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SB1 – Criminal Law – Wearing, Carrying, or Transporting Firearms (Gun Safety Act of 2023)
Unfavorable

I am a defense contractor whose current and prior employers include one of the top research laboratories in the United States and one of the leading aerospace corporations in the world. In my spare time I enjoy shooting sports, volunteering in the community, watchmaking, and woodworking. I write in opposition to SB1, a bill that would place Maryland residents including myself in danger of unknowingly running afoul of overly broad sensitive place restrictions. This bill also serves to add yet another opportunity for selective enforcement in a time when police reform has taken front and center stage, all in the hope of improving safety by disarming or otherwise threatening people who have gone through the considerable time, effort, and exhaustive background investigation to wear and carry a firearm in self-defense.

This Bill Creates a Minefield of Sensitive Places

The wording of the bill encompasses a broad variety of places as well as the surrounding areas that would create a patchwork of prohibited locations, some of them not being visible as prohibited places until you are nearby. I often spend time in Baltimore City and Annapolis, areas where a combination of stores, residences, and public establishments are often physically close to one another but visibly obscured by buildings, vehicles, foliage, or other impediments to line of sight. In the case of locations where wear and carry would be prohibited, how would the distance be calculated? By shortest paved path? As the crow flies? Or some other methodology of determining distance. There may be no way for a person to travel between two points without knowingly or unknowingly traveling through one of these prohibited locations.

What Does Enforcement Look Like?

I like to imagine that police have my best interests in their mind as they look to uphold the law across the state of Maryland, but time has shown that among the many officers who passionately work to ensure the safety of communities we all love, there exist some who harbor discriminatory or prejudicial views toward enforcement of laws. I fear this will create more opportunities for arbitrary and discretionary enforcement of gun laws based on race, gender, monetary situation, or even

political standing. I think back to the painful days of learning what the Baltimore City Police Department's Gun Trace Task Force had been accused and later members convicted of. This bill leaves things such as how distance to a prohibited location is determined or what sort of test there is for "knowingly" carrying near or within a prohibited location. I have a sinking feeling that the same leeway given to a person in a business suit and luxury car who unknowingly passes by an Air B&B with no external indicators that it is, in fact, a rental property would be given to a person in a cheaper car who wore stained and tattered clothing.

Bruen Already Outlined Prohibited Places

One of the items that the United States Supreme Court addressed in the Bruen decision was the prediction that New York (or any other state or local government entity) would try to determine an entire area as a sensitive location that should be barred from firearm possession. Forecasting this, the Supreme Court decision specifically outlined what places wear and carry could be restricted and limited the scope to "in" those locations. As the bill is currently written, it goes well beyond the scope of what the Supreme Court has outlined as a reasonable restriction that follows the level of scrutiny that Second Amendment cases are examined under, text, history, and tradition.

What Effect Will This Bill Have Upon Public Safety?

The rationale for this bill is weak, the bill does not specifically go after those who carry a firearm without a permit illegally, but appears to be mainly targeted at Maryland residents who have spent the time taking a training course approved by the State Police, getting fingerprinted, passing a live fire qualification, and a federal background check. The bill seems to be an in terrorem threat to all Maryland residents to not concealed carry with a permit, because under this bill most residents will have no idea what the patchwork of prohibited places and locations looks like, often finding out there is a bar in a shopping center, for instance, after they are already within the proximity.

For these reasons, I must urge you give an unfavorable report to this bill. If it were enacted into law, the State will be prosecuting inevitable violations by otherwise law-abiding citizens of Maryland, destroying reputations and inflicting legal and economic ruin on these individuals and their families. Instead of putting more of a lens upon those who have gone through the training and background check required for obtaining a wear and carry permit from the State Police, it would better serve public interest to instead focus on intervening in cases of individuals carrying without a permit. People who have demonstrated a willful disregard for the law.

Sincerely yours,



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