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MAYOR

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HB 159

March 23, 2023

TO: Members of the Judicial Proceedings Committee

FROM: Nina Themelis, Interim Director of Government Relations

RE: House Bill 159 – Criminal Procedure - Warrantless Arrest - Straw Purchase Participant

POSITION: Support

Chair Smith, Vice Chair Waldstreicher, and members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 159.

Straw purchases are the most common way firearms are diverted into the illegal gun market. A straw purchase is when a prohibited purchaser, such as a convicted felon, uses individuals with clean criminal records who can pass a background check to purchase firearms on their behalf. This bill will increase the penalties for knowingly being a participant in a straw purchase of a firearm by elevating the crime from a misdemeanor to a felony.

Federal law prohibits straw purchases, so ideally the ATF would take the lead on prosecuting straw purchases. Unfortunately, federal prosecutions are rare because ATF has been consistently underfunded and has lacked stable leadership. For example, President Biden’s nominee to lead ATF was blocked by Congress - there has only been one Senate-confirmed ATF Director in the agency’s history. This means states like Maryland have had to enact their own laws regarding straw purchases.

Maryland currently has a law against knowingly participating in a straw purchase, but the penalties are insufficient to hold gun traffickers accountable and incentivize local law enforcement to prioritize investigating and prosecuting these crimes. A 2018 study in the peer-reviewed medical journal *Injury Prevention* found that prosecutions in Pennsylvania for violating the state’s straw purchase law increased by nearly 16 times following the passage of a 2012 law that strengthened penalties for these violations.

“Prosecutors’ decisions to bring charges against law violators are going to be influenced by the magnitude of the penalty or the ease of getting a conviction,” explains lead author Dr. Cassandra Crifasi of Johns Hopkins Center for Gun Violence Prevention and Policy. “[W]hat happened in Pennsylvania shows that stronger penalties for violations increase the incentive for prosecutors to build cases against individuals suspected of engaging in multiple straw purchases. Policies that lead to more prosecutions of background check and straw purchase violations should be considered by lawmakers invested in reducing gun violence in their communities.”

Law enforcement leaders across the country have repeatedly called for strengthening penalties for straw purchases. A July 2021 report by the National Law Enforcement Partnership to Prevent Gun Violence, co-chaired by Chief Jim Johnson (ret.) of the Baltimore County Police Department, recommends states “Strengthen penalties for straw purchasing and make firearms trafficking a federal crime.” The report explains, “Enhanced penalties give law enforcement and prosecutors a crucial tool to induce cooperation from straw purchasers when investigating complex gun trafficking schemes.” This policy was supported by the leading law enforcement organizations, including the International Association of Chiefs of Police (IACP), Major Cities Chiefs Association (MCCA), National Association of Women Law Enforcement Executives (NAWLEE), National Organization of Black Law Enforcement Executives (NOBLE), and Police Executive Research Forum (PERF), and the Police Foundation (PF).

Both academic research and the hard-earned expertise of law enforcement in Baltimore and across the country suggests that supply-side approaches of stronger enforcement such as increasing the penalties for straw purchases will lead to fewer prohibited individuals from accessing firearms. We respectfully request a **favorable** report on HB 159.