

WRITTEN TESTIMONY OF MICHAEL F BURKE, IN SUPPORT OF **HB 860/SB 463**

02/28/2023

In introduction, please be informed that I am:

- * Veteran of the Armed Forces, with 21 years of Service with the US Army, as a Military Police Office, MP Investigator, and Counterintelligence Agent.
- * 25 years Law Enforcement Officer and Special Agent, at the County, State, and Federal levels.
- * Expert in Maryland Firearms Law, federal firearms law and the law of self-defense.
- * Maryland State Police Qualified Handgun Instructor QHIC-2016-0123 for the Maryland Wear and Carry Permit and the Maryland Handgun Qualification License
- * NRA Pistol Instructor, Chief Range Safety Officer
- * Subject Matter Expert in Physical Security – Certified Protection Professional (**CPP**), ASIS International
- * Firefighter, Emergency Medical Technician (EMT) with over 30 yrs. experience
- * An experienced Chief Election Judge with service over the terms of several past Governors in Maryland (speaking as a Citizen, not for the Elections Board);
- * Board Member of Maryland Shall Issue (“MSI”)

I appear today in SUPORT OF HB 860/463.

The Bill:

This Bill is very simple. It requires the State Police to refund the application fee (\$75) for a wear and carry permit governed by MD Code, Public Safety, § 5-306, for any application that was denied between July 5, 2019, and July 5, 2022. The Bill requires that any person whose application was denied during that time period must file a claim for this refund and submit “supporting documents.”

The US Constitution affirms (not grants) the right of the PEOPLE (not just citizens, not just adults) to keep and bear arms. This proposed legislation flies in the face of the Constitution and is in direct contravention of the orders of the Supreme Court.

As a teenager myself, I carried a rifle, a machine gun, AND a handgun as a soldier and Military Police officer from age 18 to 21. I was entrusted by the US and State governments to stand watch and to go to war for over 21 years.

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I bring your attention to the decision in the Supreme Court in June of 2023.

NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC., ET AL. v. BRUEN, SUPERINTENDENT OF NEW YORK STATE POLICE, ET AL.

“...The constitutional right to bear arms in public for self-defense is not “a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees.” McDonald, 561 U. S., at 780 (plurality opinion). We know of no other constitutional right that an individual may exercise only after demonstrating to government officers That is not how the First Amendment works when it comes to unpopular speech or the free exercise of religion. It is not how the Sixth Amendment works when it comes to a defendant’s right to confront the witnesses against him. And it is not how the Second Amendment works when it comes to public carry for self-defense. New York’s proper cause requirement violates the Fourteenth Amendment in that it prevents law-abiding citizens with ordinary self-defense needs from exercising their right to keep and bear arms. “

As in Bruen, the State of Maryland does not have the authority to restrict, limit, or infringe upon the rights of free citizens because certain individuals dislike the advertising, marketing, or sale of certain inanimate objects. Tools. Weapons. Firearms.

The past practice of denying citizens a RIGHT based on the lack of a perceived “need” was and is entirely unconstitutional.

In the alternative, I would ask the committee amend the bill to direct Maryland State Police to issue a new Handgun Permit to each and every claimant who was denied solely for the lack of a “good reason” rather than issue a \$75.00 check.

I urge the Committee to issue a FAVORABLE report on this bill.

Michael F Burke, CPP

