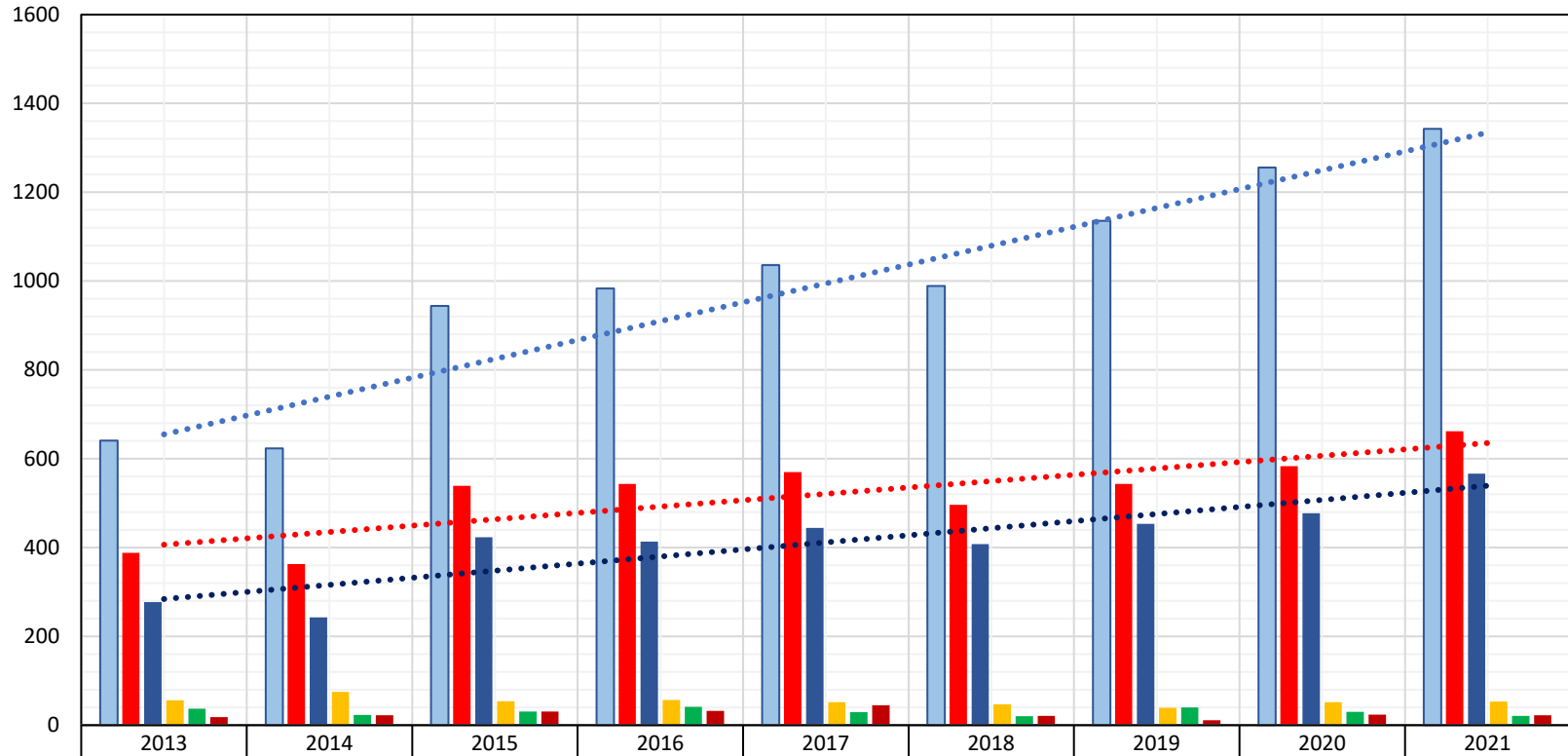
2A Maryland - Maryland Gun Laws 1988-2022

Session	Bill Number	Bill Title
1988	HB1131	Handguns - Prohibition of Manufacture and Sale (Saturday Night Special Ban)
1989	SB0531	Firearms - Assault Weapons
1992	SB0043	Firearms - Access by Minors
1993	SB0330	Gun Shows - Sale, Trade or Transfer of Regulated Firearms
1994	HB0595?	Storehouse Breaking - Penalty
1994	SB0619	Assault Pistol Ban
1996	HB0297	Maryland Gun Violence Act of 1996
1996	HB1254	Education - Expulsion for Bringing a Firearm onto School Property
1999	HB0907	School Safety Act of 1999
2000	SB0211	Responsible Gun Safety Act of 2000
2001	HB0305	Bulletproof Body Armor - Prohibitions
2002	HB1272	Criminal Justice Information System - Criminal History Records Check
2009	HB0296	Family Law - Protective Orders - Surrender of Firearms
2009	HB0302	Family Law - Tempory Protective Orders - Surrender of Firearms
2011	HB0241	Criminal Law - Restrictions Against Use and Possession of Firearms
2011	HB0519	Firearms - Violation of Specified Prohibitions - Ammunition and Penalty
2012	HB0209	Public Safety - Possession of Firearms - Crimes Committed in Other States
2012	HB0618	Task Force to Study Access of Individuals with Mental Illness to Regulated Firearms
2013	SB0281	Firearms Safety Act of 2013
2018	HB1029	Criminal Law - Wearing, Carrying or Transporting Loaded Handgun - Subsequent Offender
2018	HB1302	Public Safety - Extreme Risk Protective Orders
2018	HB1646	Criminal Procedure - Firearms Transfer
2018	SB0707	Criminal Law - Firearm Crimes - Rapid Fire Trigger Activators
2019	SB0346	Public Safety - Regulated Firearms - Prohibition of Loans
2020	HB1629	Office of the Attorney General - Firearm Crime, Injuries, Fatalities, and Crime Firearms - Study
2021	HB1186	Office of the Attorney General - Firearm Crime, Injuries, Fatalities, and Crime Firearms - Study Extension
2022	HB0425	Public Safety - Untraceable Firearms (SB0387)
2022	HB1021	Public Safety – Licensed Firearms Dealers – Security Requirements

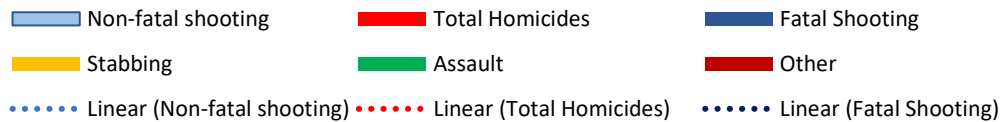
2A Maryland

Maryland Homicides, Non-fatal Shootings & Trends 2013-2021

Data Source: Maryland Coordination & Analysis Center (MCAC)



	2013	2014	2015	2016	2017	2018	2019	2020	2021
Non-fatal shooting	641	623	944	983	1036	989	1136	1256	1343
Total Homicides	388	363	539	543	570	496	543	583	662
Fatal Shooting	277	243	423	413	444	408	453	477	566
Stabbing	56	75	54	57	52	47	39	52	53
Assault	37	23	31	41	29	20	40	30	21
Other	18	22	31	32	45	21	11	24	22



2A Maryland - SB 1, SB 86, SB 113, SB 159

2A MARYLAND
Homicide Victim / Offender Demographics
Data Source: Maryland UCR 2011-2020

Victim - Race	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
White	68	68	69	71	96	85	102	75	88	97
Black	322	301	318	283	449	446	457	402	451	472
Asian	5	3	0	5	4	2	9	5	3	3
American Indian	0	0	0	2	0	0	0	1	0	1
Unknown	3	0	0	2	4	1	1	6	1	0
Total	398	372	387	363	553	534	569	489	543	573
Per Capita Rate	6.8	6.3	6.5	6.1	9.2	8.9	9.4	8.1	9.0	9.5

Victim - Race	2011-2020 Total	Yearly Avg - 10 Years	Ratio to White
White	819	82	1.00
Black	3901	390	4.76
Asian	39	4	0.05
American Indian	4	0	0.00
Unknown	18	2	0.02
Total	4781	478	
Per Capita Rate		7.98	

Offender - Race	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
White	65	44	50	74	85	64	79	58	71	56
Black	258	271	260	186	242	190	305	266	268	310
Asian	1	0	2	2	2	6	2	2	1	2
American Indian	0	0	0	0	0	0	0	1	0	3
Unknown	164	159	158	159	321	339	288	224	285	282
Total	488	474	470	421	650	599	674	551	625	653

Offender - Race	2011-2020 Total	Yearly Average - 10 Years	Ratio to White
White	646	65	1.00
Black	2556	256	3.96
Asian	20	2	0.03
American Indian	4	0	0.01
Unknown	2379	238	3.68
Total	5605	561	

Victim Age Range	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	32	21	26	30	43	27	43	27	29	30
18-21	57	65	65	40	69	81	64	52	79	89
22-29	130	104	115	110	184	179	194	157	172	165
30 and over	179	182	181	183	257	244	266	251	262	290
Unknown	0	0	0	0	0	3	2	2	2	1

Victim Age Range	2011-2020 Total	Yearly Average - 10 Years
Under 18	308	31
18-21	661	66
22-29	1510	151
30 and over	2295	230
Unknown	10	1

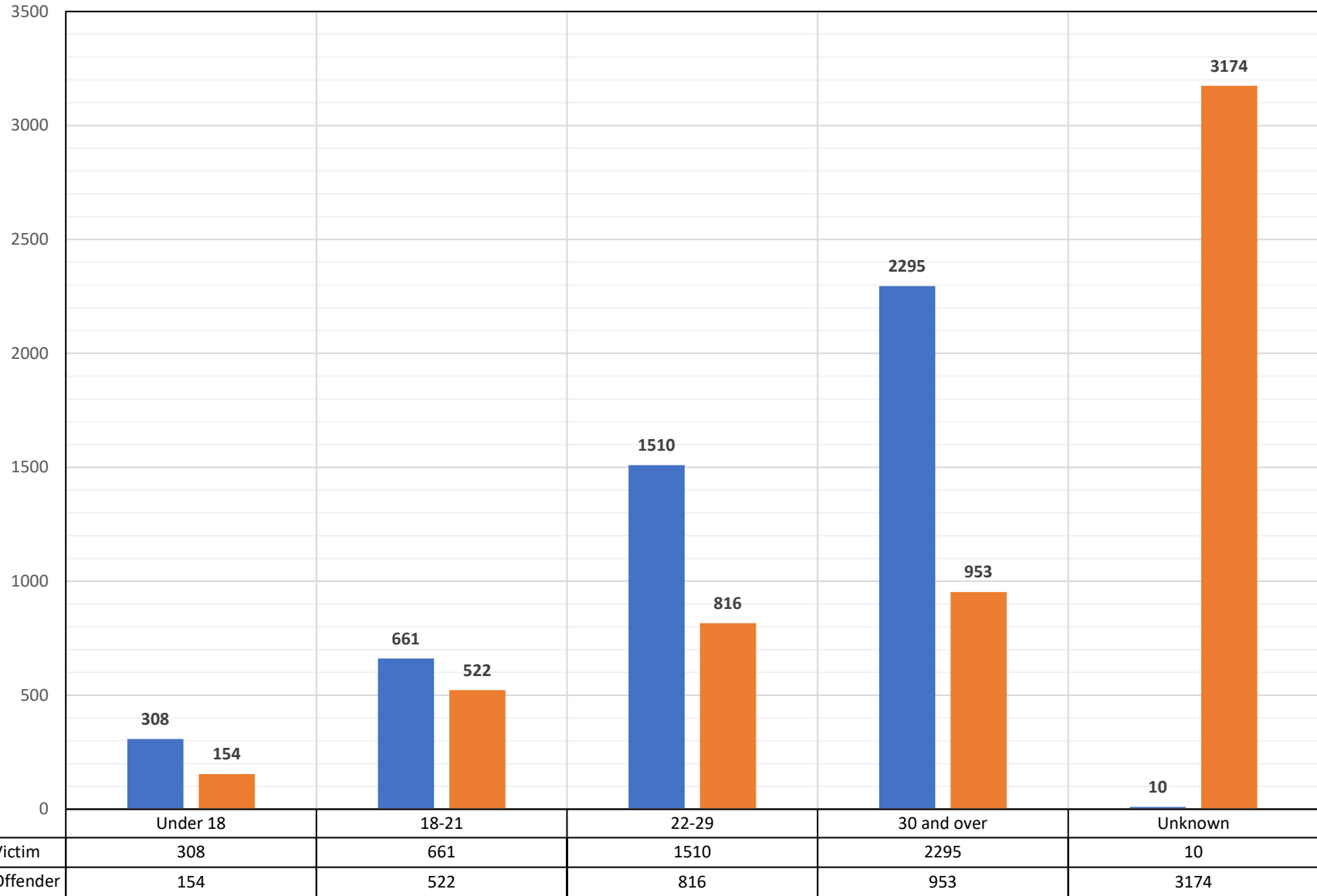
Offender Age Range	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Under 18	12	15	10	16	16	16	17	20	14	18
18-21	56	57	57	38	53	55	64	41	48	53
22-29	81	70	69	76	100	90	102	64	81	83
30 and over	99	72	83	97	103	91	107	99	91	111
Unknown	240	260	251	194	378	347	384	327	394	399

Offender Age Range	2011-2020 Total	Yearly Average - 10 Years
Under 18	154	15
18-21	522	52
22-29	816	82
30 and over	953	95
Unknown	3174	317

Population	Percent
White	55.54%
Black	29.89%
Asian	6.28%
American Indian	0.28%

2A Maryland

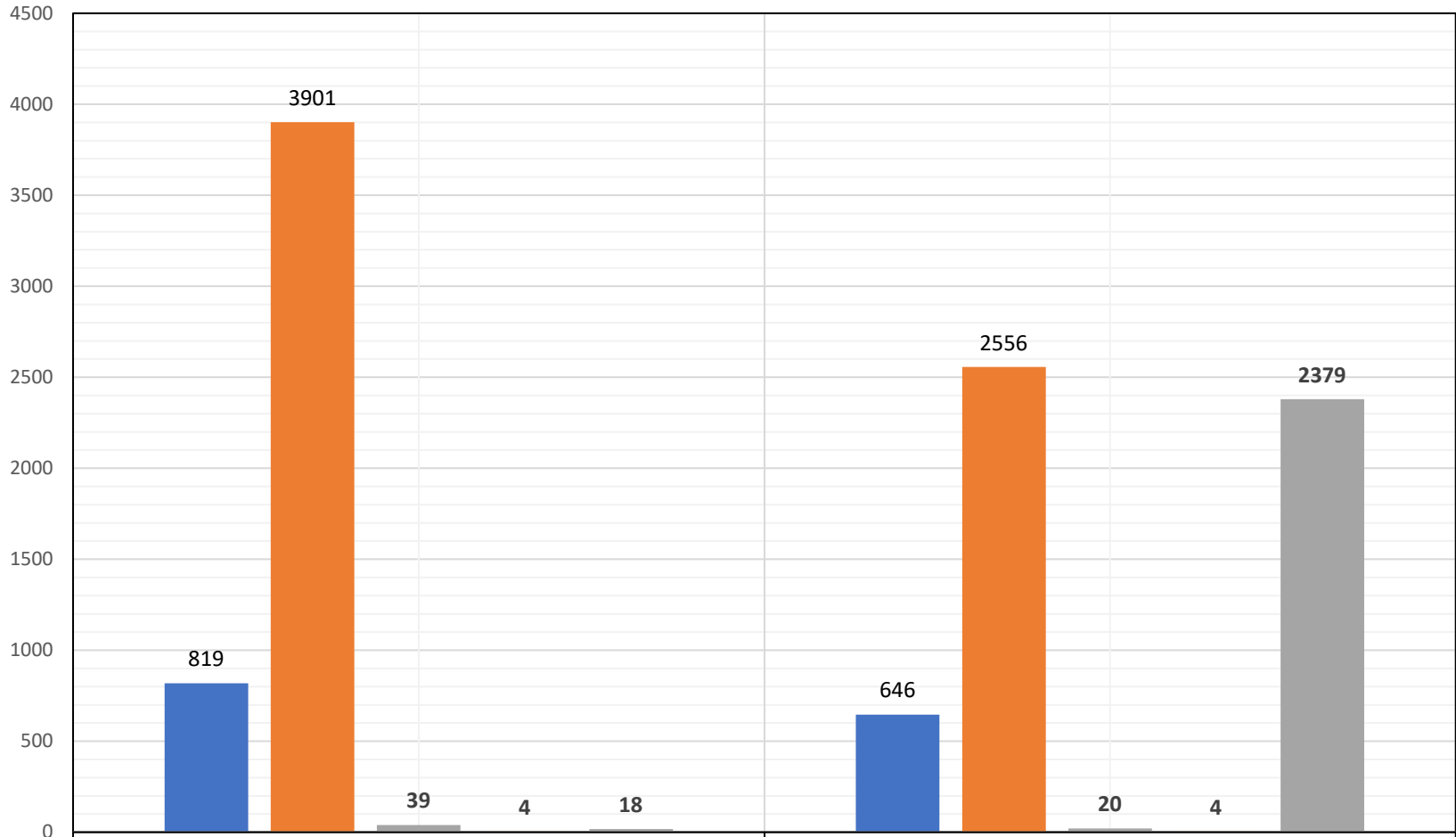
Homicide - Victims & Offenders by Age - Source: MSP Uniform Crime Reports 2011-2020



■ Victim ■ Offender

2A Maryland

Homicide - Victims & Offenders by Race - Source: MSP Uniform Crime Reports 2011-2020

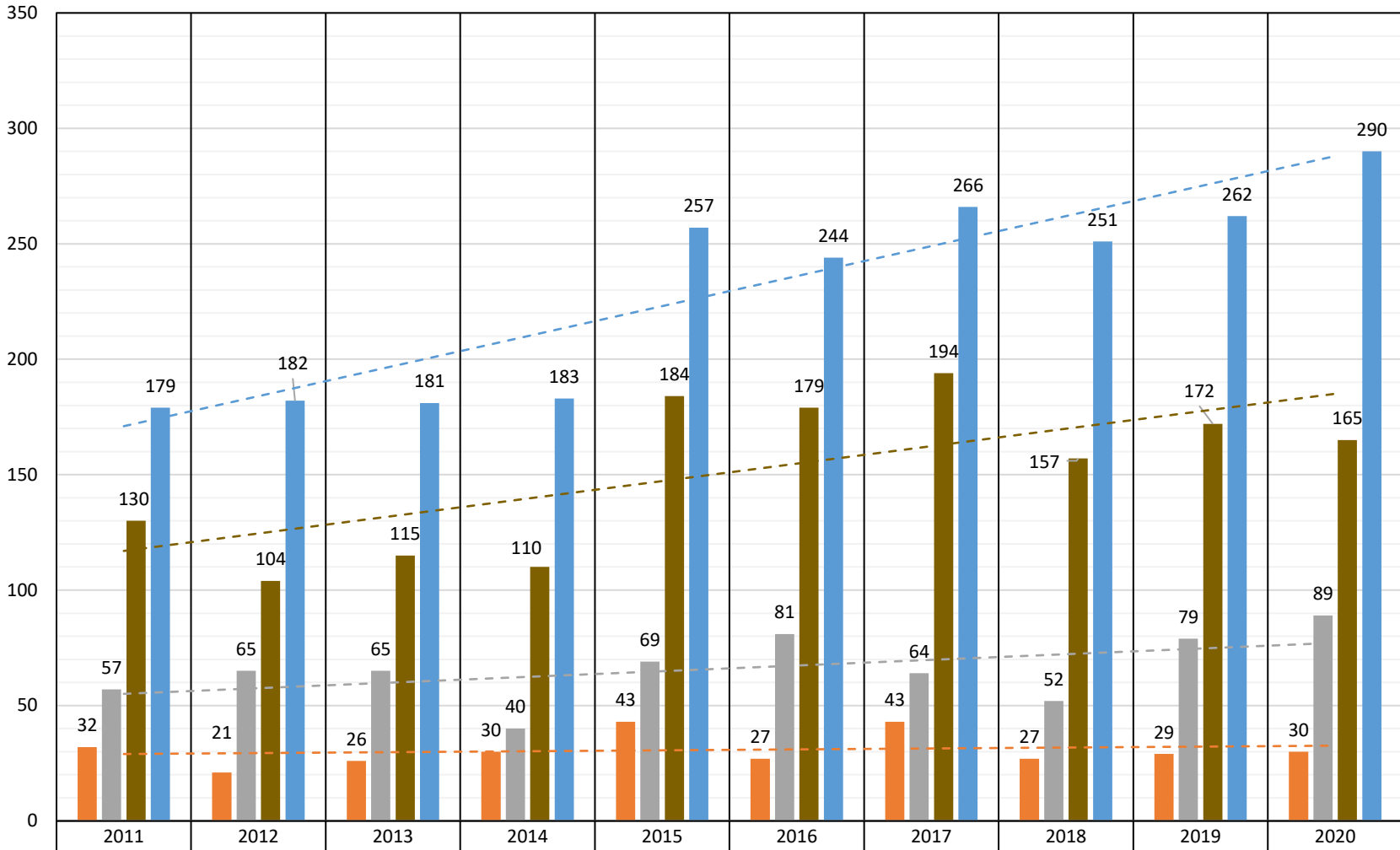


White	819	646
Black	3901	2556
Asian	39	20
American Indian	4	4
Unknown	18	2379

White Black Asian American Indian Unknown

2A Maryland

Homicide - Victims by Year & Age - Source: MSP Uniform Crime Reports 2011-2020

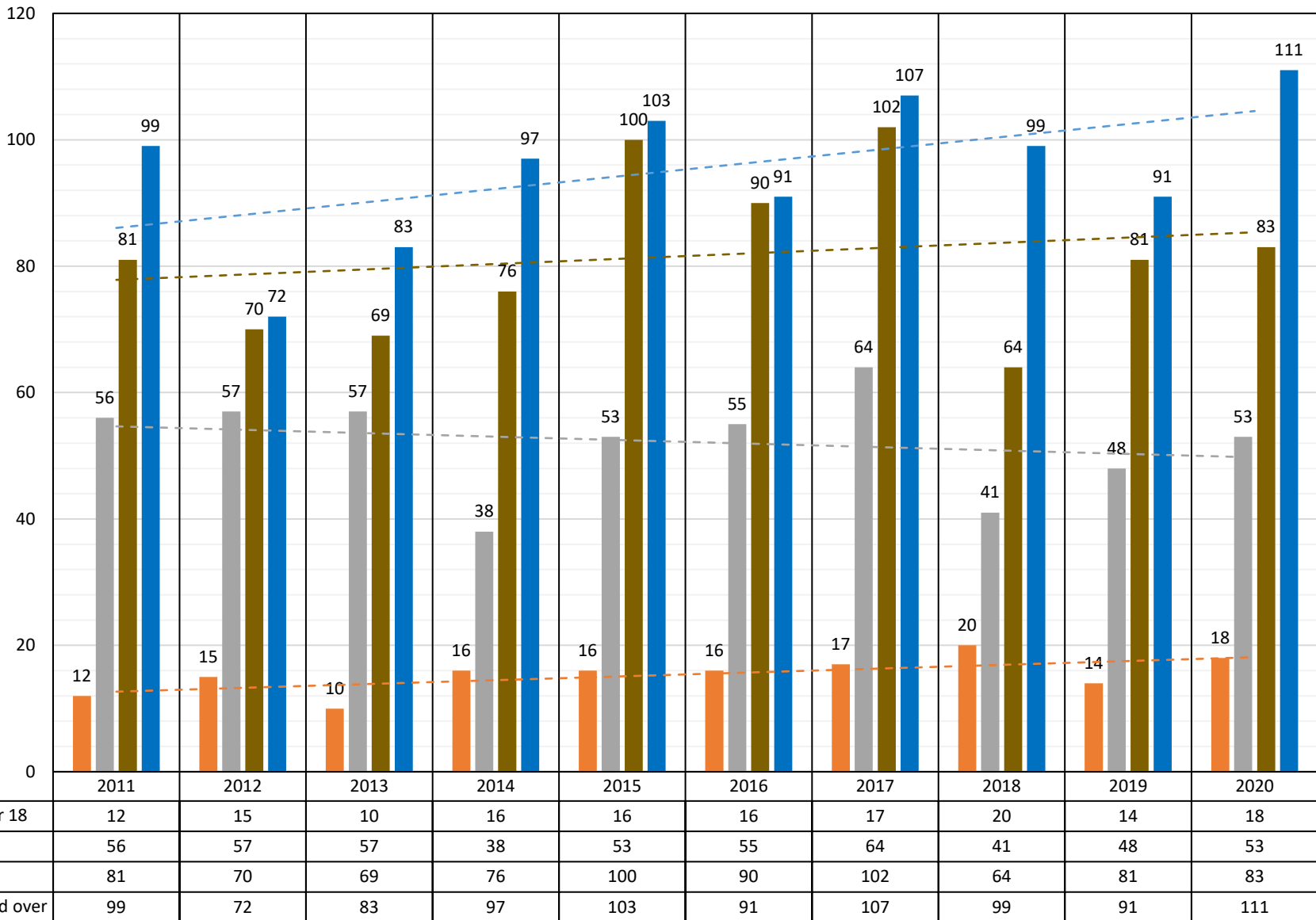


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18-21	57	65	65	40	69	81	64	52	79	89
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30 and over	179	182	181	183	257	244	266	251	262	290

■ Under 18
 ■ 18-21
 ■ 22-29
 ■ 30 and over
 - - - Linear (Under 18)
 - - - Linear (18-21)
 - - - Linear (22-29)
 - - - Linear (30 and over)

2A Maryland

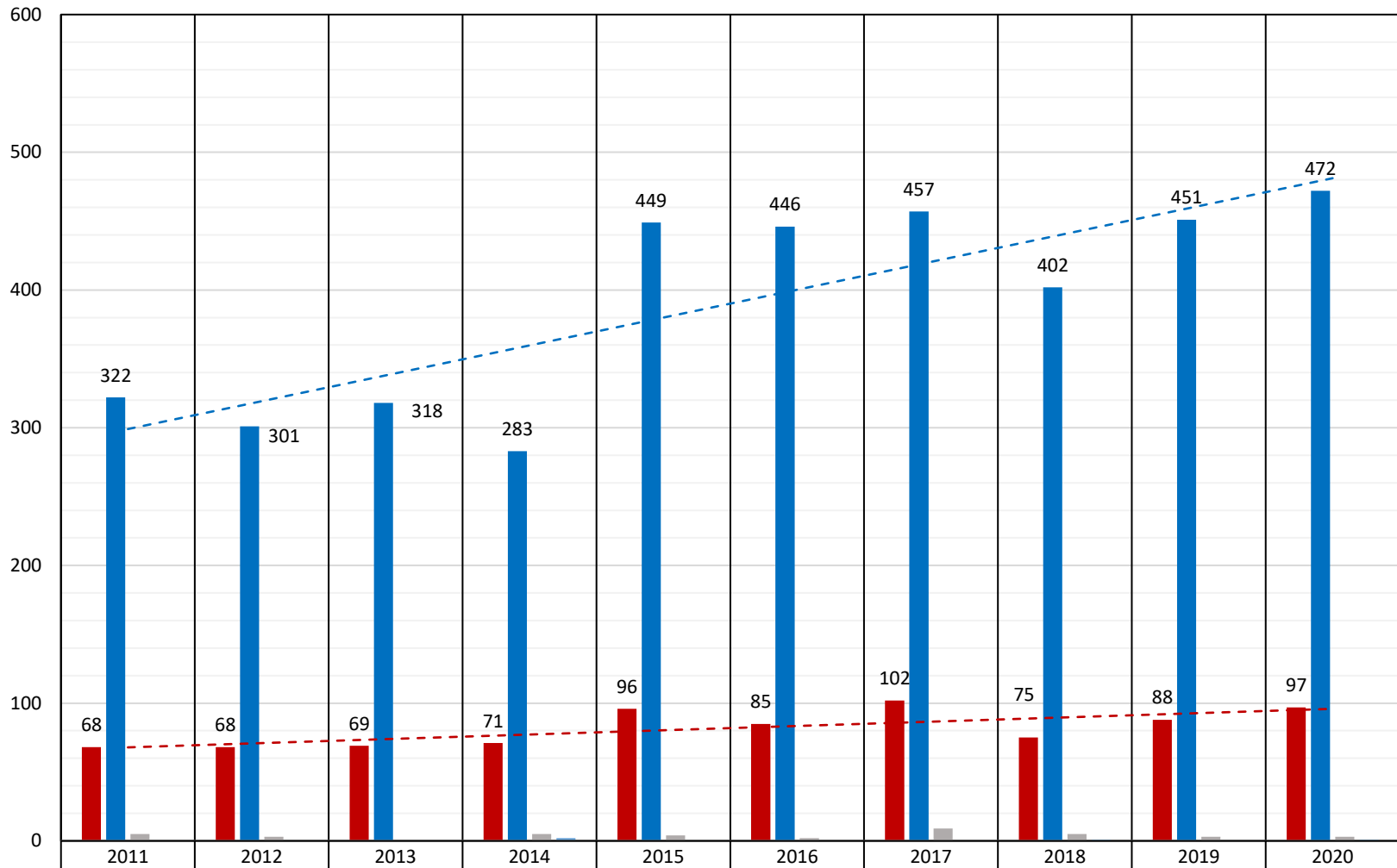
Homicide - Offenders by Year & Age - Source: MSP Uniform Crime Reports 2011-2020



■ Under 18
 ■ 18-21
 ■ 22-29
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 - - - Linear (18-21)
 - - - Linear (22-29)
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2A Maryland

Homicide - Victims by Year & Race - Source: MSP Uniform Crime Reports 2011-2020

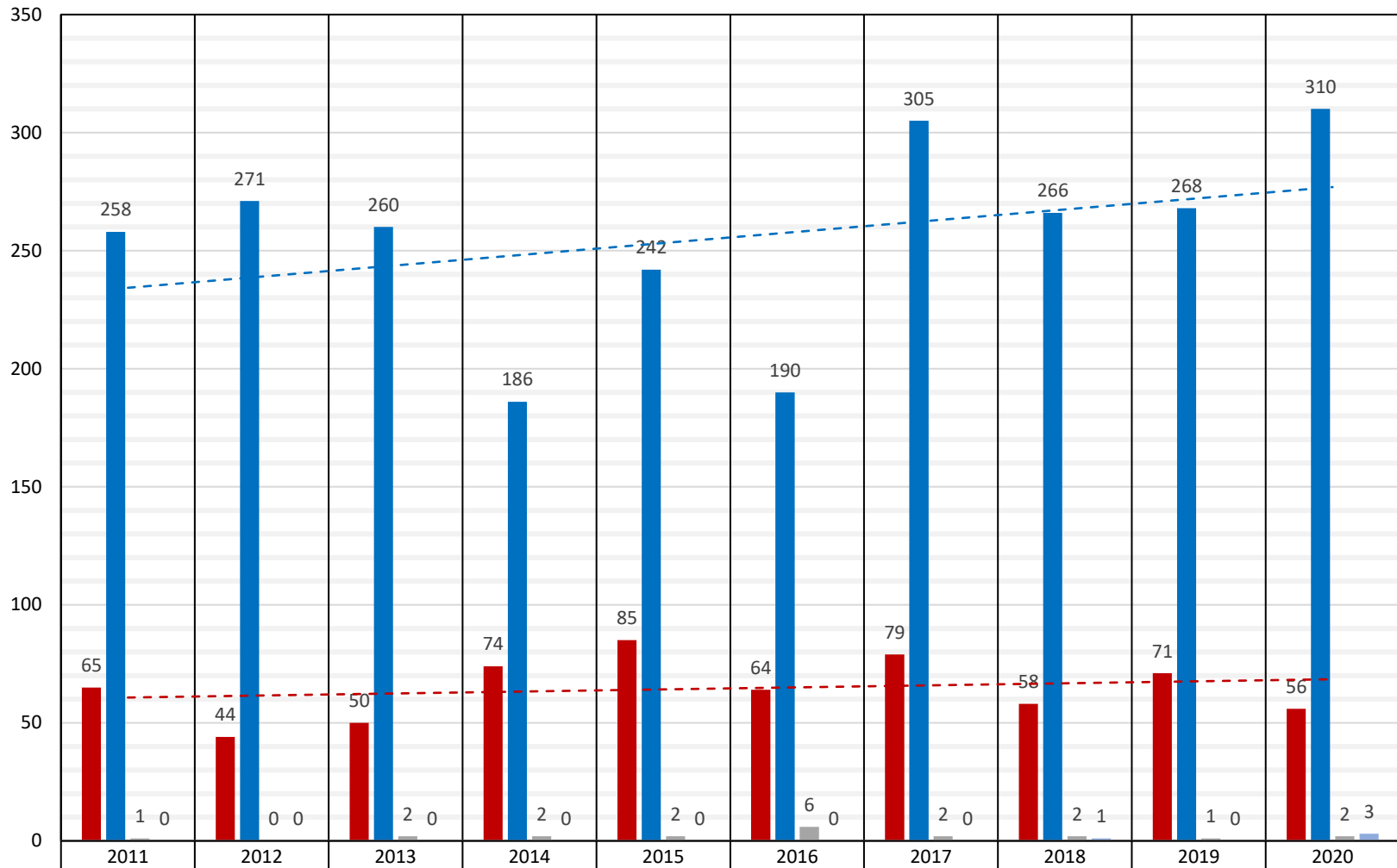


■ White	68	68	69	71	96	85	102	75	88	97
■ Black	322	301	318	283	449	446	457	402	451	472
■ Asian	5	3	0	5	4	2	9	5	3	3
■ American Indian	0	0	0	2	0	0	0	1	0	1

■ White
 ■ Black
 ■ Asian
 ■ American Indian
 - - - Linear (White)
 - - - Linear (Black)

2A Maryland

Homicide - Offenders by Year & Race - Source: MSP Uniform Crime Reports 2011-2020

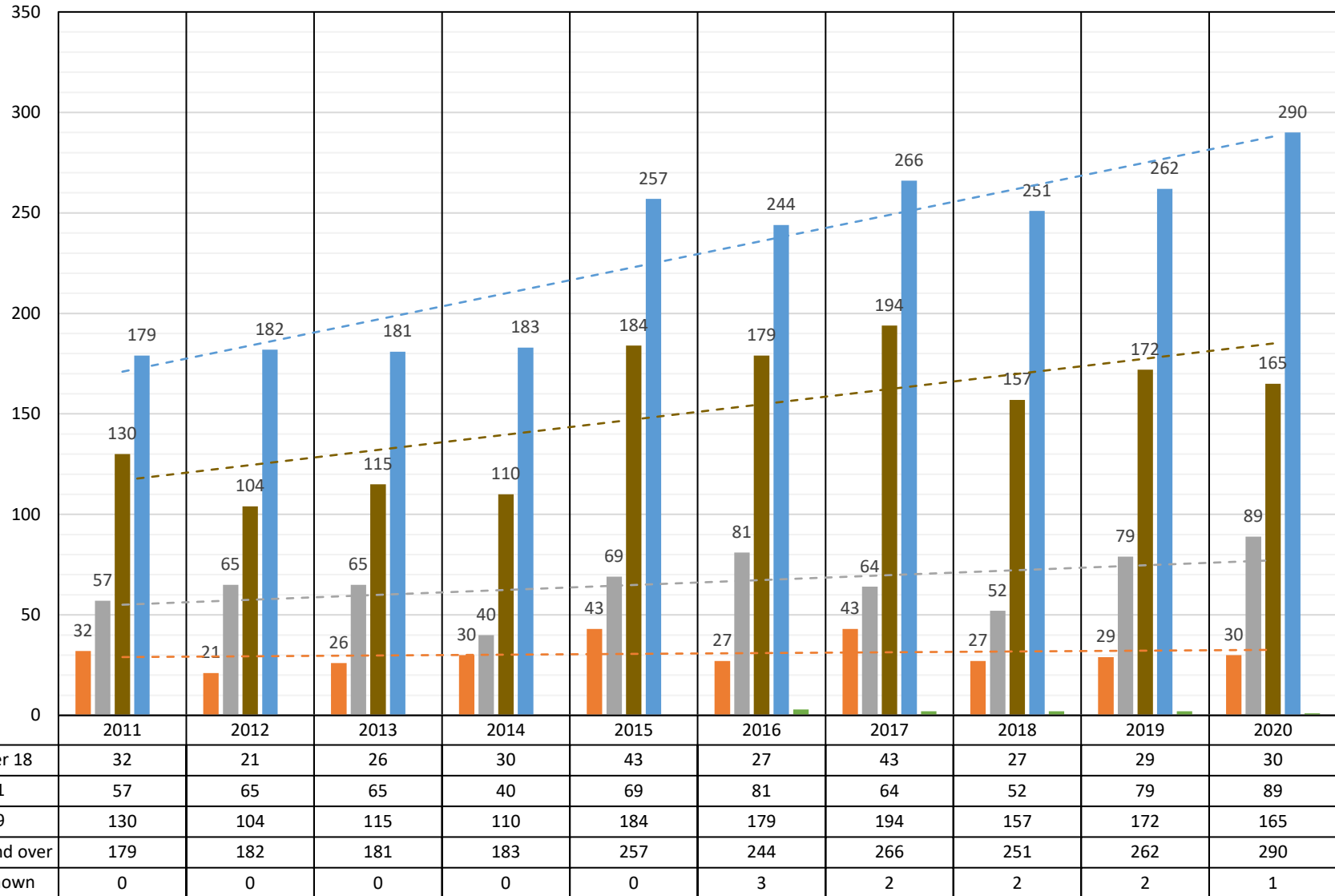


White	65	44	50	74	85	64	79	58	71	56
Black	258	271	260	186	242	190	305	266	268	310
Asian	1	0	2	2	2	6	2	2	1	2
American Indian	0	0	0	0	0	0	0	1	0	3

■ White
 ■ Black
 ■ Asian
 ■ American Indian
 - - - Linear (White)
 - - - Linear (Black)

2A Maryland

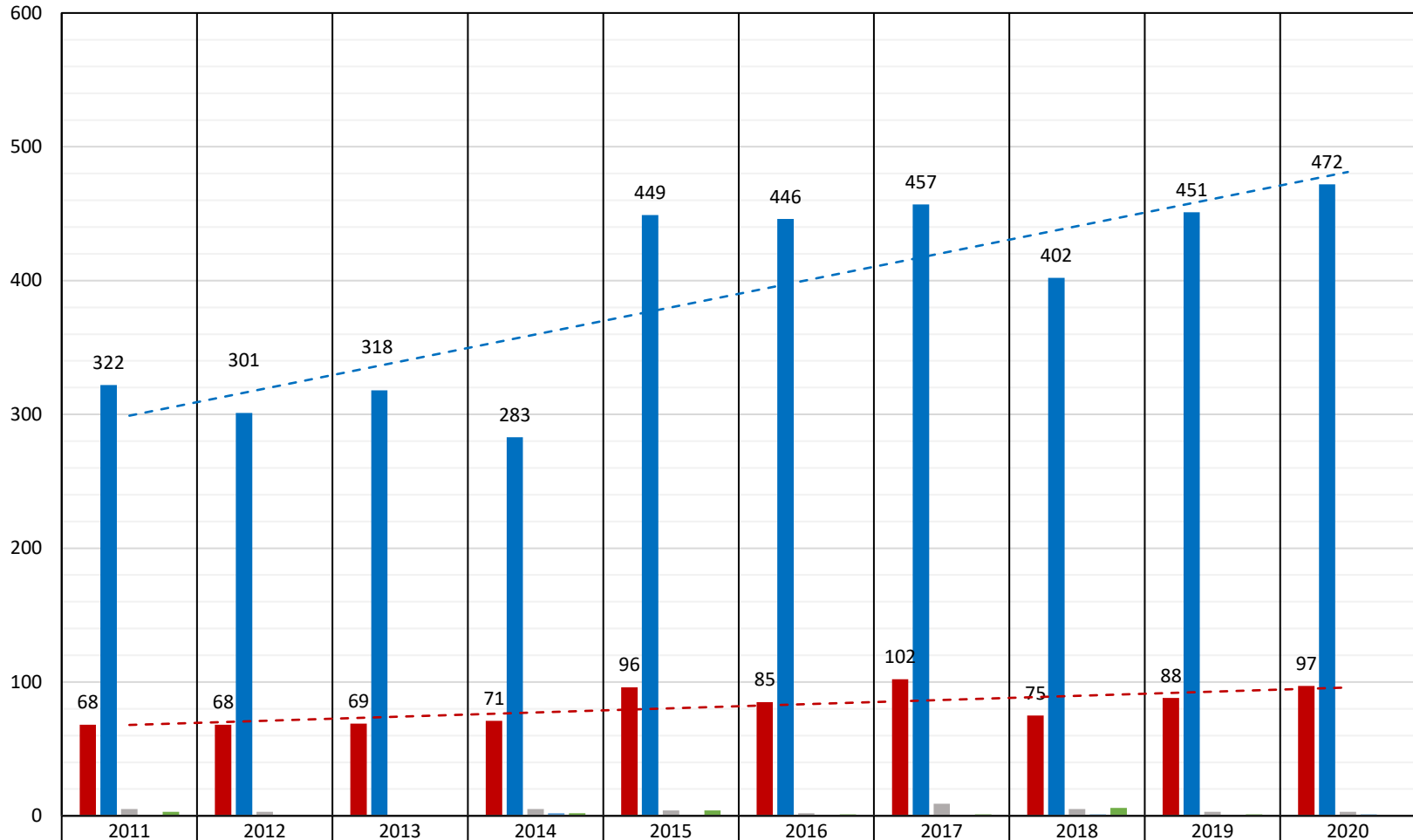
Homicide - Victims by Year & Age - Source: MSP Uniform Crime Reports 2011-2020



■ Under 18 ■ 18-21 ■ 22-29 ■ 30 and over ■ Unknown
- - - Linear (Under 18) - - - Linear (18-21) - - - Linear (22-29) - - - Linear (30 and over)

2A Maryland

Homicide - Victims by Year & Race - Source: MSP Uniform Crime Reports 2011-2020

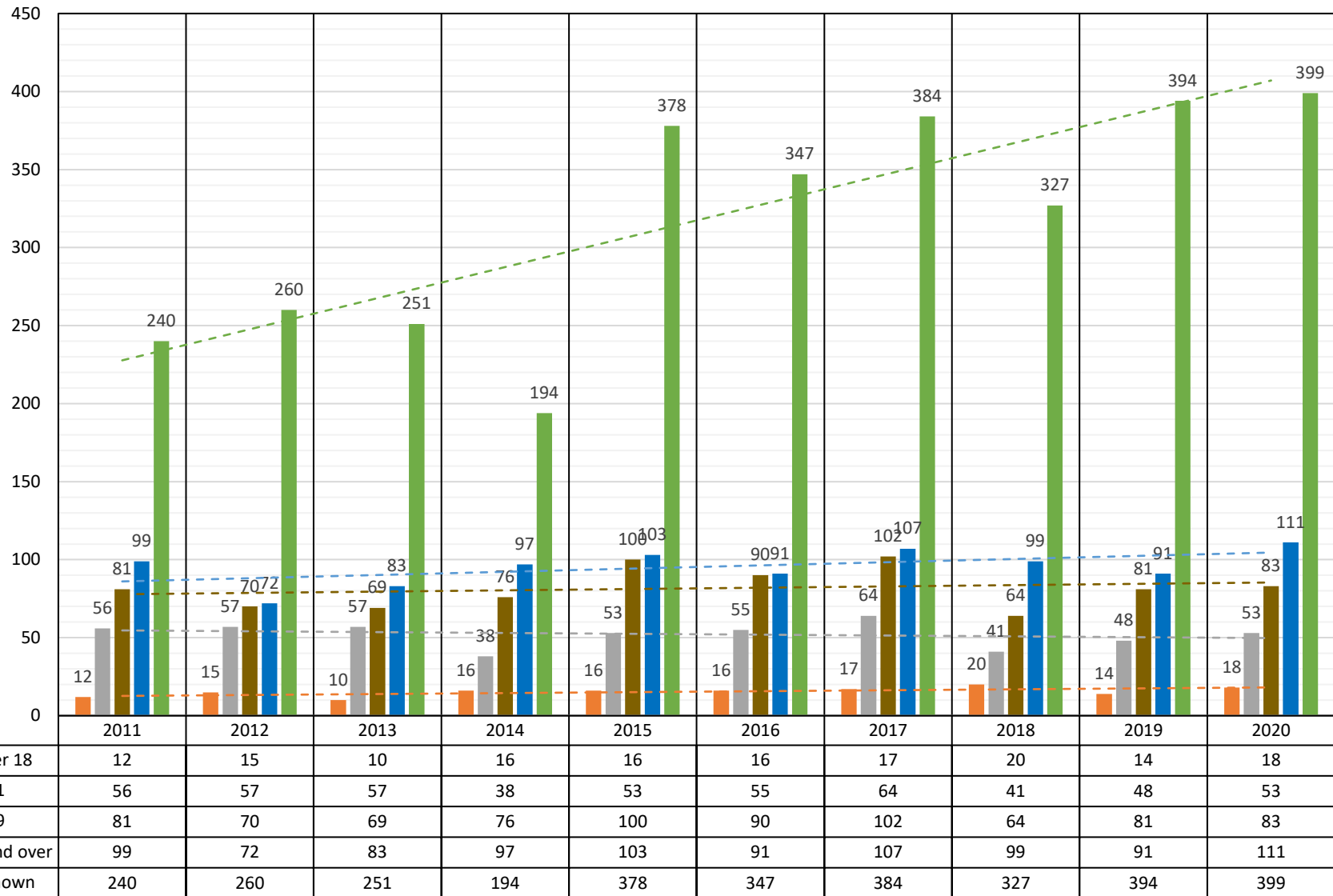


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Asian	5	3	0	5	4	2	9	5	3	3
American Indian	0	0	0	2	0	0	0	1	0	1
Unknown	3	0	0	2	4	1	1	6	1	0

■ White
 ■ Black
 ■ Asian
 ■ American Indian
 ■ Unknown
 - - - Linear (White)
 - - - Linear (Black)

2A Maryland

Homicide - Offenders by Year & Age - Source: MSP Uniform Crime Reports 2011-2020

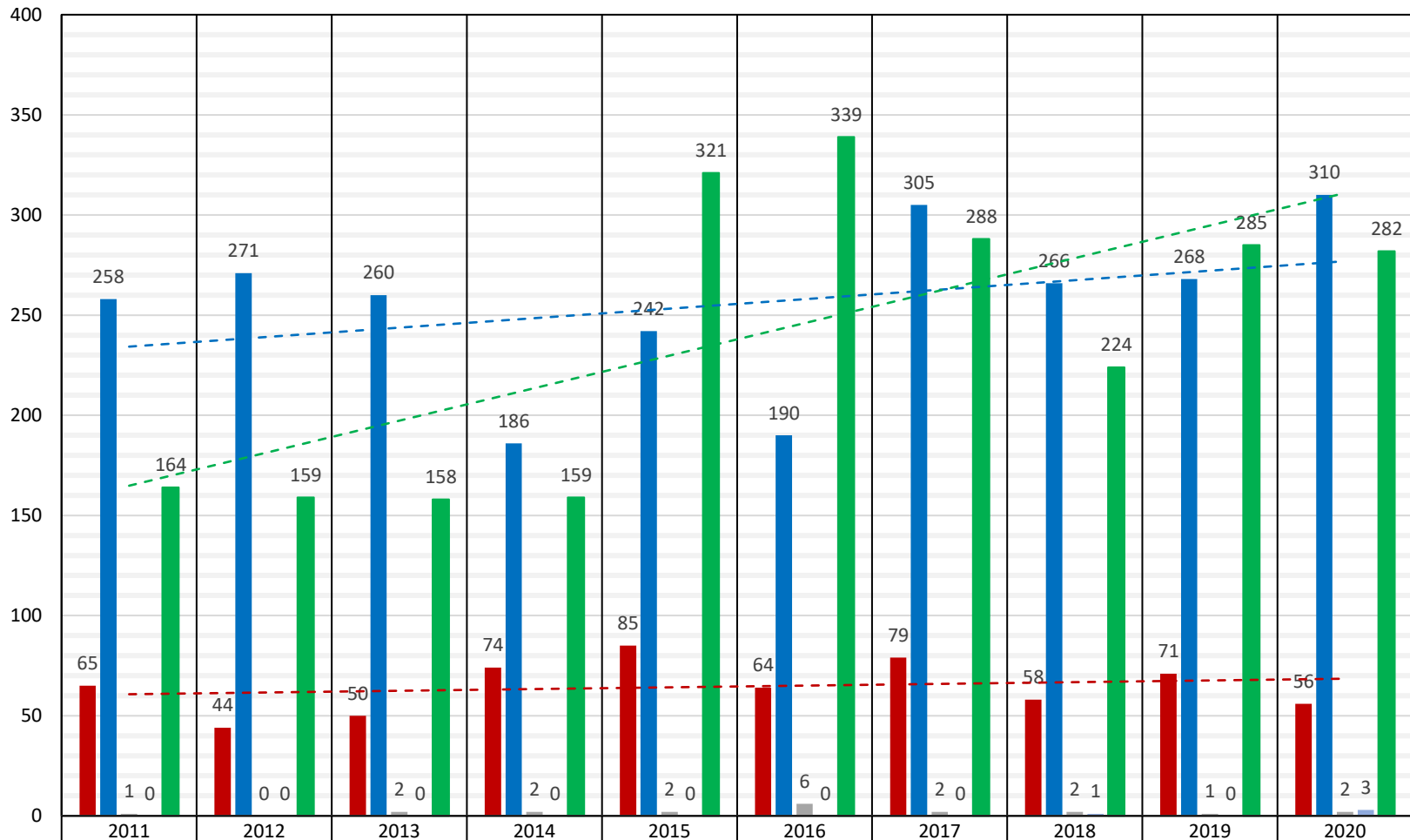


Under 18	12	15	10	16	16	16	17	20	14	18
18-21	56	57	57	38	53	55	64	41	48	53
22-29	81	70	69	76	100	90	102	64	81	83
30 and over	99	72	83	97	103	91	107	99	91	111
Unknown	240	260	251	194	378	347	384	327	394	399

■ Under 18
 ■ 18-21
 ■ 22-29
 ■ 30 and over
 ■ Unknown
- - - Linear (Under 18)
- - - Linear (18-21)
- - - Linear (22-29)
- - - Linear (30 and over)
- - - Linear (Unknown)

2A Maryland

Homicide - Offenders by Year & Race - Source: MSP Uniform Crime Reports 2011-2020



White	65	44	50	74	85	64	79	58	71	56
Black	258	271	260	186	242	190	305	266	268	310
Asian	1	0	2	2	2	6	2	2	1	2
American Indian	0	0	0	0	0	0	0	1	0	3
Unknown	164	159	158	159	321	339	288	224	285	282

■ White
 ■ Black
 ■ Asian
 ■ American Indian
 ■ Unknown
 - - - Linear (White)
 - - - Linear (Black)
 - - - Linear (Unknown)

	Federal Disqualifications		Details for applicable checks (queries)
1	Convicted of felony or misdemeanor punishable by more than 2 years	NICS INDEX/CJIS/JIS/MD Case Search	
2	Fugitive from justice	METERS NCIC	METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state
3	Unlawful user of, or addicted to, CDS	METERS/CJIS/JIS	METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA CJIS MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City
4	Adjudicated mental defective or committed to a mental institution	NICS/INDEX/MD Case Search	
5	Illegal or unlawful alien	METERS (IAQ)	IAQ - Criminal Alien Query (INS check)
6	Dishonorably discharged from the Armed Forces	METERS (FBI Record)	METERS - QH - obtain FBI#, QR - response from FBI
7	Has renounced US citizenship	METERS (FBI Record)	METERS - QH - obtain FBI#, QR - response from FBI
8	Subject to restraining order concerning intimate partner or child, on finding of credible threat to physical safety of same, that forbids threat or use of force	METERS NCIC/NICS INDEX	Which check in METERS are doing? What is completed for a NICS Index? (how do you run that?)
9	Convicted of misdemeanor crime of domestic violence	METERS/CJIS/JIS/MD Case Search	METERS QR - FBI Record Run FQ - Out of State SID CJIS MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City MD Case Search - Courts
10	Under indictment or information for crime punishable for term exceeding one year	under indictment – MD case search/CJIS using court case number open case - METERS/CJIS/JIS/MD Search	METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA CJIS MAFFS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City MD Case Search - Courts

State law disqualifications		Details for applicable checks (queries)
1 Convicted of:		
a) Crime of Violence b) Felony c) Misdemeanor (in MD or elsewhere) punishable in MD by more than 2 years d) Common law offense and rec'd term of imprisonment exceeding 2 years	a. METERS/CJIS/JIS b. METERS/CJIS/JIS c. METERS/CJIS/JIS d. METERS/CJIS/JIS	METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA CJIS MAFSS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City Same as above Same as above Same as above
2 Fugitive from justice	METERS/JIS	METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City
3 Habitual drunkard	METERS/CJIS/JIS/MVA	METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA CJIS MAFSS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City MVA - ID/Driving records
4 Addicted to, or habitual user of CDS	METERS/CJIS/JIS	METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA CJIS MAFSS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City
5 Suffers from mental disorder and has history of violent behavior to self or others Before 10/1/13 - Has been confined to a facility for more than 30 consecutive days. After 9/30/13 - Has been involuntarily committed to a facility	DHMH/NICS CHECK (Also "Flagged" in MAFSS by FRS at request of Law Enforcement and Physicians, records kept in a Flagged file)	DHMH Mental Health Records NICS CHECK (Also "Flagged" in MAFSS by FRS at request of Law Enforcement and Physicians, records kept in a Flagged File) Explain a NICS check
6 Is a respondent on MD non-ex parte protective order if under 30 and adjudicated delinquent by juvenile court for act that would be disqualifying crime	DHMH DHMH, NICS INDEX	Explain NICS index???
7 After 9/30/13 - Found incompetent to stand trial	METERS	METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA
8 After 9/30/13 - Found not criminally responsible	DJS Assist	EXPLAIN?
9 After 9/30/13 - Voluntarily admitted to a facility for more than 30 consecutive days	NICS INDEX/CJIS/JIS/MD Case Search	CJIS MAFSS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City MD Case Search - Courts Explain NICS index????
10 After 9/30/13 - Found not criminally responsible	NICS INDEX/CJIS/JIS/MD Case Search	CJIS MAFSS, ADR/Menu, MD Index system to obtain SID, MD Raps obtain response from MD SID JIS Criminal, Warrants, Civil, 8th Circuit Ct, ORI, PFIM Central Booking Baltimore City MD Case Search - Courts Explain NICS index????
11 After 9/30/13 - Under protection of guardian for non-physical disability	DHMH	DHMH Mental Health Records
12 After 9/30/13 - Respondent on out-of-state protective order	METERS NCIC	CJIS/JIS/NICS - testing phase and will be ready for 10/1. No concrete info on which database the return will come from at this time.
		METERS Query NICS, Master query - MVA/hotfiles/wanted/P.O./gun query QH - obtain FBI#, QR - Criminal History check (response from FBI#), QWI - , IQ - obtain out of state SID, FQ - obtain out of state response, QW - wanted check, MVA

Crime_Dashboard_02-05-2023.pdf

Uploaded by: John Josselyn

Position: UNF



ALL

HOME

MARYLAND STATISTICAL ANALYSIS CENTER

GRANTS

VICTIM SERVICES

CHILDREN AND YOUTH

CRIMINAL JUSTICE PROGRAMS

RESOURCES DURING COVID-19 PANDEMIC

Crime Dashboard

<http://goccp.maryland.gov/data-dashboards/crime-dashboard/>

About the Crime Dashboard

The dashboard includes crime statistics at the county, municipal, and state level.

Data Sources

Data reflected at the county and municipal level is provided by the Maryland Department of State Police Central Records Division, through the Uniform Crime Reporting (UCR) Program which consists of all crimes reported to law enforcement agencies in Maryland. Data reflected at the state level is consistent with UCR data which is reported to the Federal Bureau of Investigation (FBI) from all law enforcement agencies in the country. Please select this [link](#) to view additional dashboards created by the Governor's Office of Crime Prevention, Youth, and Victim Services.

2A Maryland SB1, SB86, SB113, SB159

Murder

Rape

Robbery

Aggravated Assault

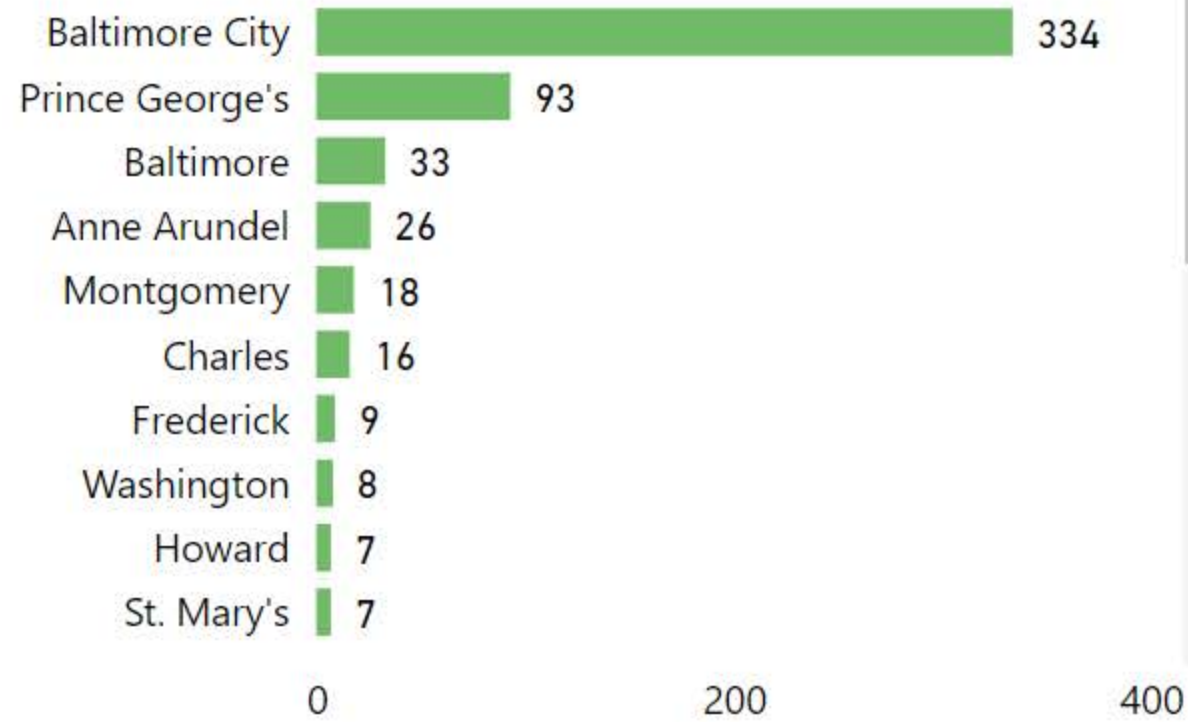
Breaking & Entering

Larceny/Theft

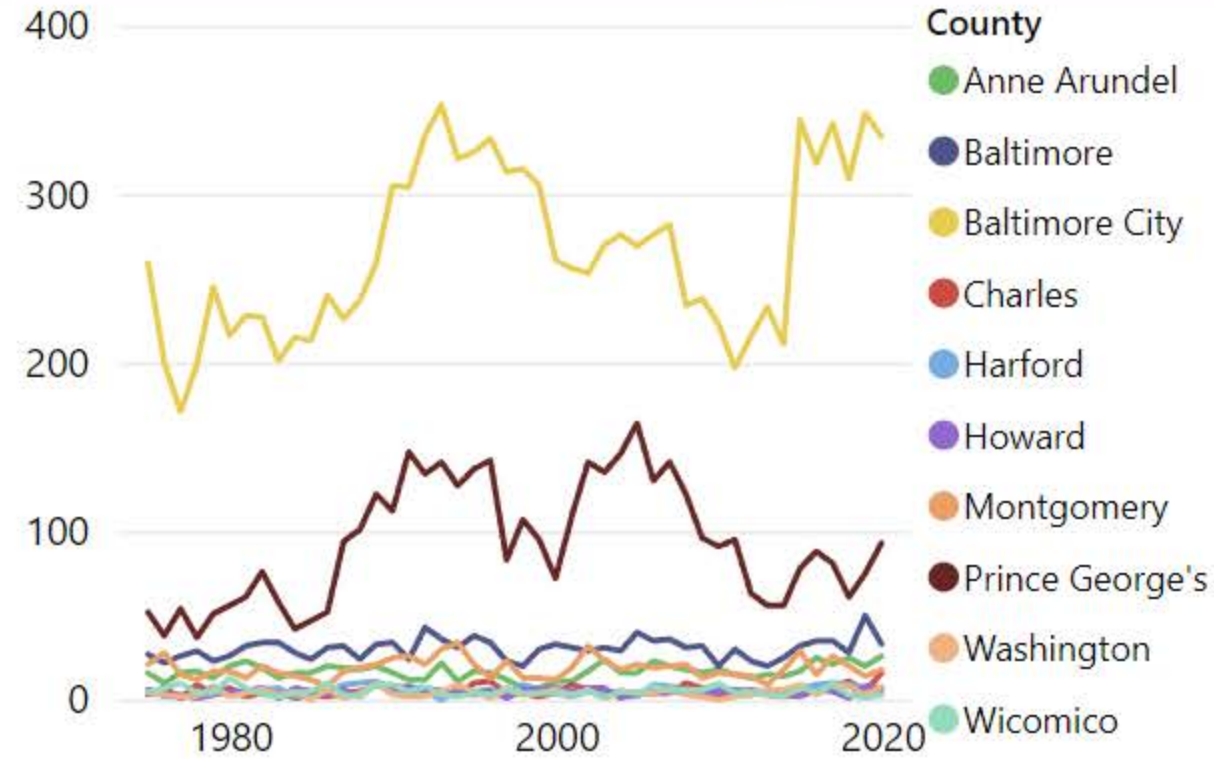
Motor Vehicle Theft

Violent Crime

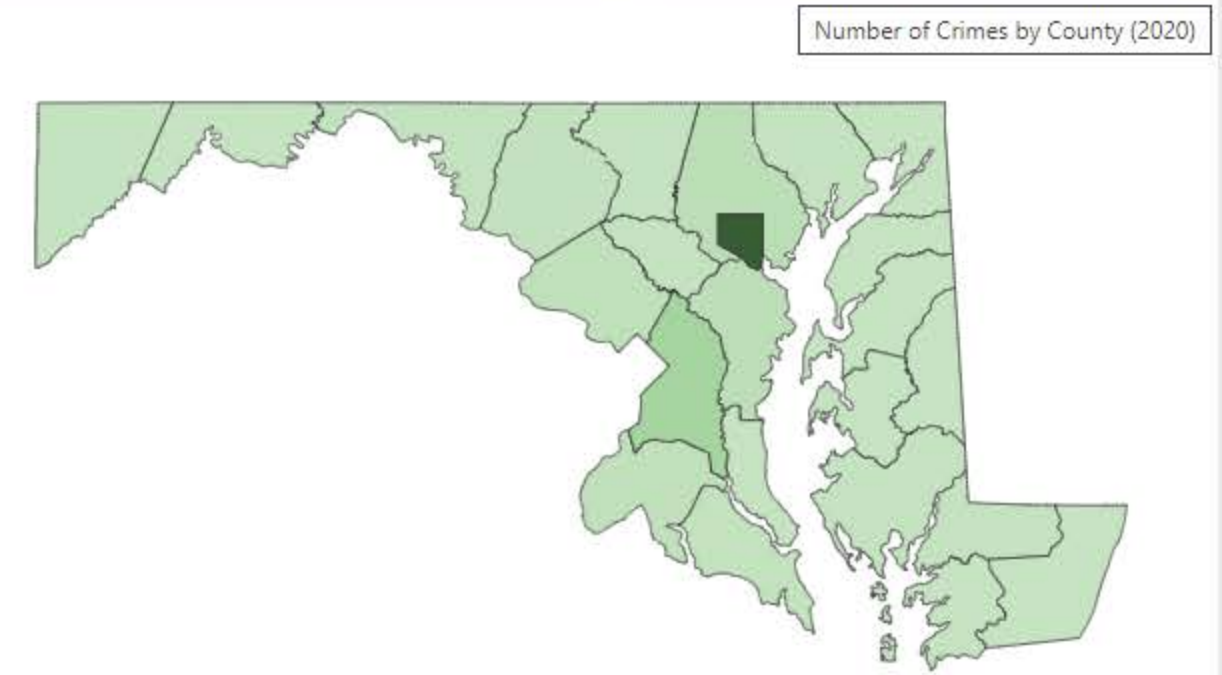
Crimes by County (2020)



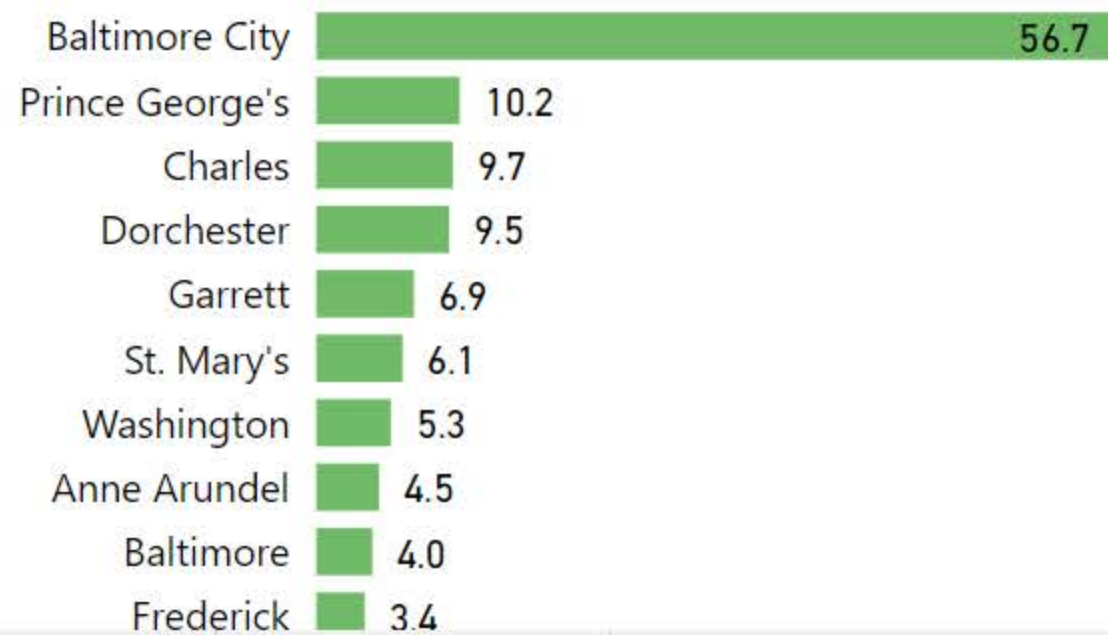
Number of Crimes by Year



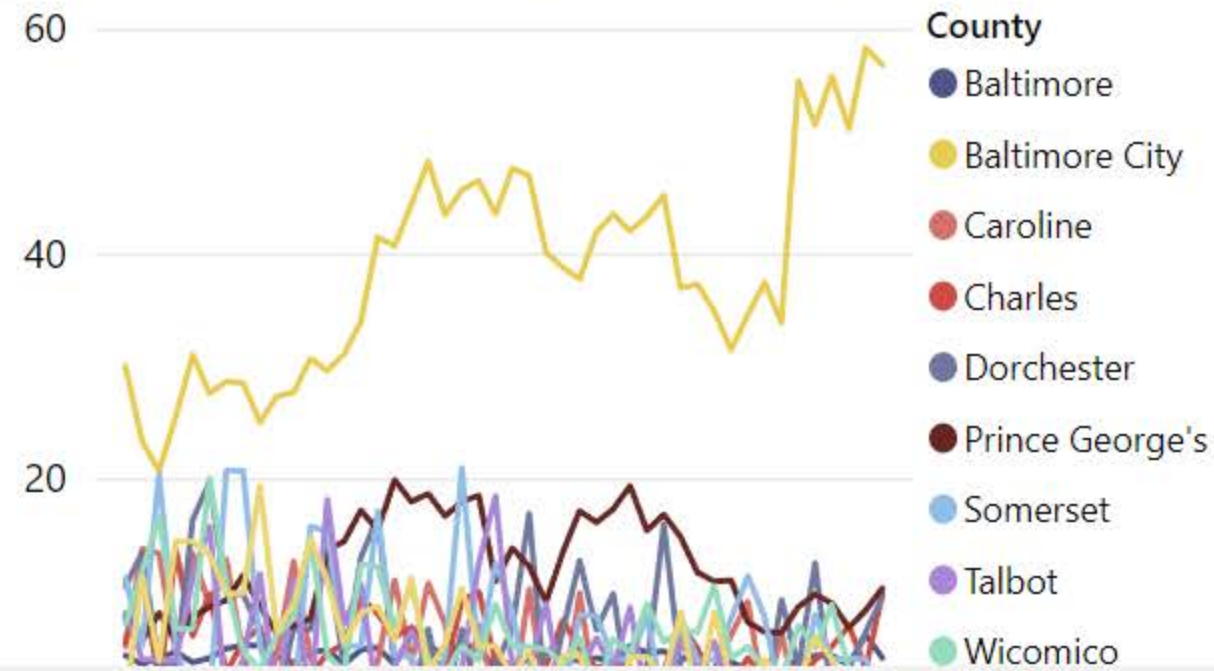
Number of Crimes by County (2020)



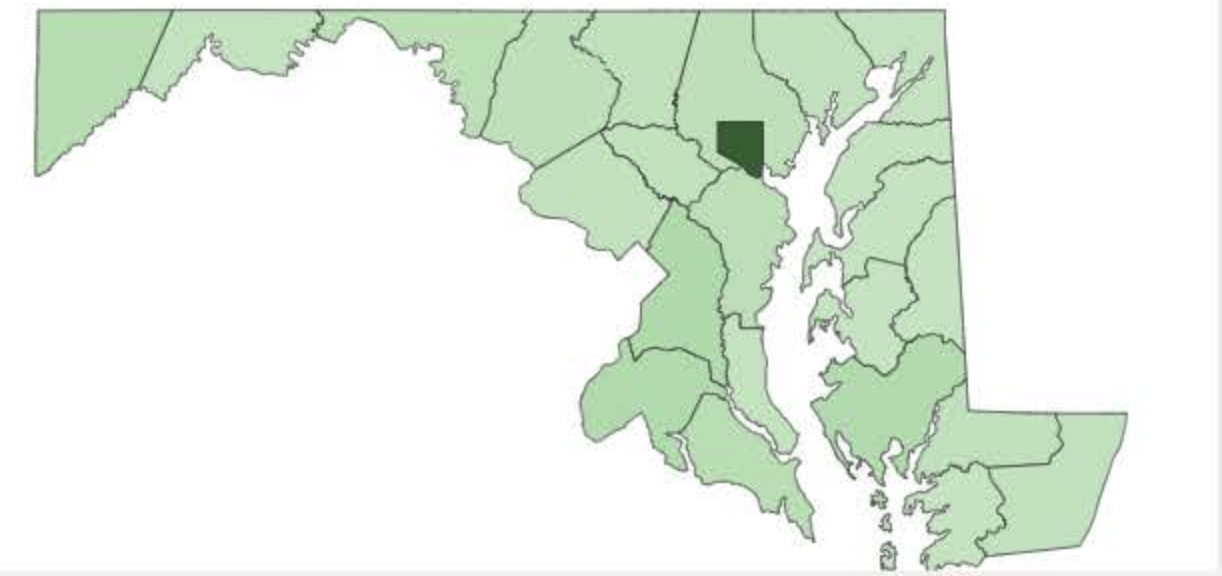
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



Murder

Rape

Robbery

Aggravated Assault

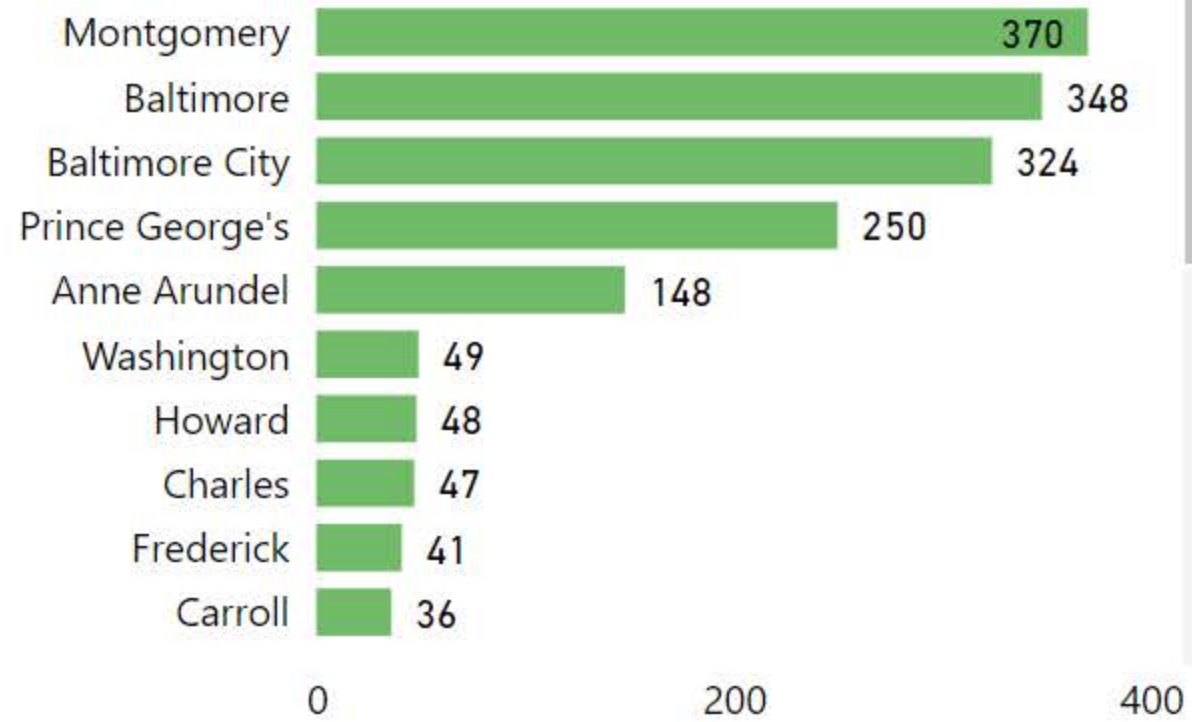
Breaking & Entering

Larceny/Theft

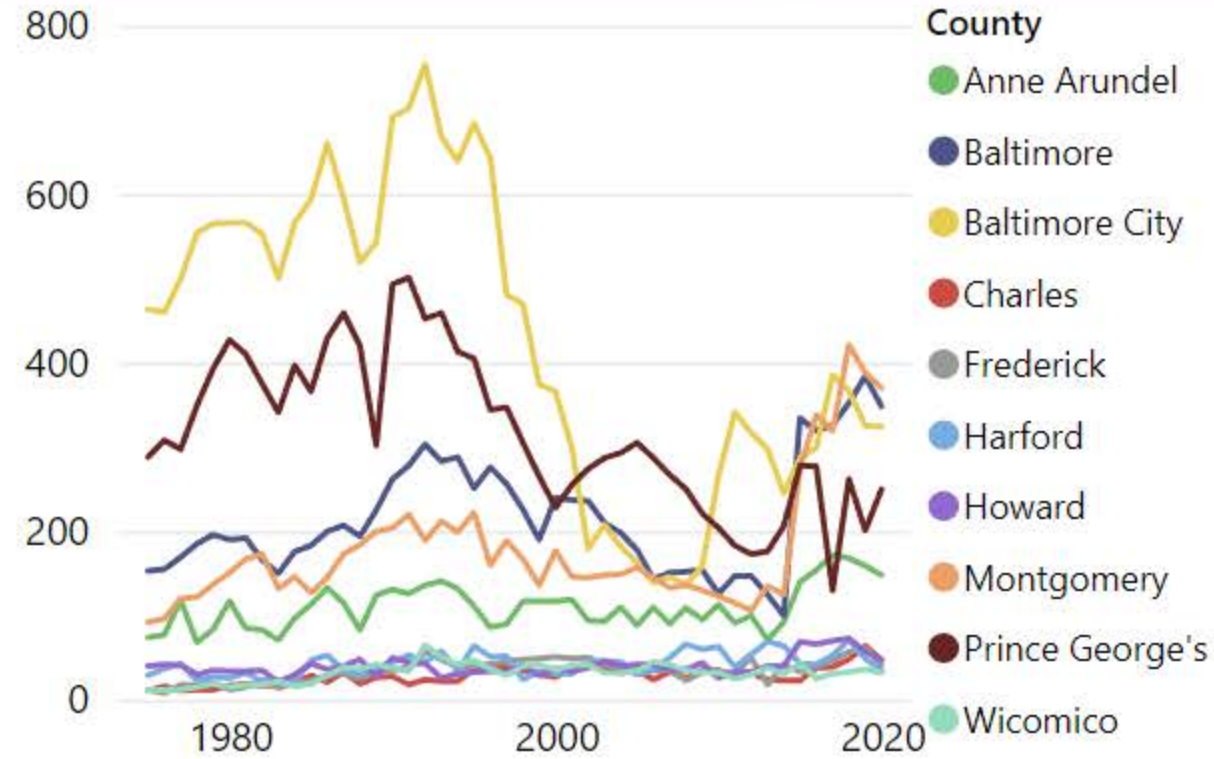
Motor Vehicle Theft

Violent Crime

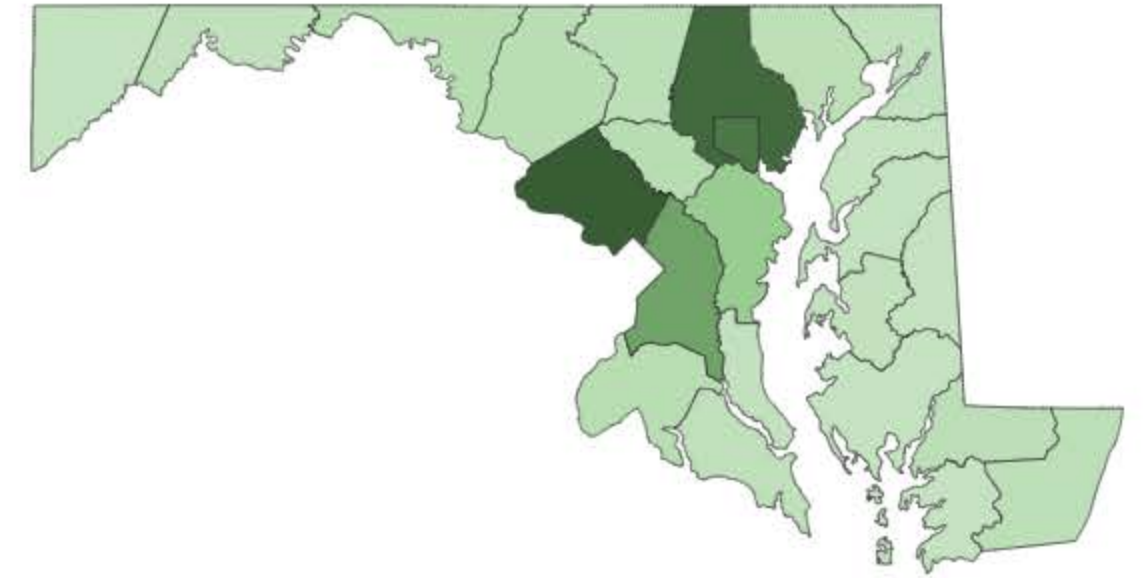
Crimes by County (2020)



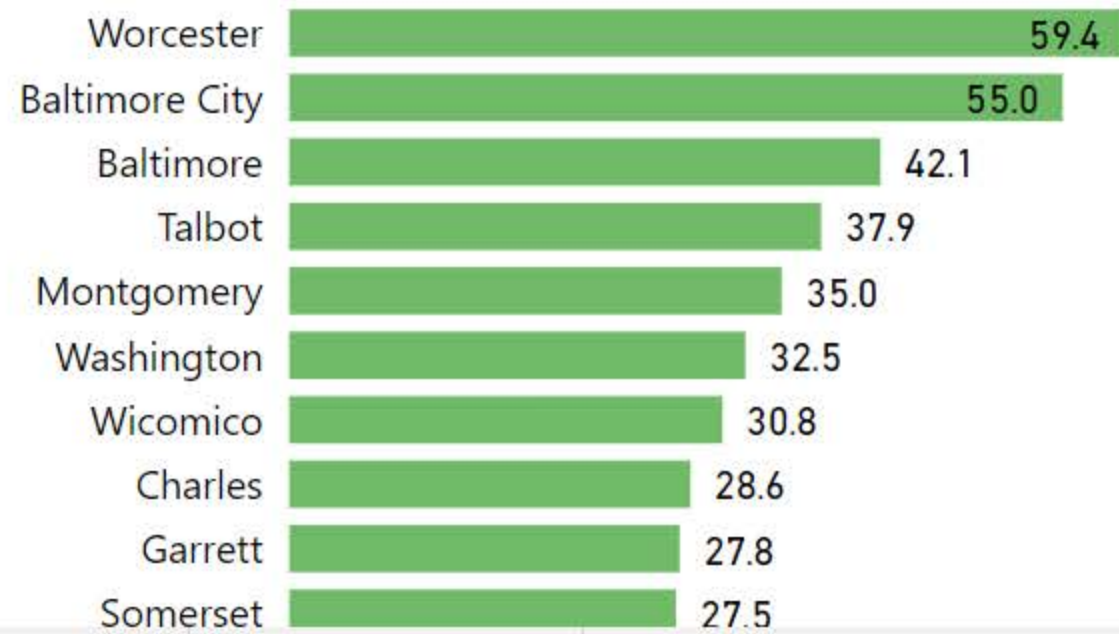
Number of Crimes by Year



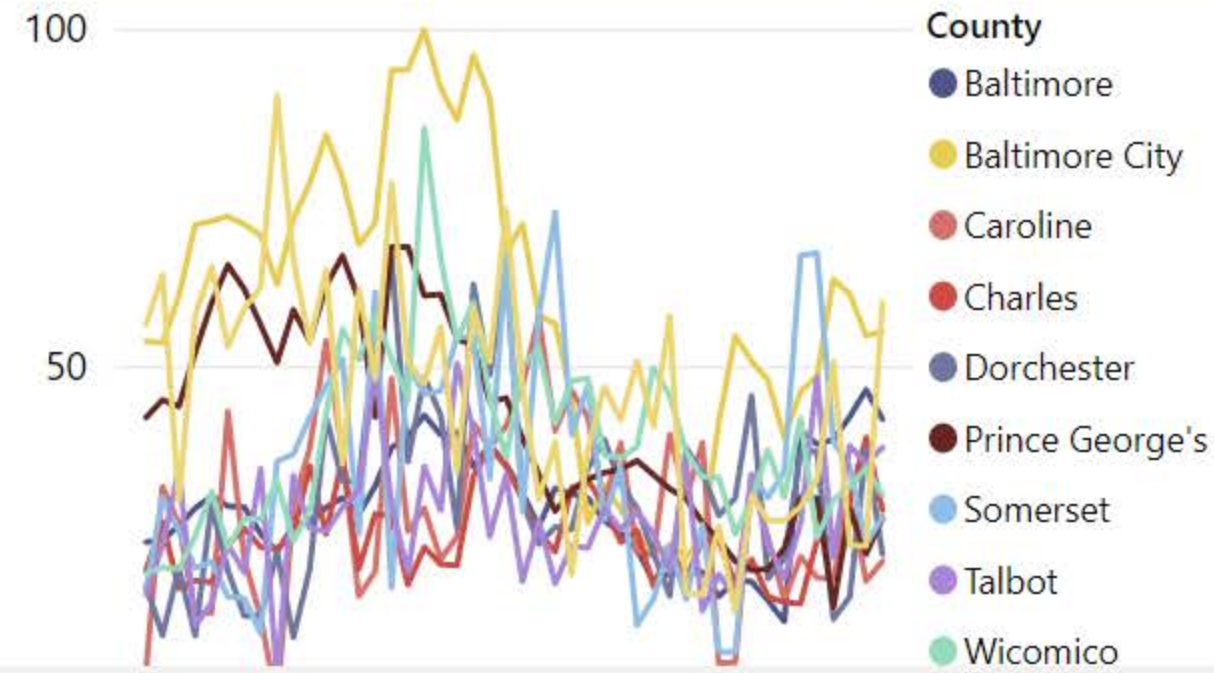
Number of Crimes by County (2020)



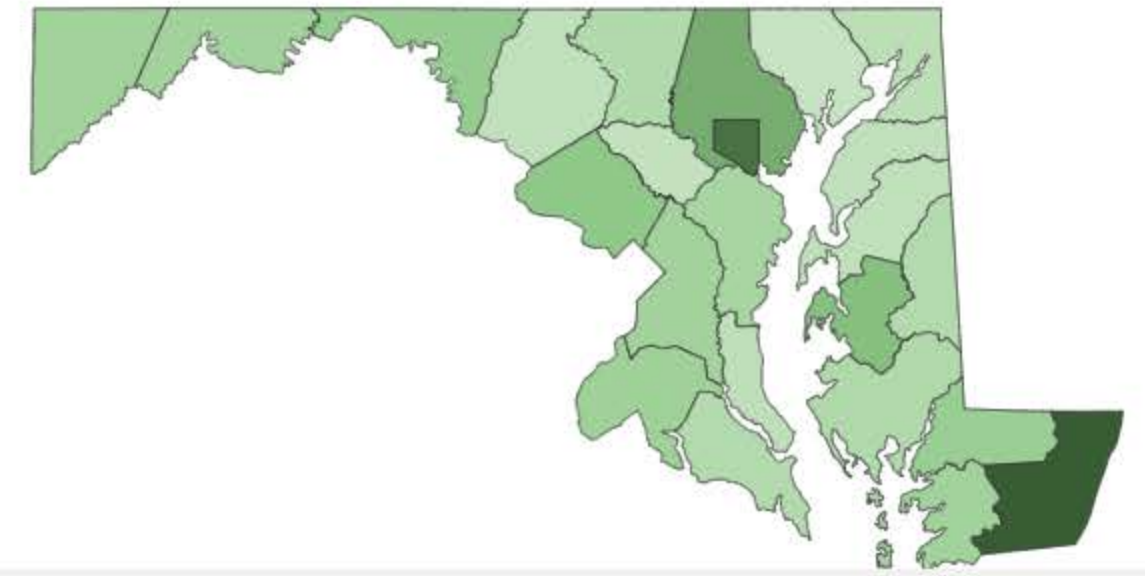
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



Murder

Rape

Robbery

Aggravated Assault

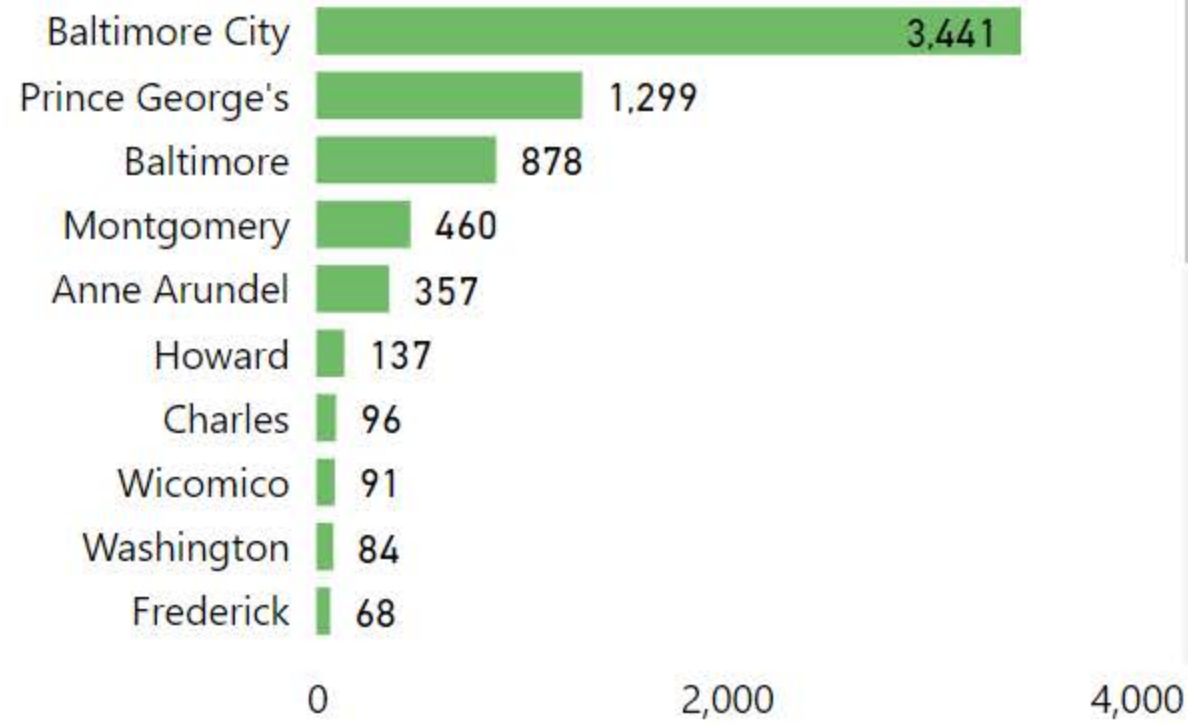
Breaking & Entering

Larceny/Theft

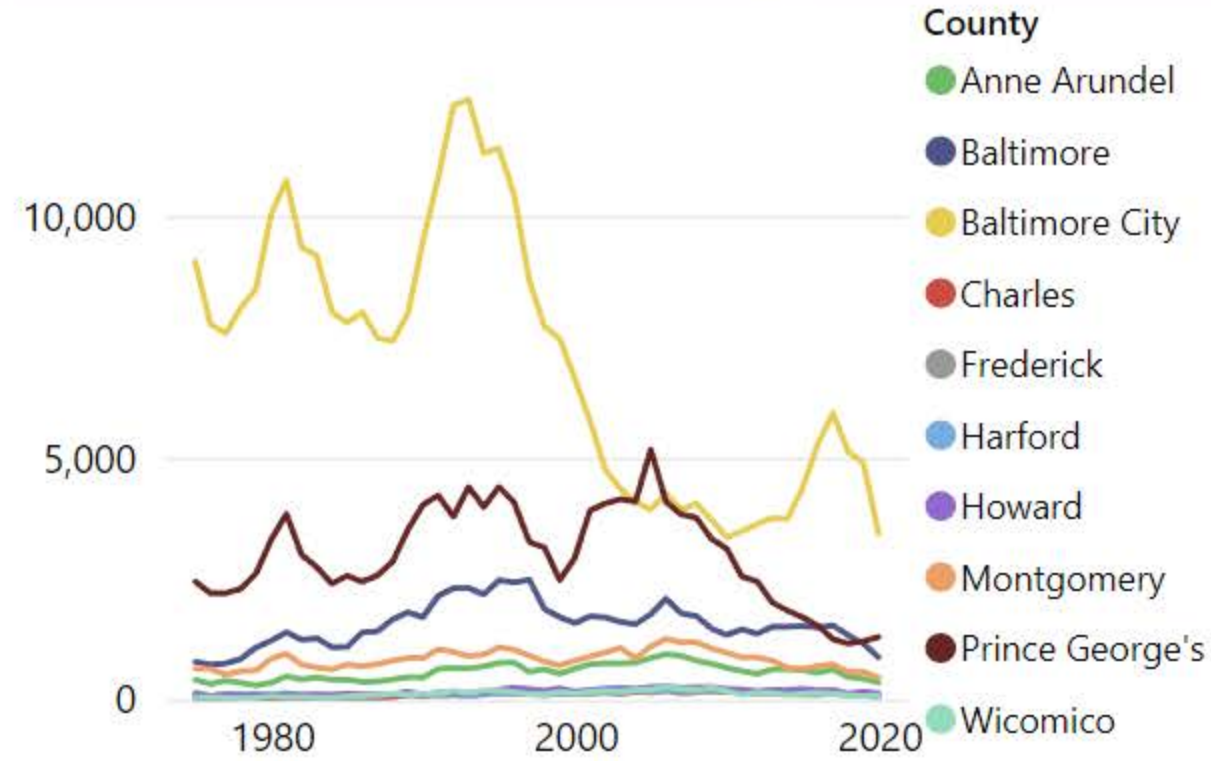
Motor Vehicle Theft

Violent Crime

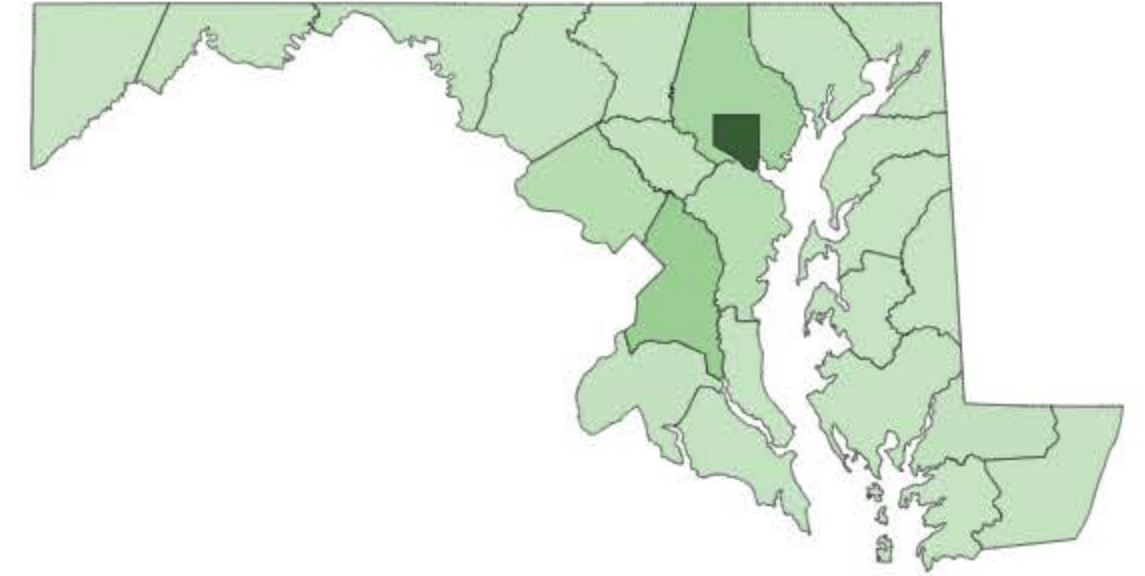
Crimes by County (2020)



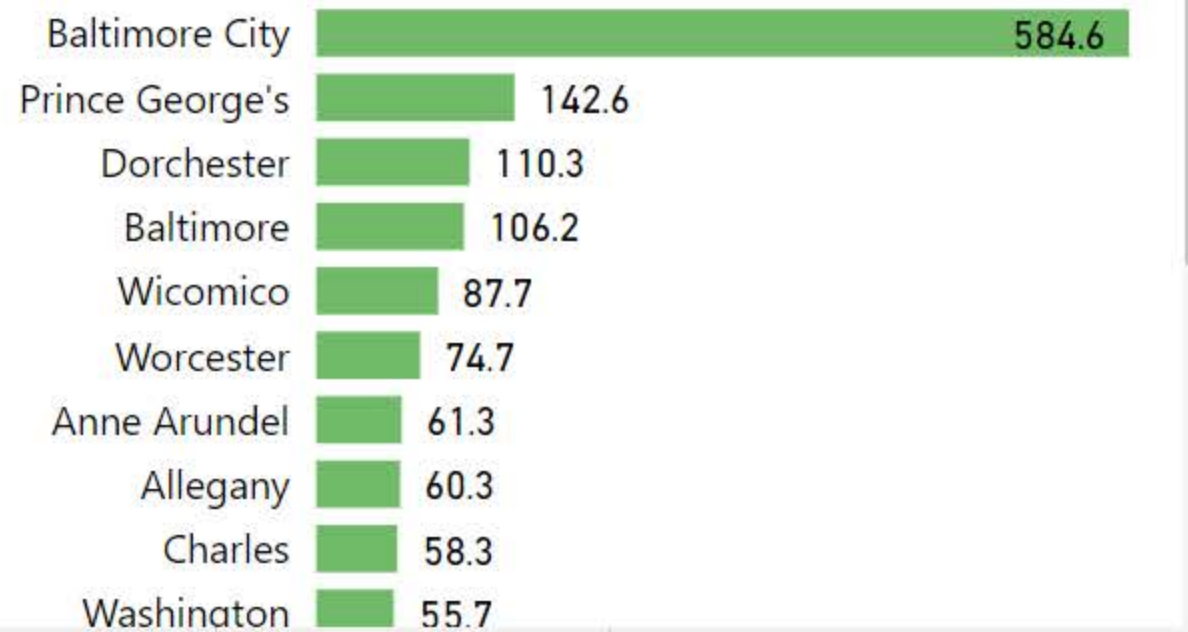
Number of Crimes by Year



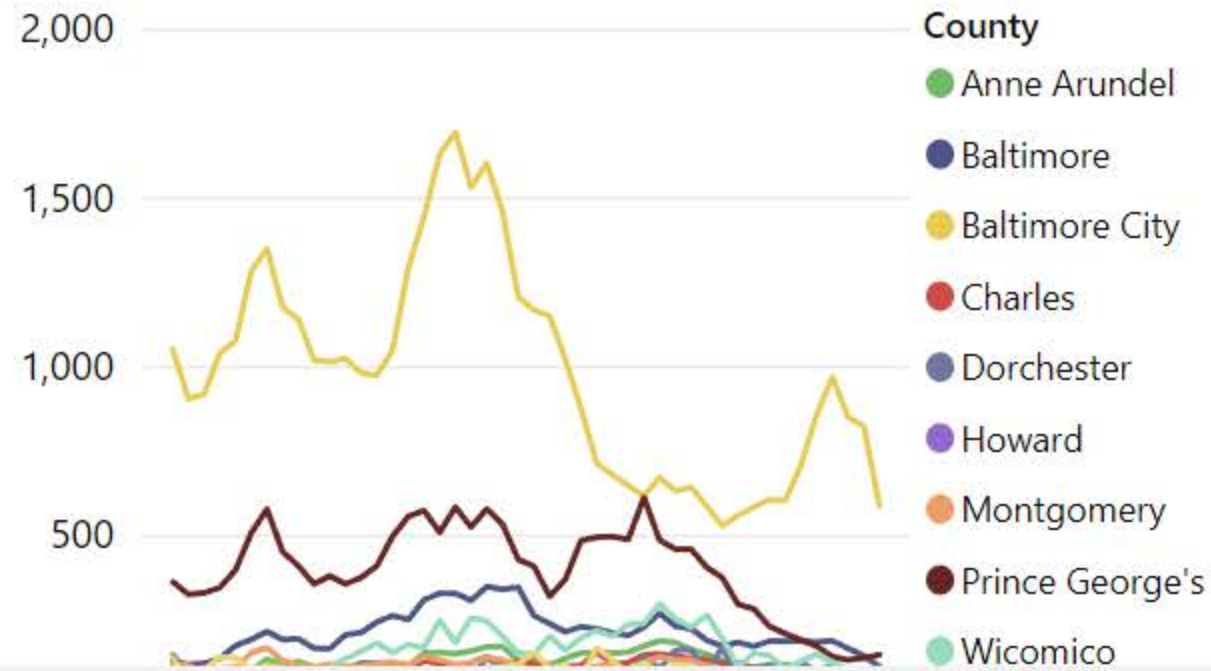
Number of Crimes by County (2020)



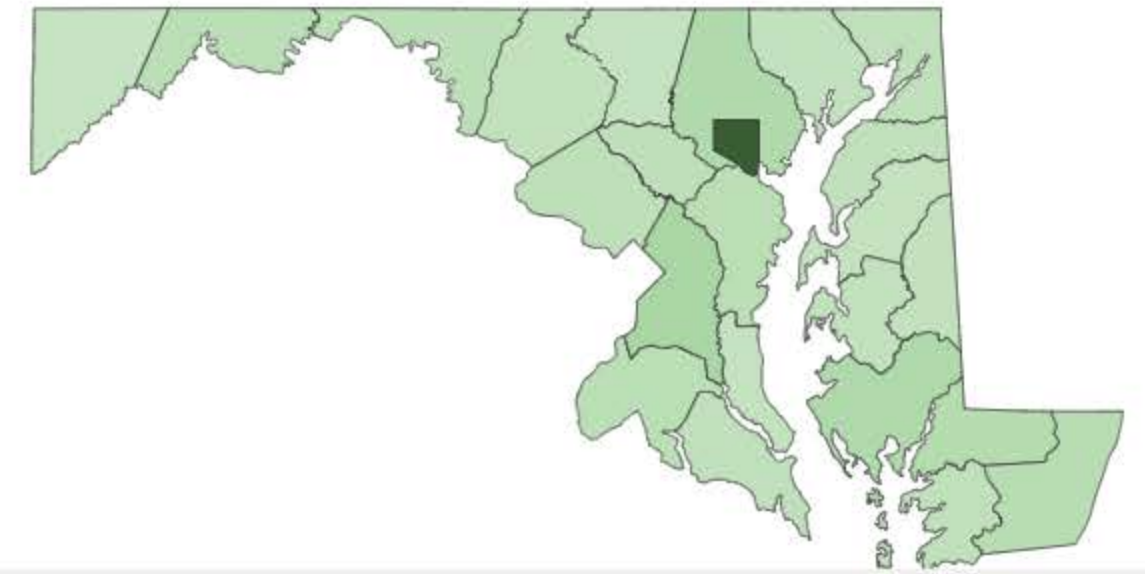
Crime Rate by County (2020)



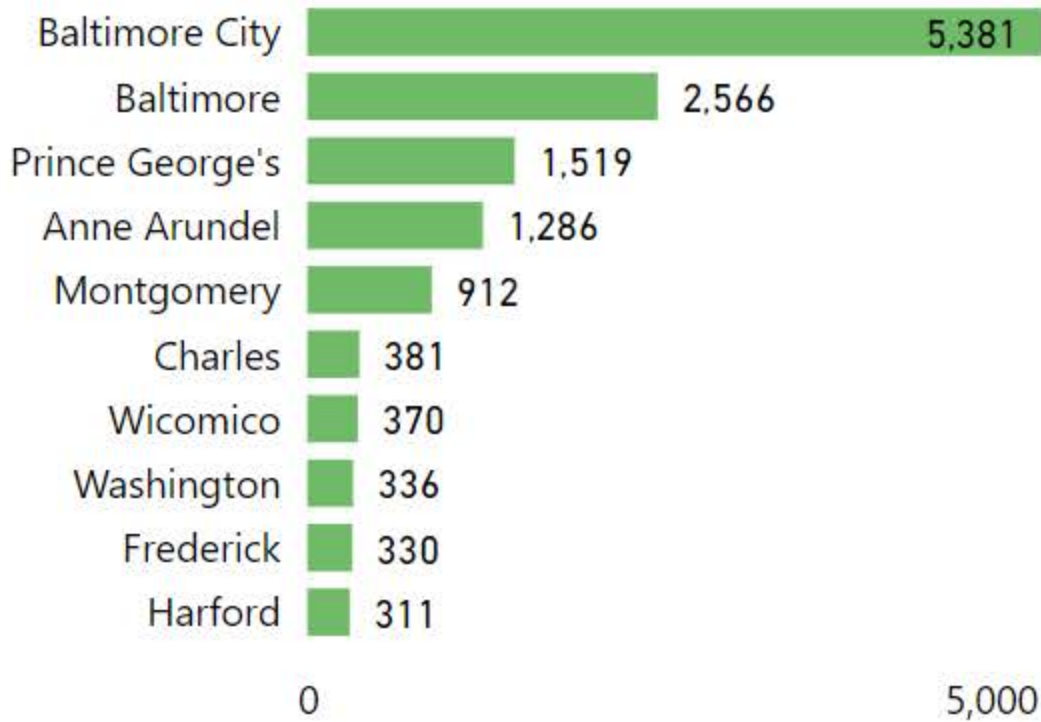
Crime Rate per 100,000 by Year



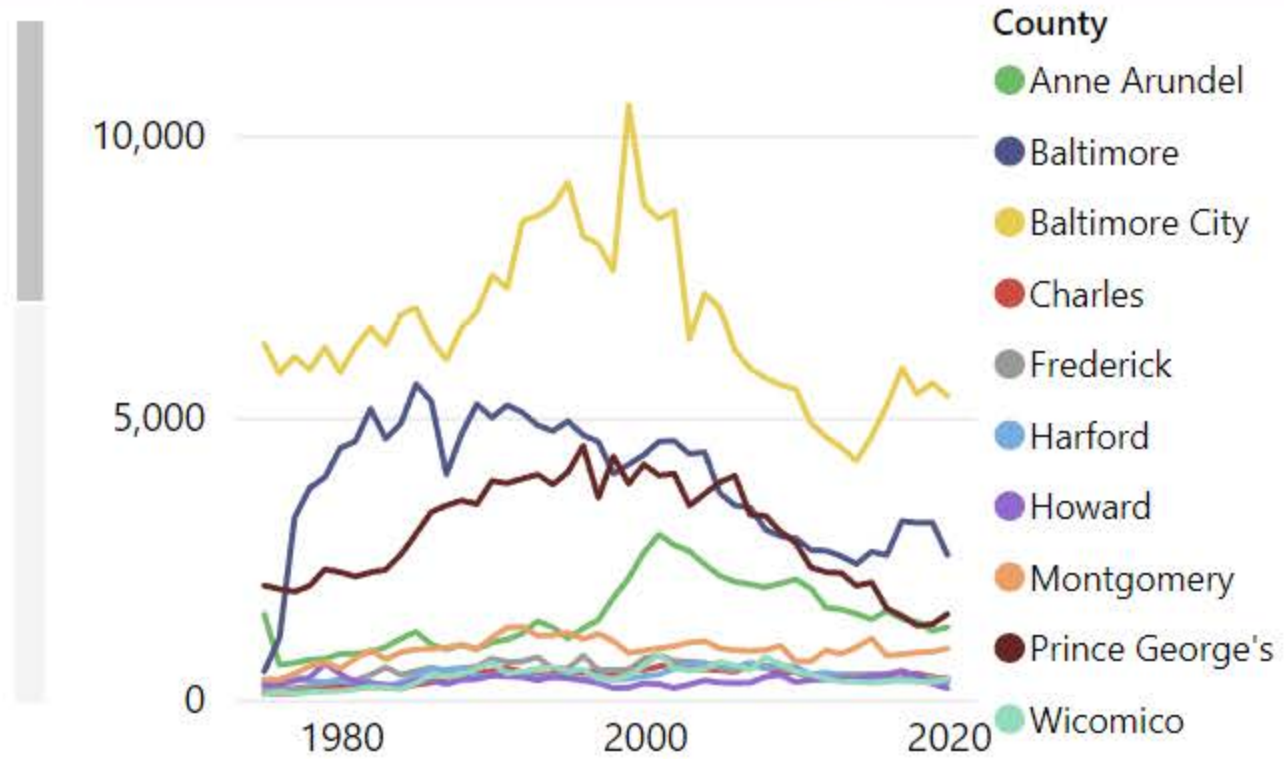
Crime Rate by County (2020)



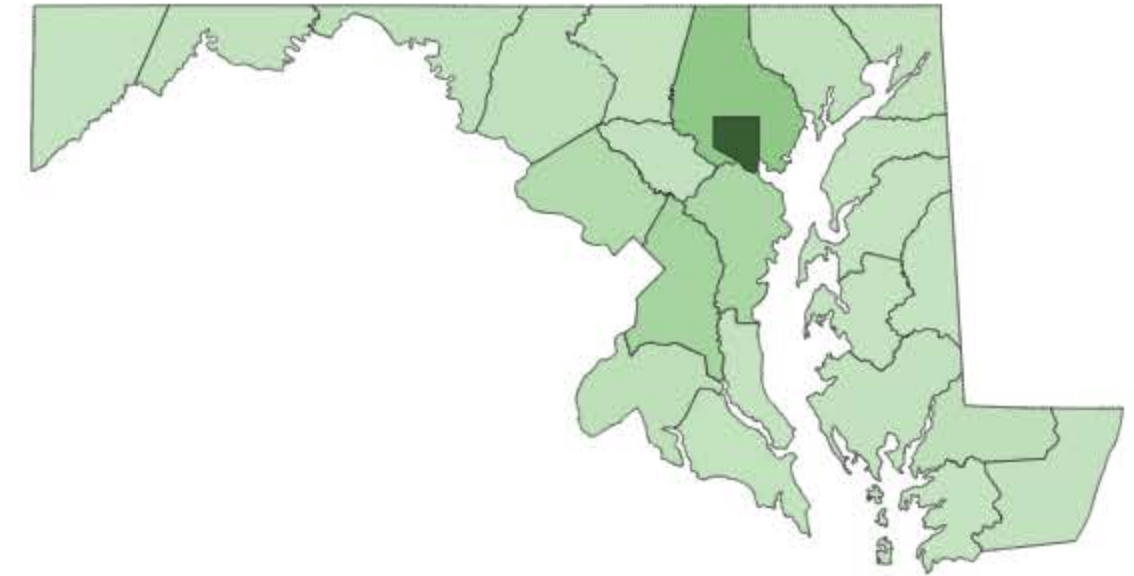
Crimes by County (2020)



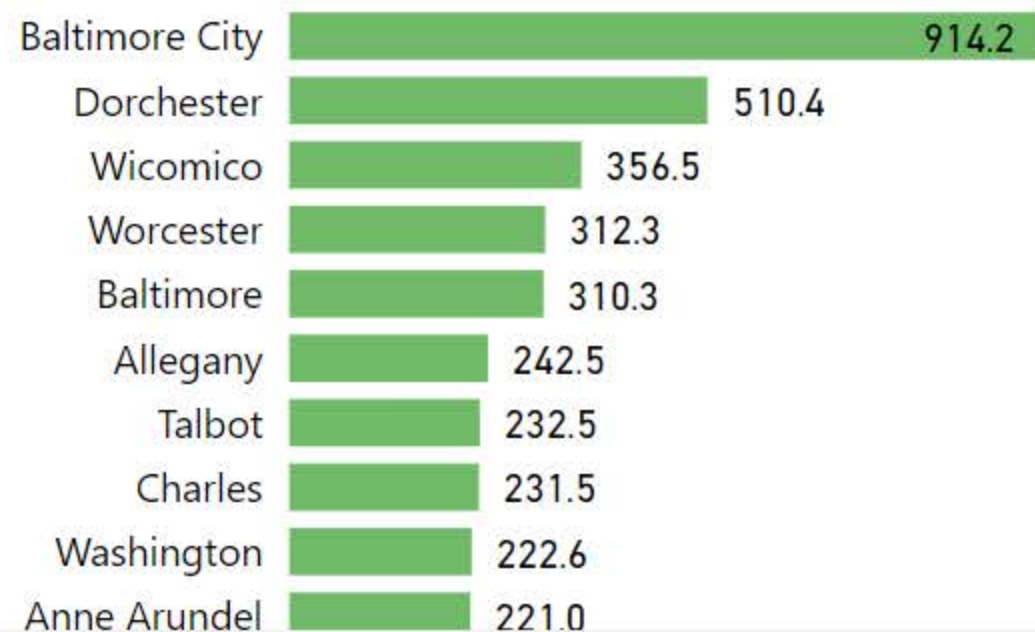
Number of Crimes by Year



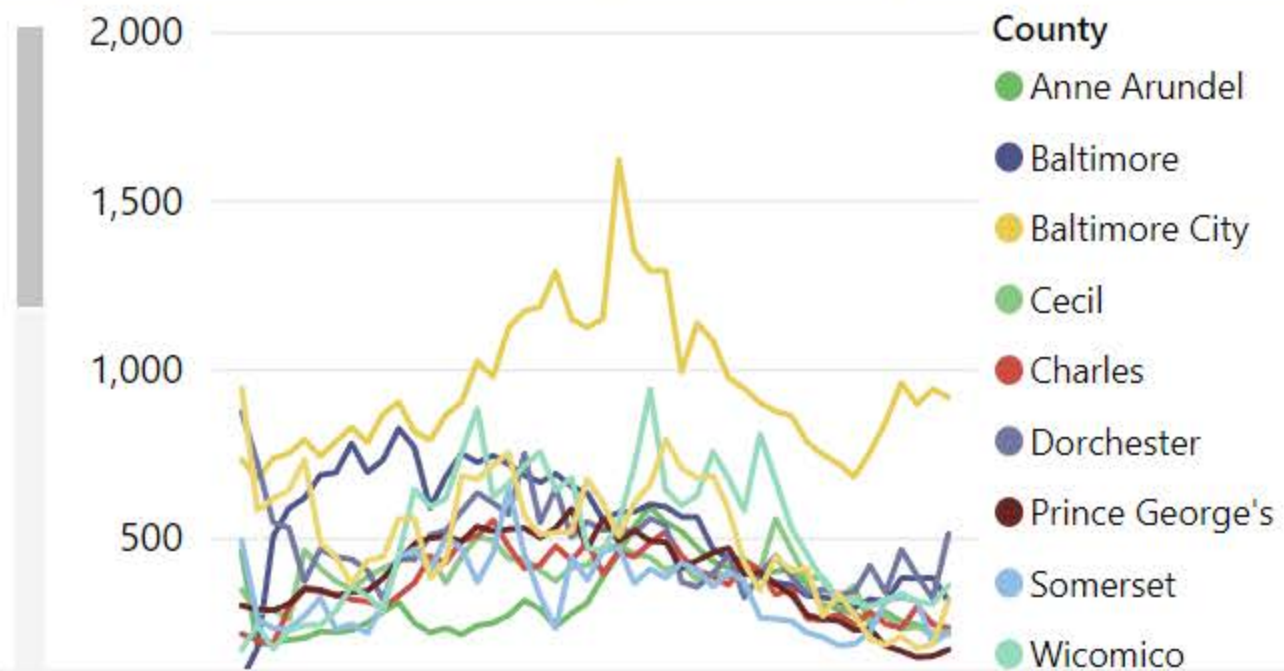
Number of Crimes by County (2020)



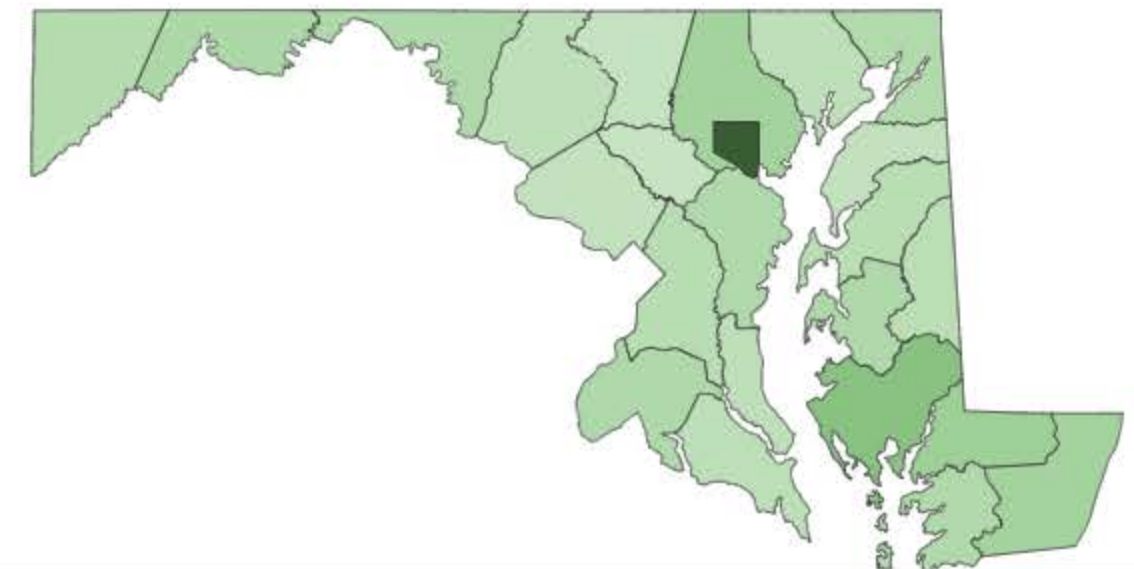
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



Murder

Rape

Robbery

Aggravated Assault

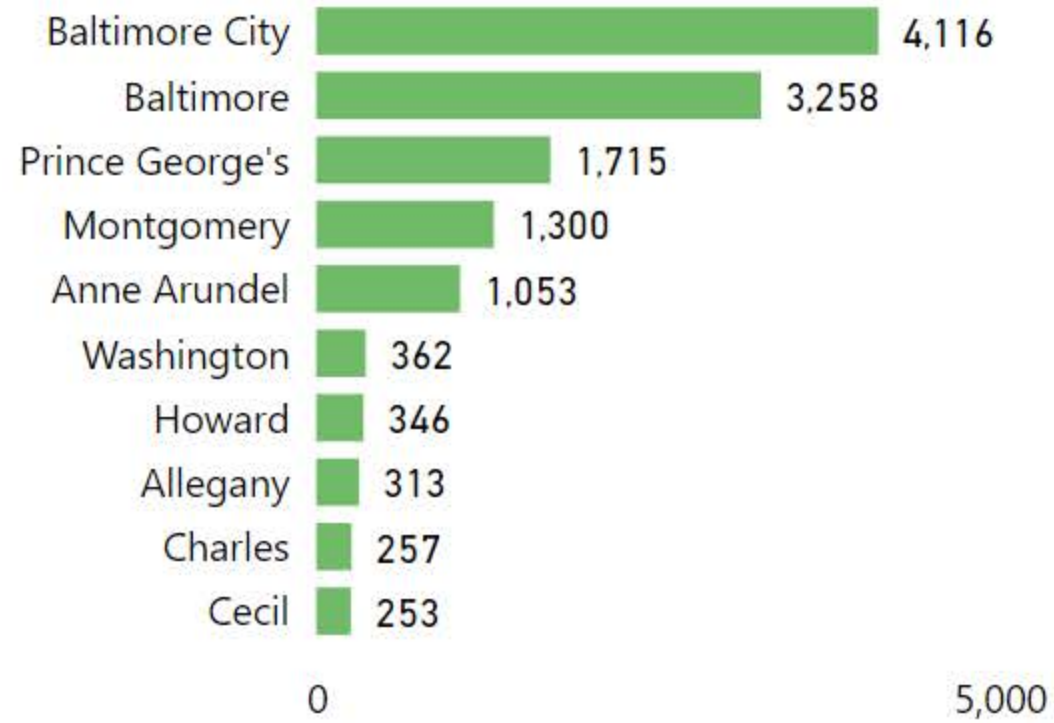
Breaking & Entering

Larceny/Theft

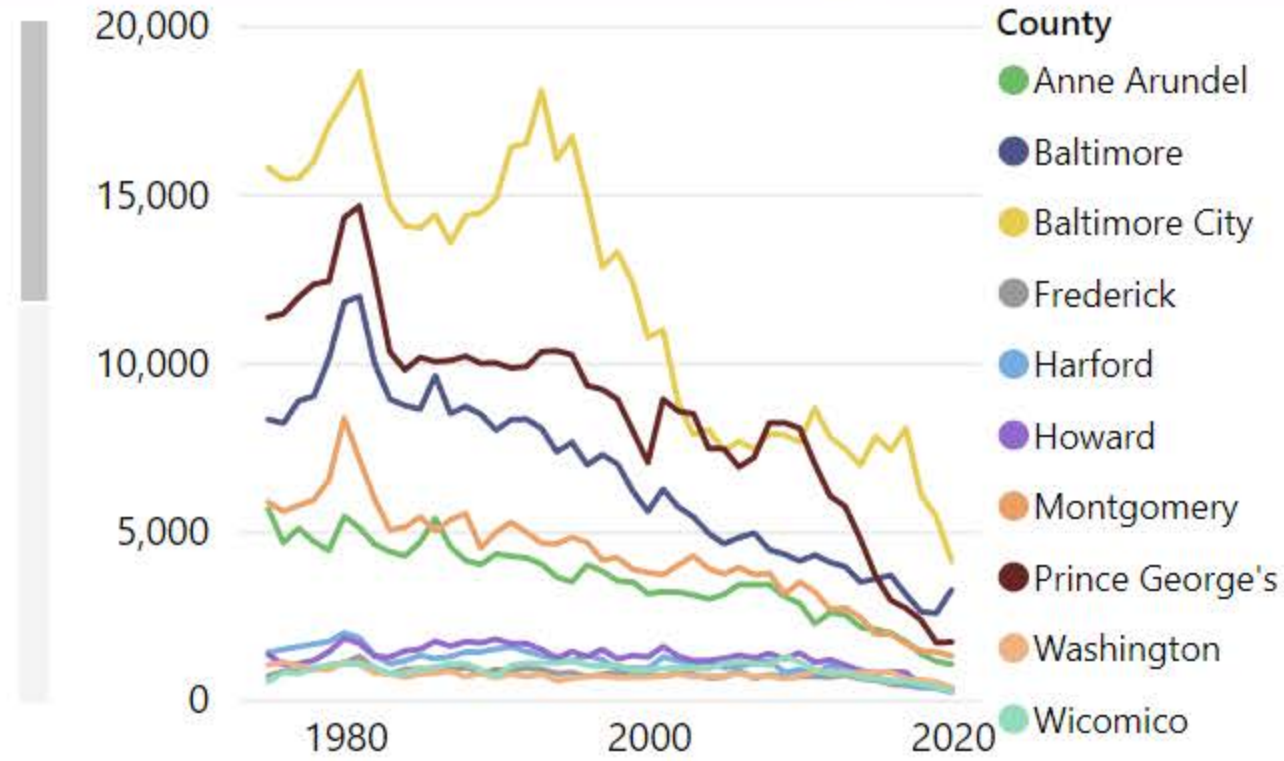
Motor Vehicle Theft

Property Crime

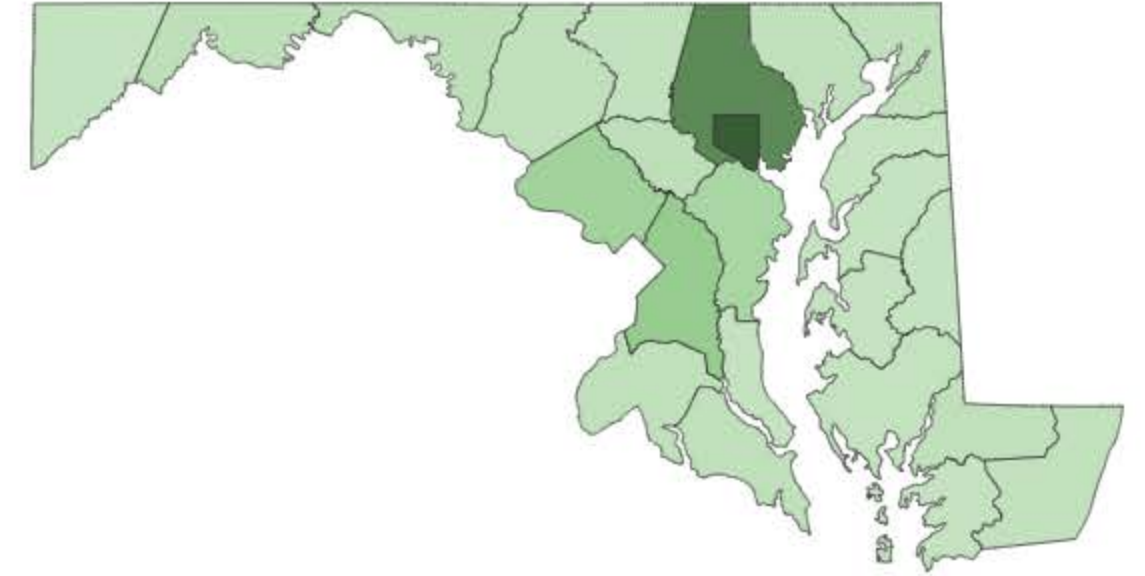
Crimes by County (2020)



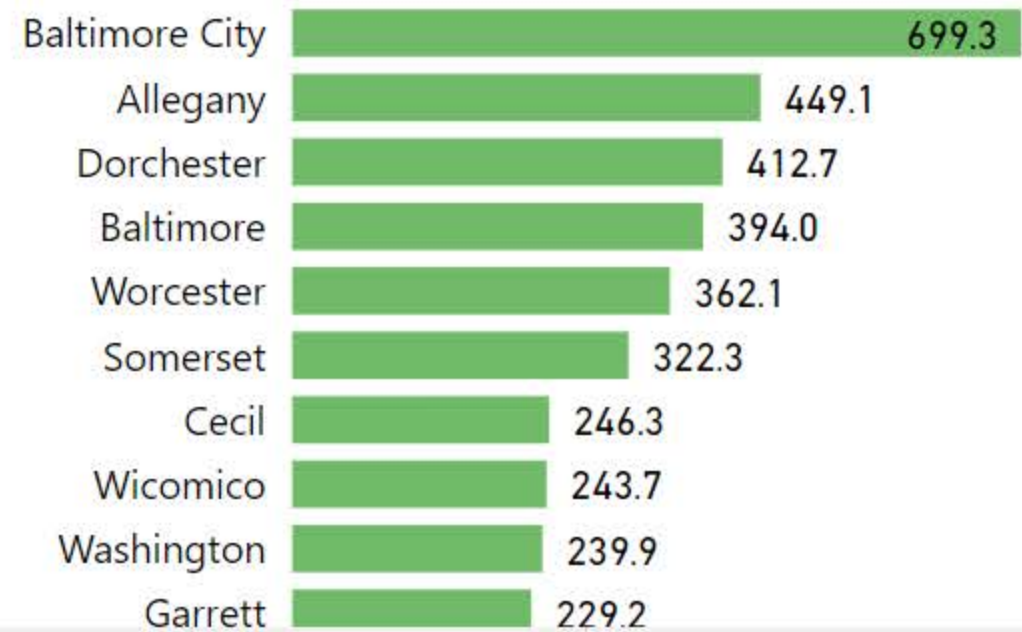
Number of Crimes by Year



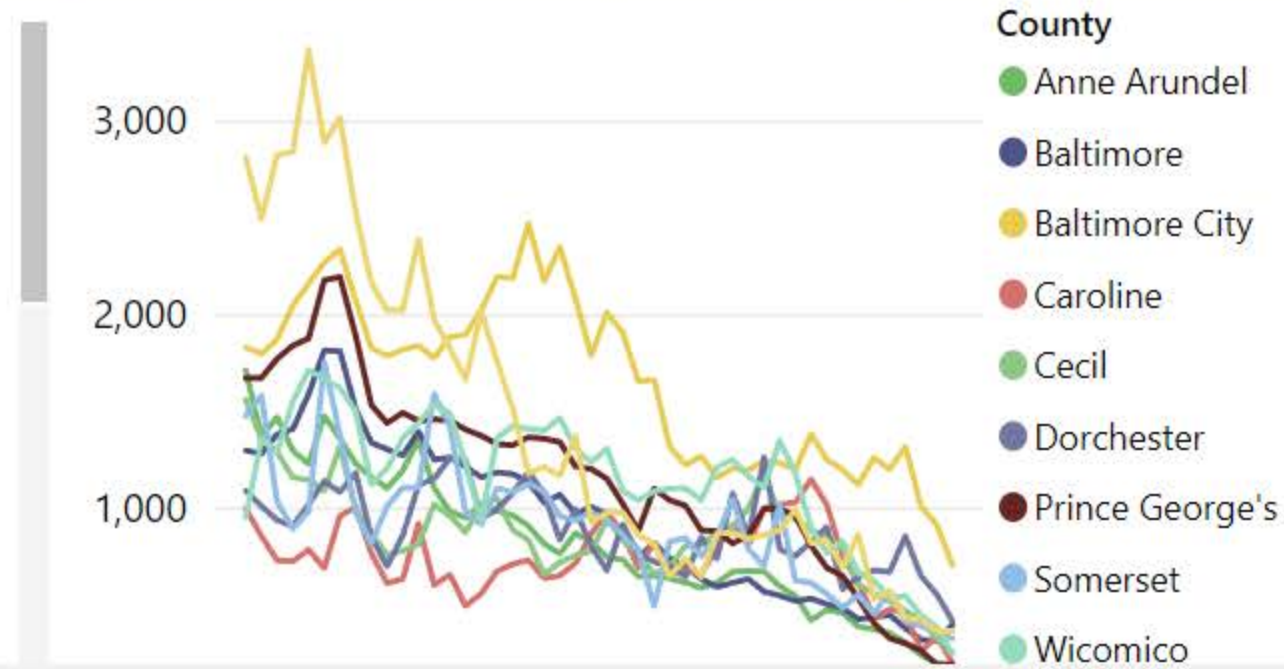
Number of Crimes by County (2020)



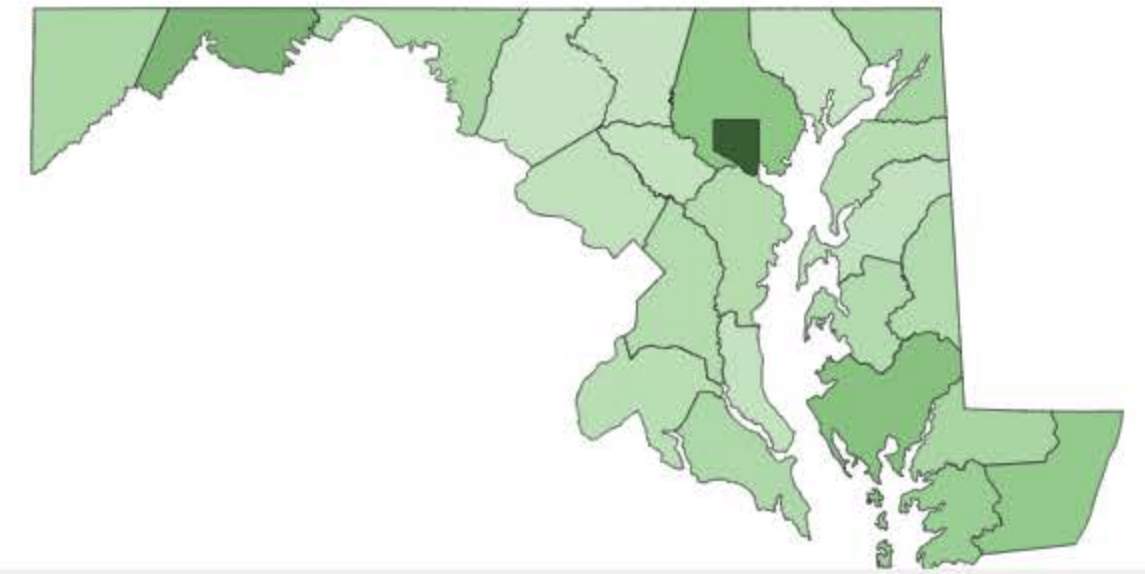
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



Murder

Rape

Robbery

Aggravated Assault

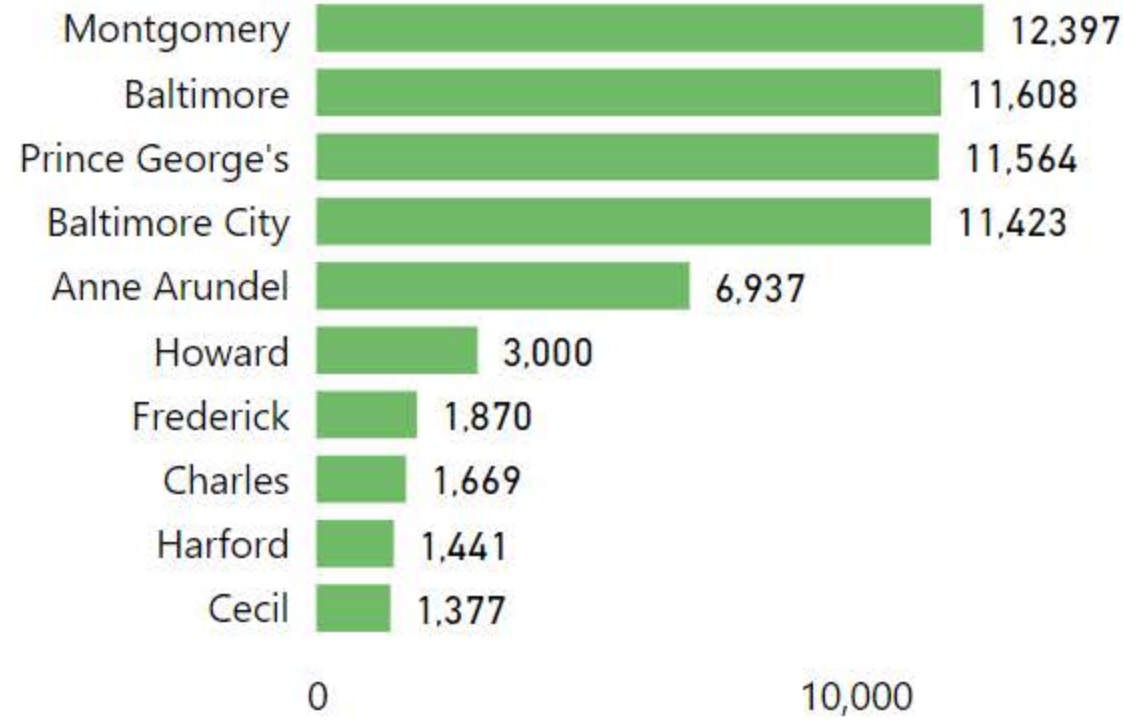
Breaking & Entering

Larceny/Theft

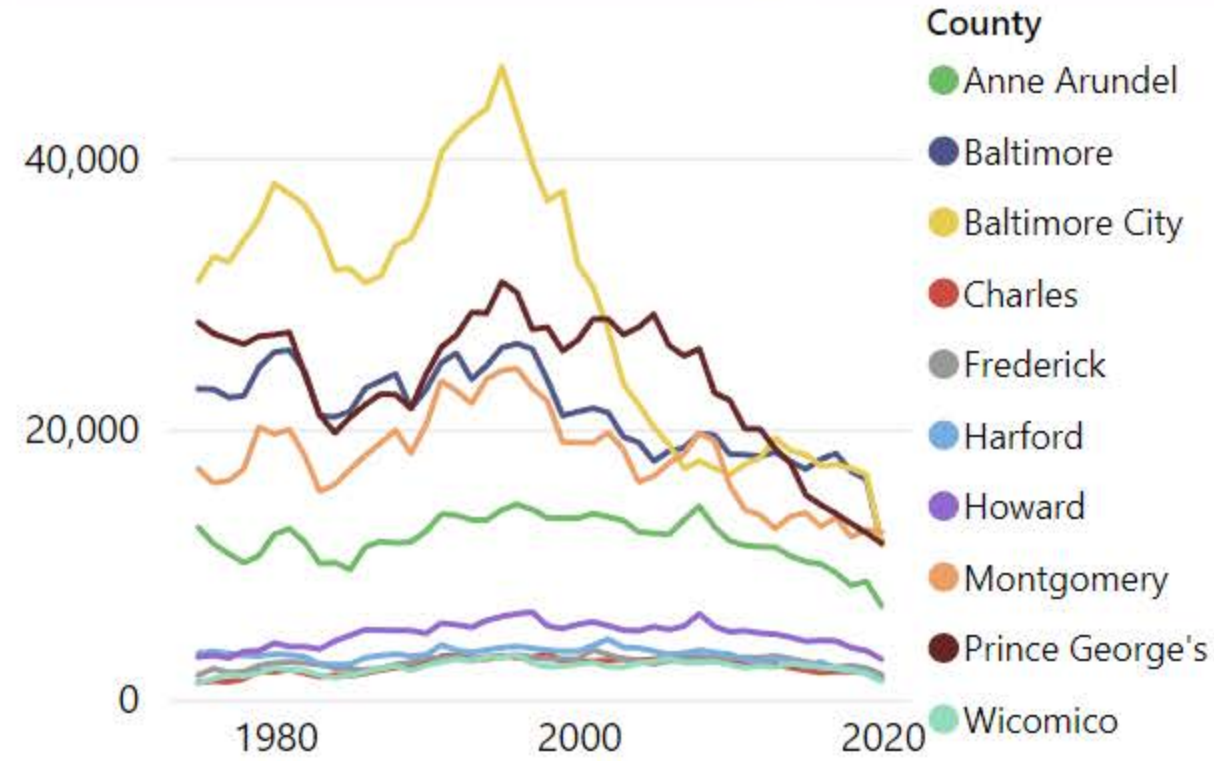
Motor Vehicle Theft

Property Crime

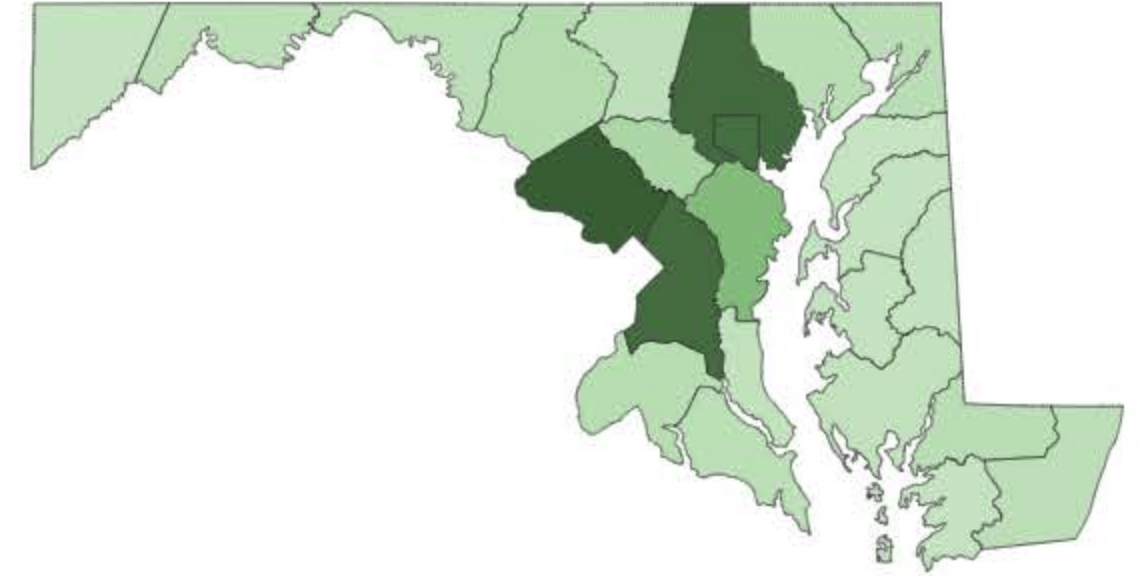
Crimes by County (2020)



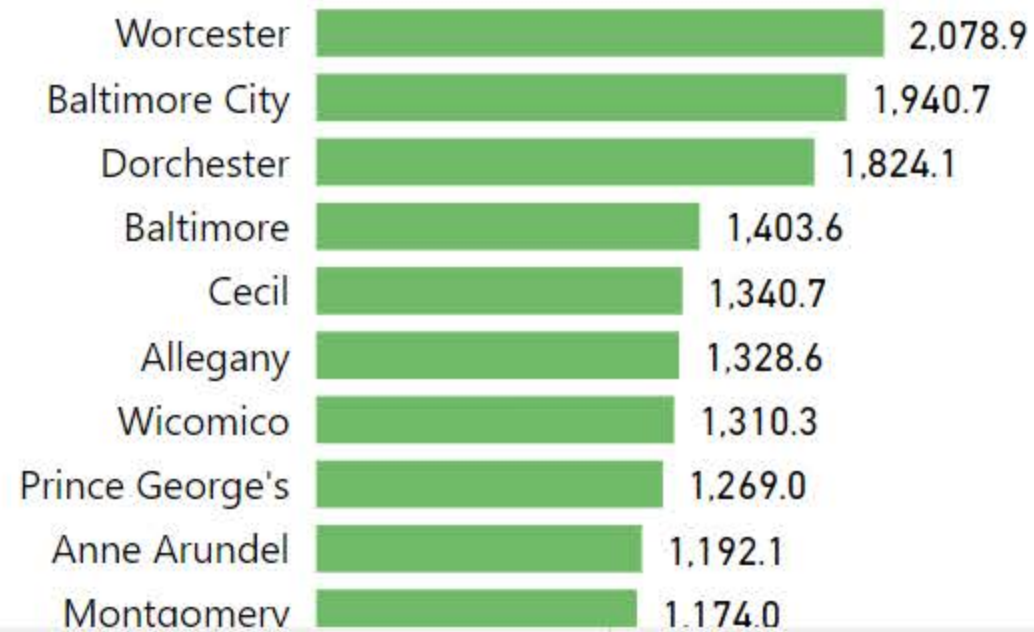
Number of Crimes by Year



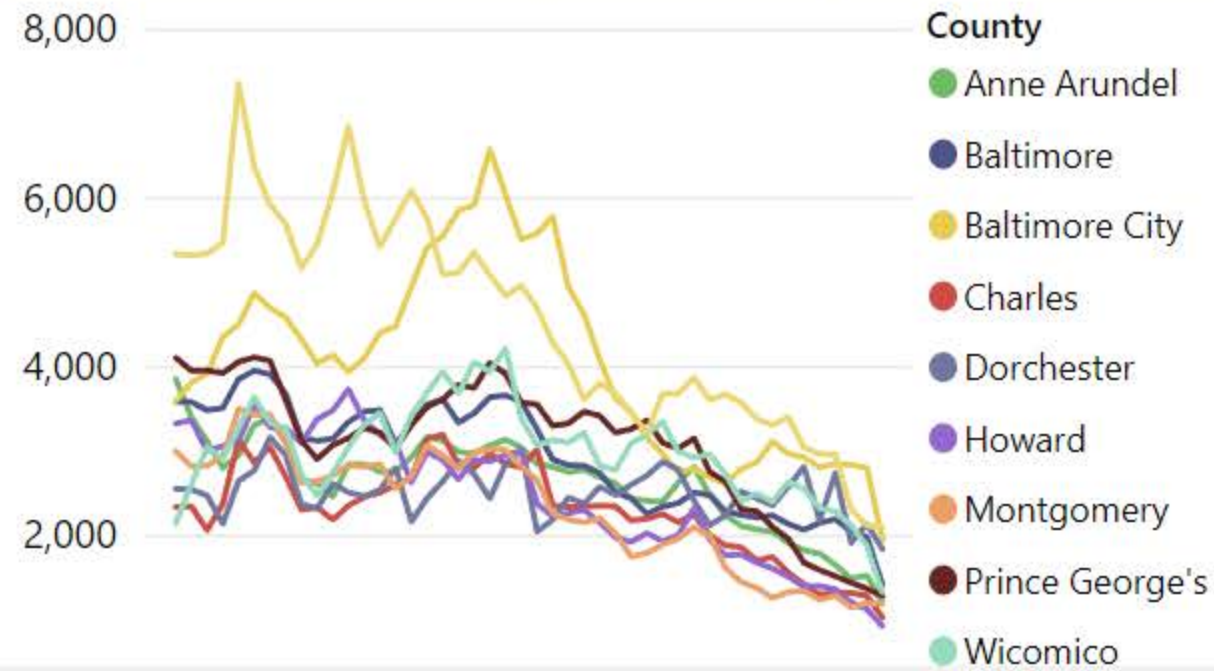
Number of Crimes by County (2020)



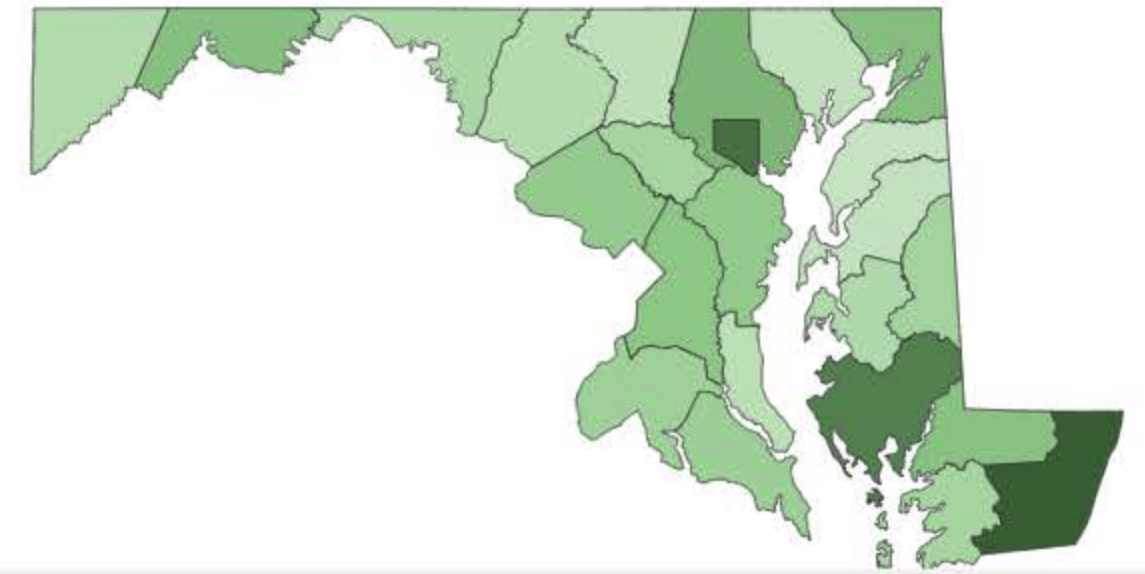
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



Murder

Rape

Robbery

Aggravated Assault

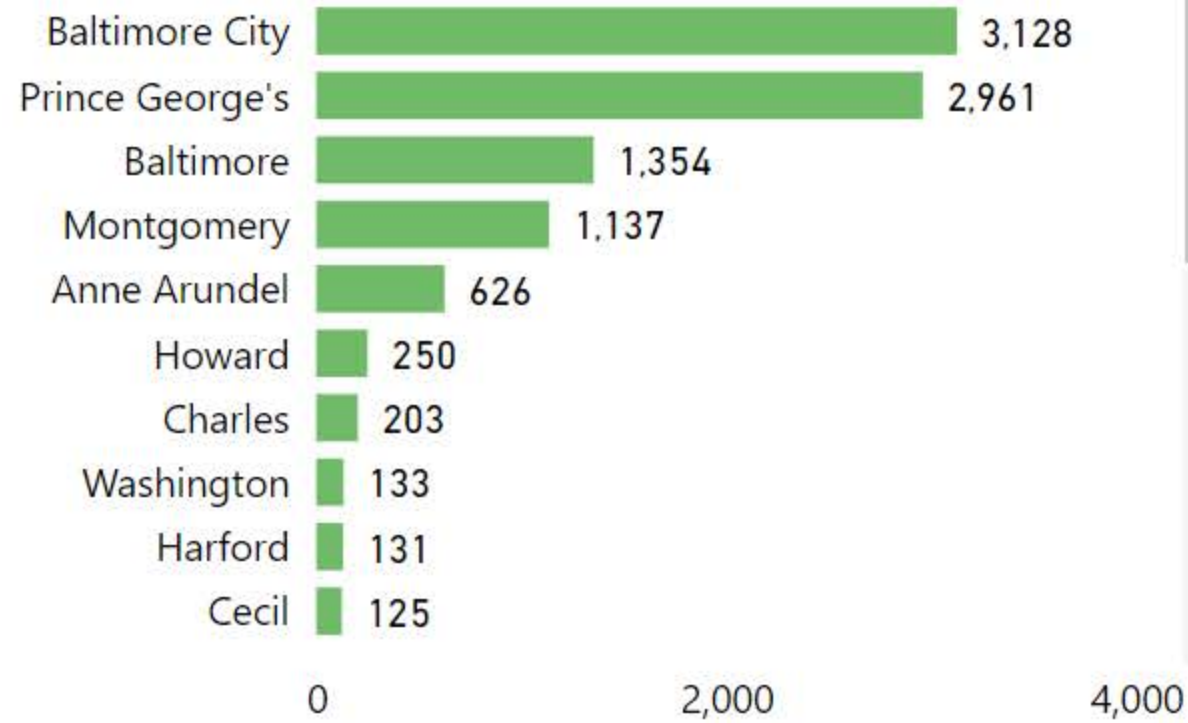
Breaking & Entering

Larceny/Theft

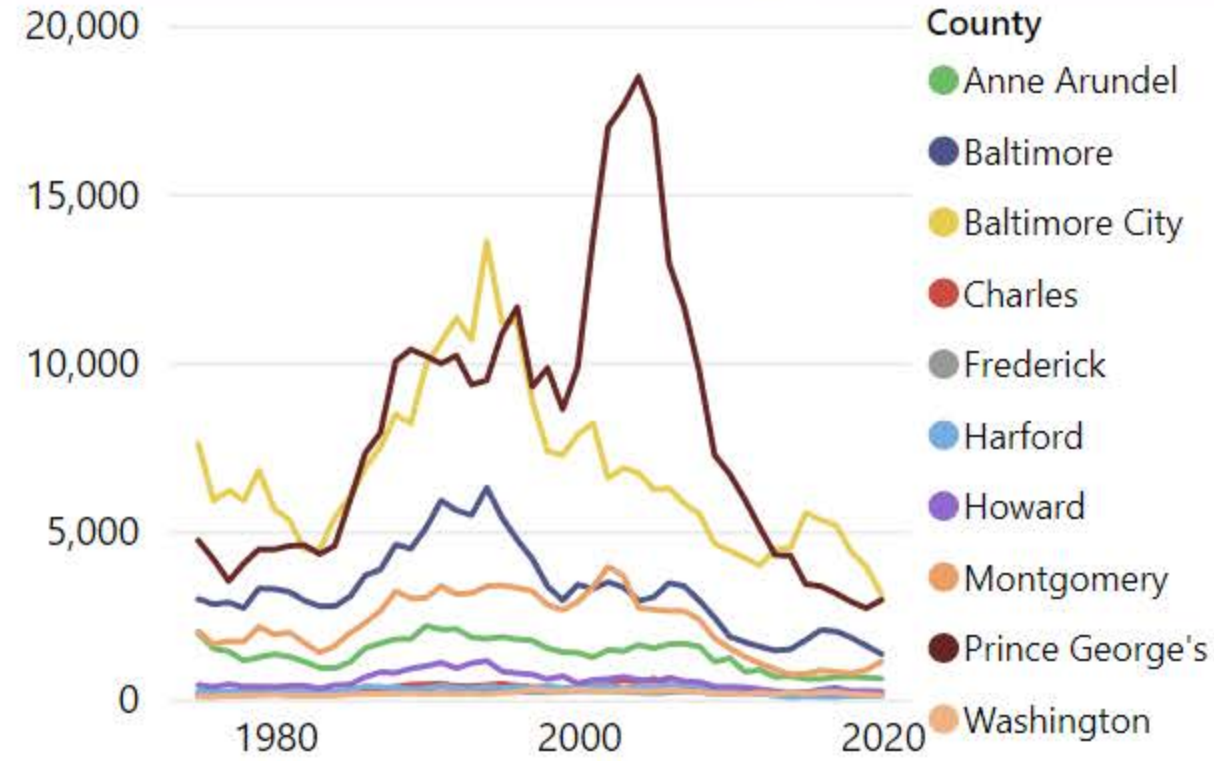
Motor Vehicle Theft

Property Crime

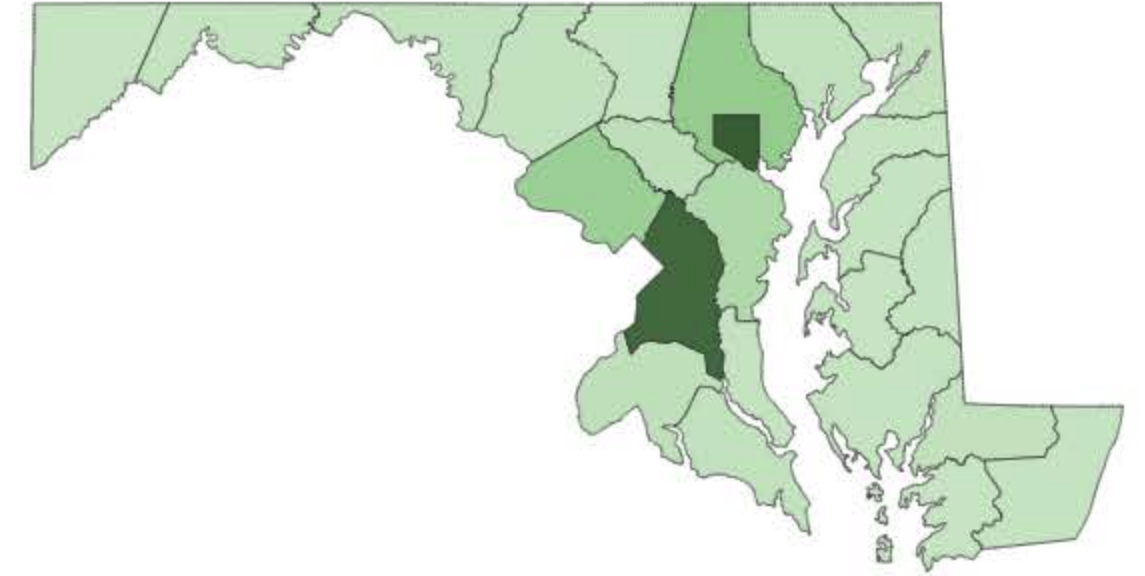
Crimes by County (2020)



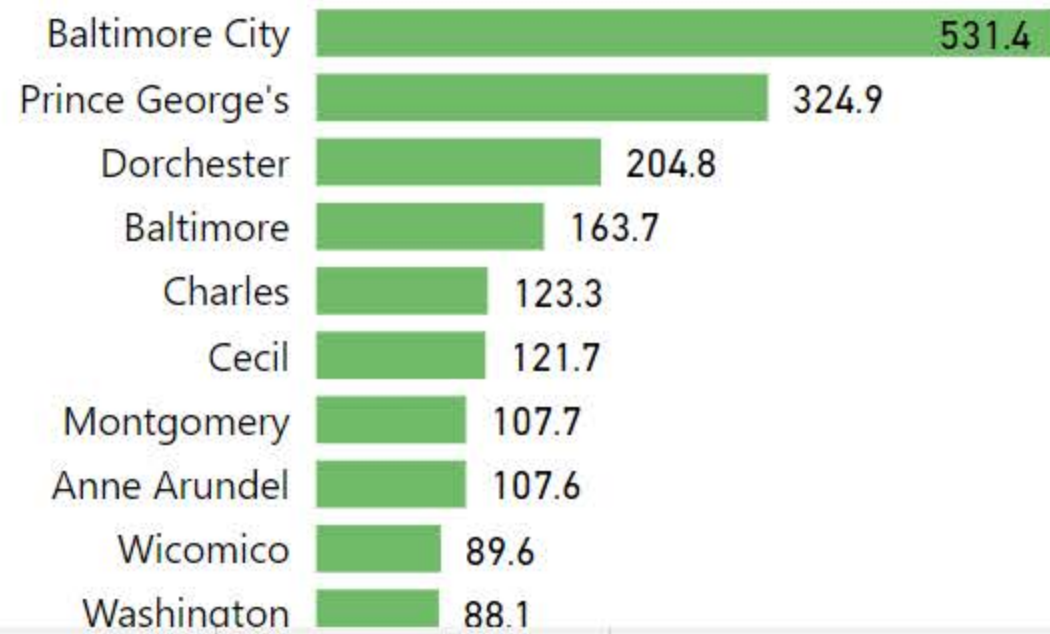
Number of Crimes by Year



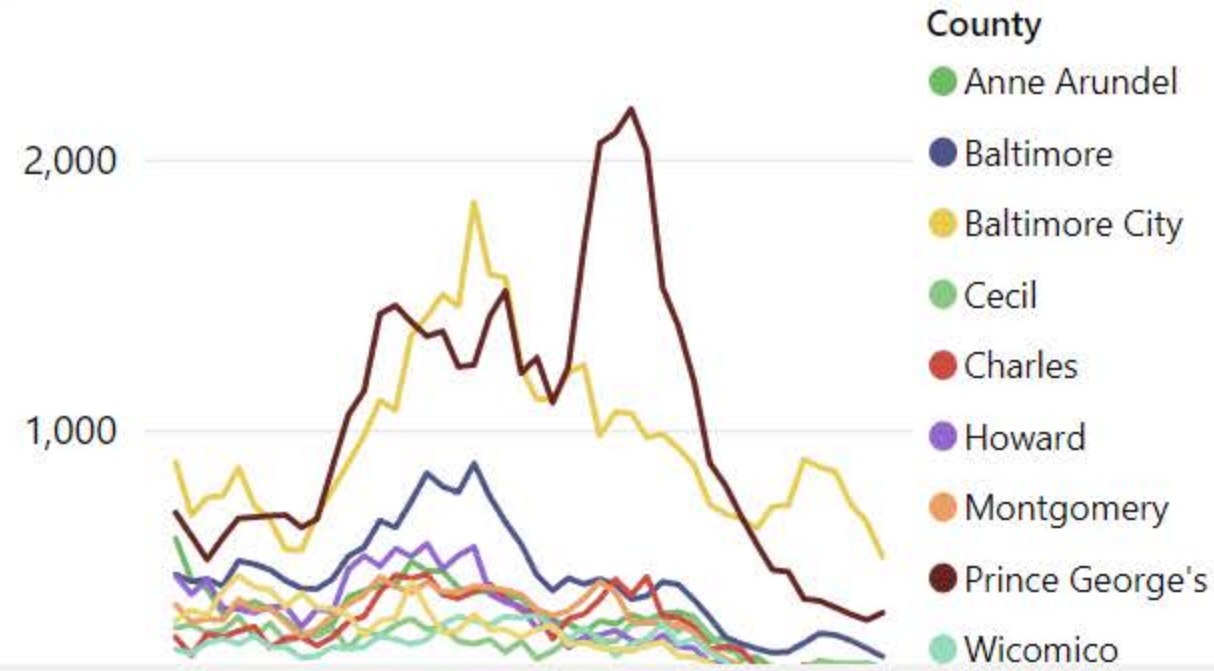
Number of Crimes by County (2020)



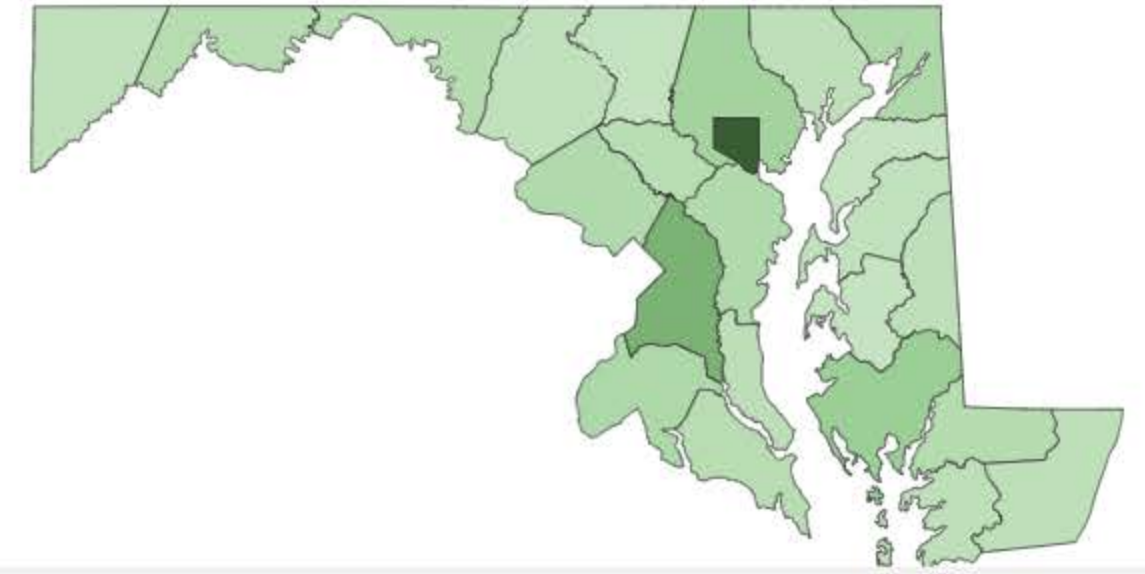
Crime Rate by County (2020)



Crime Rate per 100,000 by Year



Crime Rate by County (2020)



SB0159_Testimony_2A_Maryland.pdf

Uploaded by: John Josselyn

Position: UNF



2A Maryland

2A@2AMaryland.org

Senate Bill 0159

Firearms - Maryland Voluntary Do Not Sell Firearm Registry - Establishment

UNFAVORABLE

Senate Bill 0159 is perhaps well-intentioned but nonetheless extremely naïve in concept. It serves no truly effective practical purpose because it relies on the individual making a conscious decision to place themselves on the Registry.

A 2020 report by the Governor's Commission on Suicide Prevention reports that a significant percentage of suicide decedents were experiencing issues which were not addressed.

"In 2017, 42.1% of suicide decedents had a mental health problem and 19.5% had a reported depressed mood at time of death. Despite these significant mental health concerns, only 14.7% of individuals had documentation of currently receiving treatment for mental health or substance use at time of death. Of concern is that while the number of suicide deaths in the state increased, the number of suicide decedents who had received some form of mental health treatment appears to have decreased. In 2016, 251 (42.7%) suicide decedents had documentation of receiving some form of mental health treatment in their lifetime, while in 2017 only 198 (30.9%) of suicide decedents had documentation of receiving some form of mental health treatment in their lifetime; this makes for an 11.8% decrease in the number of suicide decedents who had documentation of receiving mental health care."

Source: <https://health.maryland.gov/bha/suicideprevention/Documents/2020%20Maryland%20State%20Suicide%20Prevention%20Plan.pdf>

In 2018, the Maryland General Assembly passed HB 1302 Public Safety – “Extreme Risk Protective Orders” amidst great accolades and predictions it would make people safer from suicide and other dangerous acts. It was claimed that allowing the government to intervene so certain people could be “Red Flagged” and barred from the purchase and possession of firearms would make them and society safer.

Based on the evidence it seems clear that overall, persons who are experiencing suicidal thoughts are not likely to take the necessary action contemplated by this Bill.

Even for those who might choose to add their names to the registry to make a “political statement” it is not without its shortcomings and potential drawbacks.

There is a dichotomy between the time allowed to be placed on the registry and the time allowed for the person to be removed from the registry. The Maryland State Police have a maximum of 5 days to place a person on the registry. However, the Maryland State Police cannot remove a person from the registry sooner than 21 days after receiving the registrant’s request. There is no time limit on how long the Maryland State Police can delay the removal of the registrant from the registry. In fact, the language of this Bill contains no effective requirement that the Maryland State Police ever remove the registrant’s name. Nor is there any provision for recourse if the Maryland State Police intentionally or unintentionally take no action.

Inspection of a record is specifically authorized by the registrant, the registrant’s attorney, law enforcement and the general public. The provision in §5-905 which prohibits discrimination against persons on the registry clearly indicates the bill is intended to be a registry accessible to the general public. No specific method is described, and it is presumed that a Public Information Act request would be the appropriate method.

The Bill does contain a provision for penalties should a person or employer discriminate against a person who is or was at one time on the “do not sell registry.” The inclusion of this provision is disturbing because it indicates that persons not specifically authorized to access this list will also have access. Further, the language clearly indicates that a person’s record is never truly expunged from the registry. There is no penalty provision for the agency responsible for releasing the information.

During the House Judiciary Committee Hearing, Delegate Moon described his cross-filed bill as intended to provide persons who are having suicidal thoughts a means to prevent themselves from committing suicide. The Delegate acknowledged the bill was poorly written and involved serious privacy and fiscal issues.

Delegate Moon's rationale for this bill, fails on multiple levels:

1. It does nothing to address firearms which may already be in the person's possession.
2. It presumes that a suicidal person would choose a regulated firearm with its intensive background checks and seven day waiting period.
3. It presumes a suicidal person would not select a non-regulated firearm which is not subject to a waiting period.
4. Background checks for non-regulated firearms are done through the Federal's NICS system which does not interface with any of the State databases. The "do not sell list" is not available to the dealer.
5. If the reason for the person's inclusion is mental health related, then serious HIPAA concerns arise.
6. According to the 2020 report produced by Governor's Commission on Suicide Prevention, 59% of suicides do not involve the use of a firearm of any type.
7. It ignores the fact that in 34% of suicides the second leading methodology is suffocation.
8. It assumes the person will not resort to suicide by other available means.

When all factors are taken into consideration, the potential efficacy of SB 0159 and the cross-file HB 162 is minimal. We strongly suggest the Committee members recognize the serious limitations of these Bills and the false sense of security their passage may impart.

We cannot support either bill. We urge the Committee to return an Unfavorable Report.

John H. Josselyn, Director
2A Maryland

Katie_Novotny_UNF_SB159.pdf

Uploaded by: Katie Novotny

Position: UNF

WRITTEN TESTIMONY OF KATIE NOVOTNY IN OPPOSITION OF
SB159

February 7, 2023

While I understand the desire for someone to be able to temporarily place themselves on a list that makes it unable to purchase a firearm, a system like that seems ripe for abuses and difficulties. First of all what if a person is coerced into signing up? Are the penalties steep enough to discourage someone attempting to sign someone else up? If they wish to be removed from the list, will the proposed process actually work in the time prescribed? What happens if there are delays? Is there recourse if the process exceeds the time laid out in the bill? Will that person need approval from someone to determine they are of sound mind to be removed from the list? What if there are bureaucratic delays? What if someone is put on the list erroneously? Either through accident or ill intent? All of these concerns need to be addressed.

Additionally, placing their names on a list with the state, only affects the purchase of handguns, since the MSP does that background check. Long guns are performed through NICS by the FFL. A voluntary list is not a prohibitor through NICS, so a name cannot be added and removed at will from that system. That prevents it from restricting sale through that system. Also, FFL's do not have access to the state databases.

If passed as written, would an FFL get in trouble for selling someone a long gun , even though they are on the list, but would have no way of knowing they are on a list? These are all serious questions that would need to be ironed out before passing this piece of legislation. The right to own firearms is not trivial.

I respectfully request an unfavorable report.

Katie Novotny

District 35A

Katie.novotny@hotmail.com

MSI testimony on SB159 and HB 162 voluntary regist

Uploaded by: Mark Pennak

Position: UNF



President
Mark W. Pennak

February 7, 2023

WRITTEN TESTIMONY OF MARK W. PENNAK, PRESIDENT, MSI, IN OPPOSITION TO SB 159 and HB 162

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 the District of Columbia and the Bar of Maryland. 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 and a certified NRA instructor in rifle, pistol, personal protection in the home, personal protection outside the home, muzzle loading, as well as a range safety officer. I appear today in opposition to SB 159 and the cross-file, HB 162 (collectively “the Bill”).

The Bill: This Bill creates a new subtitle 9 to the Public Safety article of Maryland Code to provide that a person may voluntarily enroll in a “do not sell firearm registry” to be maintained by the Maryland State Police if that person wishes to prohibit any sale of a firearm to him or her. The Bill then amends MD Code, Public Safety, § 5-134(b) to provide that “[a] dealer or other person may not sell, rent, loan, or transfer a **regulated firearm** to a purchaser, lessee, borrower, or transferee who the dealer or other person knows or has reasonable cause to believe” is on that voluntary “do not sell” list. A “regulated firearm” is essentially any handgun in Maryland. See MD Code, Public Safety, § 5-101(r) (defining regulated firearm). The Bill also amends MD Code, Public Safety, § 5-207 to provide that “[a] licensee or any other person may not sell, rent, transfer, or loan a **rifle or shotgun** to a purchaser, lessee, transferee, or recipient who the licensee or other person knows or has reasonable cause to believe” is on the voluntary “do not sell” list.

State and Federal Law: Under current law, dealers are required by federal law to conduct a background check through The National Instant Criminal Background Check System (“NICS”). NICS is run by the FBI, as required by the Brady Handgun Violence Prevention Act of 1993, codified at 18 U.S.C. § 922(t). <https://www.fbi.gov/services/cjis/nics>. Current federal law bans the sale of firearms that have moved in interstate commerce by persons other than a Federal Firearms Licensee (“dealer” or “FFL”). 18 U.S.C. § 922(a). Federal law provides that a NICS check must be performed for all sales. See 18 U.S.C. § 922(t). See also Preamble to ATF Regulations at 63 FR 58272-01, 1998 WL 750214 (October 29, 1998), currently codified at 27 C.F.R. Part 478 (“the law clearly states that the permanent provisions

apply to all firearms, including rifles and shotguns”). A “dealer” is defined as any person engaged in the business of selling firearms at wholesale or retail. 18 U.S.C. § 921(11)(A).

Background checks for sales of rifles and shotguns in Maryland are governed exclusively by federal law. Specifically, Maryland is a Point of Contact (“POC”) State for NICS checks only for sales of **handguns**. <https://www.fbi.gov/file-repository/nics-participation-map.pdf/view/>. Thus, for handgun sales by a dealer or by any other person in a private sale, the Maryland State Police serves as the Point of Contact for purposes of contacting the FBI for a NICS check. The Maryland State Police regulates all sales of handguns by requiring an application, State form 77R, to be submitted to the State Police for such sales. See MD Code, Public Safety, § 5-124. However, the Maryland State Police is not the Point of Contact for long gun sales and thus does not conduct a background check for sales of long guns. Only the dealer does the NICS checks on sales of long guns, using Federal form 4473, and only dealers (and relatively few other authorized persons) have access to NICS.

In addition to sales regulated by federal law, the Maryland State Police may also access NICS “in connection with the issuance of a firearm-related or explosives-related permit or license....” 28 C.F.R. § 25.6(j). However, the use of the NICS system for other reasons is strictly prohibited. “State or local agencies, FFLs, or individuals” who misuse their NICS access privileges are “subject to a fine not to exceed \$10,000 and subject to cancellation of NICS inquiry privileges.” 28 C.F.R. § 25.11(a). The Bill does not disturb this basic allocation of responsibility. The State Police would remain the Point of Contact for handgun sales and the dealer would continue to be responsible for obtaining the NICS background check for all dealer-conducted long gun sales. Such background checks for **private** long gun sales, rentals and transfers are now **also** conducted through Federal Firearms Licensees under MD Code, Public Safety, § 5-204.1(c).

Discussion: The foregoing federal and State regulatory system is fatal to the Bill in so far as it applies to long gun sales under MD Code, Public Safety, § 5-207. The type of firearm prohibitors for which the NICS system is available is **controlled by federal law**. NICS is a federal database controlled **solely** by the FBI. See, e.g., 28 C.F.R. § 25.6(a) (“FFLs may initiate a NICS background check only in connection with a proposed firearms transfer as required by the Brady Act.”).

Federal prohibitors are listed in 18 U.S.C. § 922, and include, for example, any person “who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year.” 18 U.S.C. § 922(g)(1). That provision is further defined in 18 U.S.C. 921(a)(20)(B), to mean “any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.” Maryland’s list of prohibitors is quite similar to the federal list, see MD Code, Public Safety, § 5-101(g), and to the extent that these State prohibitions are felonies or are misdemeanor crimes punishable by more than 2 years imprisonment, persons subject to such prohibitions may be added to the NICS database under 18 U.S.C. § 921(a)(20)(B) and 18 U.S.C. § 922(g)(1). As noted, Section 922(g)(1) includes any person “who has been convicted in **any court**” of this type of crime. A voluntary “do not sell” list is not a prohibitor under federal law and

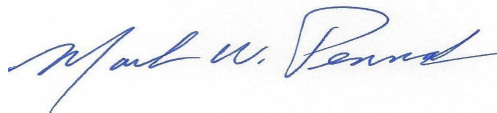
is thus not authorized to be included in the NICS database. Any attempt to use the NICS system for an unauthorized purpose is, as noted above, strictly forbidden.

The legal prohibition on adding the “do not sell” list to NICS is fatal to the background checks contemplated by the Bill for long guns. As noted, the Bill amends Section 5-207 to ban any sale, rental, transfer or loan of a long gun to any person on the “do not sell” list. Yet, the State Police do not conduct background checks for sales of long guns. The State Police is the POC for handgun sales. That means the State Police can and do consult State databases for handgun sales, in addition to running a NICS check on such a sale. Thus, for handgun sales, it would be possible for the State Police to comply with the Bill’s amendments to MD Code, Public Safety, 5-134(b)(15), which regulates sales of **regulated** firearms (handguns). The State Police need only consult a State database to find persons on the “do not sell” list created by this Bill for handgun sales. That ability to consult State databases make NICS irrelevant for purposes of this Bill for sales of handguns.

However, as noted, the State Police is not the POC for **long gun** sales and thus all background checks for such sales of long guns are conducted by the dealers who employ **only** the NICS database for that purpose. Dealers (and other persons regulated by Section 5-207), do not have access to State databases. If the “do not sell” list is not on NICS, there is no way for any dealer or other person to comply with the amendments made to MD Code, Public Safety, 5-207(c)(16) by this Bill. A NICS check will not disclose such persons.

Stated differently, since the “do not sell” list cannot be entered into NICS, the dealers will simply have no way of knowing whether any given person is on the “do not sell” list or not. It would be grossly inappropriate and a violation of basic notions of Due Process to expose a dealer or other persons regulated by Section 5-207 to the possibility of arrest and prosecution for any sales, rentals, transfer or loans of long guns to a person on the “do not sell” list. Any such sale, rental, transfer or loan of a long gun is severely punished under subsection 5-207(d), which provides that “[a] person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.” Such a violation of Section 5-207 could also result in the lost of the dealer’s State license under MD Code, Public Safety, § 5-114, and federal license under 18 U.S.C. § 923. In short, a voluntary “do not sell” list may only be reasonably created as to handguns. Such a list could not stop the purchase of a long gun and thus would be of limited utility for its intended purposes. We urge an unfavorable report for these reasons.

Sincerely,



Mark W. Pennak
President, Maryland Shall Issue, Inc.
mpennak@marylandshallissue.org

SB 159.pdf

Uploaded by: Michael Burke

Position: UNF

February 7, 2023

WRITTEN TESTIMONY OF MICHAEL F BURKE, IN OPPOSITION

TO SB 159 and HB 163

In introduction, please be informed that I am a Veteran, with 21 years of Service with the US Army, as a Military Police Officer, MP Investigator, and Counterintelligence Agent. Beyond that, I have more than 25 years of experience as a County, State, and federal Law Enforcement Officer and Special Agent. 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 and a certified NRA instructor in pistol, as well as a Chief Range Safety Officer. I am also a member 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 appear today in opposition to SB 159 and the cross-file, HB 163.

While I agree that Suicide is a universal concern to all of us, this bill is fatally flawed in its effort to prevent that unfortunate choice.

The Bill: This Bill creates a new subtitle 9 to the Public Safety article of Maryland Code to provide that a person may voluntarily enroll in a “do not sell firearm registry” to be maintained by the Maryland State Police if that person wishes to prohibit any sale of a firearm to him or her. The Bill then amends MD Code, Public Safety, § 5-134(b) to provide that “[a] dealer or other person may not sell, rent, loan, or transfer a regulated firearm to a purchaser, lessee, borrower, or transferee who the dealer or other person knows or has reasonable cause to believe” is on that voluntary “do not sell” list. A “regulated firearm” is essentially any handgun in Maryland. See MD Code, Public Safety, § 5-101(r) (defining regulated firearm). The Bill also amends MD Code, Public Safety, 5-207 to provide that “[a] licensee or any other person may not sell, rent, transfer, or loan a rifle or shotgun to a purchaser, lessee, transferee, or recipient who the licensee or other person knows or has reasonable cause to believe” is on the voluntary “do not sell” list.

State and Federal Law: Under current law, dealers are required by federal law to conduct a background check through The National Instant Criminal Background Check System (“NICS”). The NICS system is run by the FBI, as required by the Brady Handgun Violence Prevention Act of 1993, codified at 18 U.S.C. § 922(t). <https://www.fbi.gov/services/cjis/nics>. Current federal law bans the sale of firearms that have moved in interstate commerce by persons other than a Federal Firearms Licensee (“dealer” or “FFL”). 18 U.S.C. § 922(a). Federal law provides that a dealer must do a NICS check for all sales of long guns. See 18 U.S.C. § 922(t). See also Preamble to ATF Regulations at 63 FR 58272-01, 1998 WL 750214 (October 29, 1998),

currently codified at 27 C.F.R. Part 478 (“the law clearly states that the permanent provisions apply to all firearms, including rifles and shotguns”). A “dealer” is defined as “any person engaged in the business of selling firearms at wholesale or retail.” 18 U.S.C. § 921(11)(A).

Background checks for sales of rifles and shotguns in Maryland are governed exclusively by federal law. Specifically, Maryland is a Point of Contact (“POC”) State for NICS checks purposes only for sales of handguns. <https://www.fbi.gov/file-repository/nics-participation-map.pdf/view/>. Thus, for handgun sales by a dealer or by any other person in a private sale, the Maryland State Police serves as the Point of Contact for purposes of contacting the FBI for a NICS check. The Maryland State Police regulates all sales of handguns by requiring an application, State form 77R, to be submitted to the State Police for such sales. See MD Code, Public Safety, § 5-124. However, the Maryland State Police is not the Point of Contact for long gun sales and thus does not conduct a background check for sales of long guns. Only the dealer does the NICS checks on sales of long guns, using Federal form 4473, and only a dealer or other authorized person has access to NICS.

In addition to sales regulated by federal law, the Maryland State Police may also access NICS “in connection with the issuance of a firearm-related or explosives-related permit or license....” 28 C.F.R. § 25.6(j). However, the use of the NICS system for other reasons is strictly prohibited. “State or local agencies, FFLs, or individuals” who misuse their NICS access privileges are “subject to a fine not to exceed \$10,000 and subject to cancellation of NICS inquiry privileges.” 28 C.F.R. § 25.11(a). The Bill does not disturb this basic allocation of responsibility. The State Police would remain the Point of Contact for handgun sales and the dealer would continue to be responsible for obtaining the NICS background check for all dealer-conducted long gun sales. Such background checks for private long gun sales, rentals and transfers are now also conducted through Federal Firearms Licensees under MD Code, Public Safety, § 5-204.1(c).

The foregoing federal and State regulatory system is fatal to the Bill in so far as it applies to long gun sales under MD Code, Public Safety, § 5-207. The type of firearm prohibitors for which the NICS system is available is controlled by federal law. NICS is a federal database controlled solely by the FBI. See, e.g., 28 C.F.R. 25.6(a) (“FFLs may initiate a NICS background check only in connection with a proposed firearms transfer as required by the Brady Act.”).

Federal prohibitors are primarily listed in 18 U.S.C. § 922, and include, for example, any person “who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year.” 18 U.S.C. § 922(g)(1). That provision is further defined in 18 U.S.C. 921(a)(20)(B), to mean “any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.” Maryland’s list of prohibitors is quite like the federal list, see MD Code, Public Safety, § 5-101(g), and to the extent that these

State prohibitions are felonies or are misdemeanor crimes punishable by more than 2 years imprisonment, persons subject to such prohibitions may be added to the NICS database under 18 U.S.C. 921(a)(20)(B) and 18 U.S.C. 922(g)(1). As noted, Section 922(g)(1) includes any person “who has been convicted in any court” of this type of crime. A voluntary “do not sell” list is not a prohibitor and is thus not authorized, even by implication, anywhere in Section 922 or in the definitions found in Section 921. This means that the “do not sell” list may not be reported to or incorporated into the NICS database. Any attempt by the State Police to use the NICS system for an unauthorized purpose is, as noted above, strictly forbidden by federal law.

The legal prohibition from adding the “do not sell” list to NICS is fatal to the background checks contemplated by the Bill for long guns. As noted, the Bill amends Section 5-207 to ban any sale, rental, transfer or loan of a long gun to any person on the “do not sell” list. Yet, the State Police do not conduct background checks for sales of long guns. The State Police is the POC for handgun sales. That means the State Police can and do consult State databases for handgun sales, in addition to running a NICS check on such a sale. Thus, for handgun sales, it would be possible for the State Police to comply with the Bill’s amendments to MD Code, Public Safety, 5-134(b)(15), which regulates sales of regulated firearms (handguns). The State Police need only consult a State database to find persons on the “do not sell” list created by this Bill for handgun sales. That ability to consult State databases make NICS irrelevant for purposes of this Bill for sales of handguns.

However, as noted, the State Police is not the POC for long gun sales and thus all background checks for such sales of long guns are conducted by the dealers who employ only the NICS database for that purpose. Dealers (and other persons regulated by Section 5-207), do not have access to State databases. If the “do not sell” list is not on NICS, there is no way for any dealer or other person to comply with the amendments made to MD Code, Public Safety, 5-207(c)(16) by this Bill.

Stated differently, since the “do not sell” list cannot be entered into NICS, the dealers will simply have no way of knowing whether any given person is on the “do not sell” list or not. It would be grossly inappropriate and a violation of basic notions of Due Process to expose a dealer or other persons regulated by Section 5-207 to the possibility of arrest and prosecution for any sales, rentals, transfer or loans of long guns to a person on the “do not sell” list. Any such sale, rental, transfer or loan of a long gun is severely punished under subsection 5-207(d), which provides that “[a] person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$10,000 or both.” Such a violation of Section 5-207 could also result in the lost of the dealer’s State license under MD Code, Public Safety, § 5-114, and federal license under 18 U.S.C. § 923. The Bill has not been thought through. At a minimum, the Bill should be amended to strike the amendments to Section 5-207. We urge an unfavorable report for these reasons.

SB0159_Nicholas_DeTello.pdf

Uploaded by: Nicholas DeTello

Position: UNF

Nicholas DeTello

SB0159 - Maryland Voluntary Do Not Sell Firearm Registry

Unfavorable

2/6/2023

As a Maryland constituent, I am concerned with the viability as well as the effects caused by SB0159. As written, this bill is incompatible with MD Code and federal law; NICS is controlled solely by the FBI. A voluntary “do not sell” list is not compatible with the requirements to access the NICS system; meaning this bill would compel unauthorized and forbidden access. Gun dealers only have access to NICS for long-gun sales; this bill would force these dealers to either break the law if they did access the NICS system, or simply take the risk of breaking the law if this bill passes your purview.

For these reasons I urge an unfavorable report of Senate Bill 0159.

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

Nicholas DeTello

District 44B

ndetello@hotmail.com

Senate Hearing.pdf

Uploaded by: Randall Morris

Position: UNF

SB1 Restricting Wear and Carry

I am not in favor of this bill as it is unconstitutional to its core and goes against everything that came out of the Bruen Case heard before the Supreme Court.

SB86 Restricting Adults from 18 to under 20

I am not in favor of this bill, this bill is so clearly unconstitutional and an intentional violation of the rights of adults 18 to 20 years ago in that it totally denies them the right to buy any firearm to protect themselves, their families and ability to obtain food through lawful hunting. This bill would not even be before this committee if it took away their right to vote and I want this committee to think about this bill if it were, because it is taking away a Constitutional Right

SB113

I am not in favor of this bill, this bill is absurd and would force FFL dealers to shutdown or have to pay ridiculous insurance that would be passed onto lawful customers. It would seem that the intent of this bill is only to such that.

Would this committee even consider this bill if it was holding car companies, car dealerships and car salesman accountable if a buyer got into an accident intentionally or not.

SB118

I am not in favor of this bill, those that carry legally should not be restricted to what places of business or homes that don't like firearms, the permit holder should be under no obligation to inform anyone of the general public of whether or not they are carrying, nor should any anti-2nd Amendment Policy be enforced by State Law that would clearly be unconstitutional as per the Bruen case heard before the Supreme Court.

SB 185

Unfavourable as it was just found to be unconstitutional

SB0159(HB0162)_Aughenbaugh.pdf

Uploaded by: Ron Aughenbaugh

Position: UNF

Senate Bill 0159 (HB 0162)
Firearms - Maryland Voluntary Do Not Sell Firearm
Registry - Establishment
Oppose

Mr. Chairman and members of the Judicial Proceedings Committee,

I have thoroughly read the proposed bill.

Don't want a gun, don't buy a gun. No need to waste taxpayers money.
On to the next bill.

I OPPOSE SB0159. Vote **UNFAVORABLE** to this proposed bill.

Ronald Lee Aughenbaugh II (D, 7A)
6 Nickel Court
Middle River, Md. 21220
301-338-8300
02/04/2023

kasuba_sb0159_2023.pdf

Uploaded by: Thomas Kasuba

Position: UNF

Please **OPPOSE** SB159
Firearms – Maryland Voluntary Do Not Sell Firearm Registry – Establishment

How many abused spouses do you think will be forced to put their name on this list? Tyrants don't like it when their victims to have the opportunity to fight back.

How much will this cost? Why is Maryland funding this? Why not let a "Firearm Safety" organization fund it? Even a dollar is too much for a pure virtue signaling platform for people to use to proclaim their "team" identity. Who will have access to this highly private data? It is completely unreasonable to expect that discrimination will not take place against people who are not on this list even with the supposed safe guard stated in the bill. The **ONLY** way to prevent the possibility of such discrimination is for this information **NOT** to exist. Period.

It is unreasonable to assume that people won't be bullied by their peer groups and social media to put themselves on this list as a means of conformity and social acceptance. We don't have a "don't sell me alcohol" list nor any other such construct. The building of such a bureaucracy which will grow and morph over time is simply a dangerous path of wasted tax payer dollars.

Thomas J. Kasuba (registered Democrat)
2917 Rosemar Drive
Ellicott City, MD 21043-3332
tomkasubamd@netscape.net
301-688-8543 (day)
February 7, 2023