

OPPOSE THE FIREARM AMENDMENTS TO HOUSE BILL 135

The proposed changes to Firearm Offenses in House Bill 135 will not improve public safety.

Increasing felony convictions and incarceration for the gun offenses will not improve public safety. To protect Marylanders we need to address the root causes of violence. **Poverty, inequality, high unemployment, high rates of neighborhood change,** and lack of educational and economic **opportunities** all contribute to violence in communities.^[i] For individuals with a history of experiencing violence in their community or in prison, fear of being victimized is a powerful motivator for carrying a firearm.^[ii] Instead of passing archaic penological firearm legislation, we urge the legislature to oppose the amendments to House Bill 135 in favor of community investment that will prevent violence without the destabilizing impacts of incarceration and disenfranchisement that follow a felony conviction.^[iii]

Each of this legislation will not effectuate public safety efforts sought.

Public Safety § 5-138 Sale, Transfer, or Disposal of Stolen Regulated Firearm Prohibited should not be reclassified from a misdemeanor to a felony. Felony convictions create significant barriers to employment, benefits, housing, and even volunteer opportunities.^[iv] These barriers will not prevent gun violence, rather they will further hinder community stabilization, and impede Marylanders trying to extricate themselves from situations in which they feel the need to carry a firearm.

Public Safety § 5-406 Manufacture or sale of an unregistered firearm or a firearm with the identification marks removed, changed, obliterated, altered should not be reclassified from a misdemeanor to a felony nor should the penalty be increased from fines to five years' incarceration. Research consistently shows that higher incarceration rates are not associated with lower violent crime rates.^[v]

Public Safety § 5-703. Purchase, receipt, sale, offer to sell, or transfer of unfinished frames or receivers not in accordance with federal standards and with no serial number should not be reclassified from a misdemeanor to a felony. This proposal is hasty and unfounded. Just last year, the legislature passed **House Bill 425**, which created the scope of convictions under **Public Safety § 5-703**. There has not been enough time to demonstrate the efficacy of this law, thus there can be no evidence demonstrating that a felony conviction versus the existing misdemeanor would have any impact. In fact, to date MOPD has not identified any charges under this statute. Considering the life altering impact of felony convictions, they should be legislated sparingly and certainly not without any data surrounding the existing misdemeanor.

Finally, House Bill 135 unnecessarily increases felony convictions and there are already penalties for unregistered firearms.

- In 2022, MOPD logged over 8,550 charges under **Criminal Law § 4-203** which makes wearing, carrying, and transporting a gun without a permit a misdemeanor and carries up to 3 years' incarceration for a first time offense and up to 10 years' incarceration for a subsequent offense.
- In 2022, MOPD logged over 8,400 charges under **Public Safety § 5-133** which outlines a variety of circumstances under which a person may not possess a regulated firearm, including a prior conviction, substance use, mental health findings, under the age of 21 and depending on the circumstances of the accused may carry up to 15 years' incarceration and a felony conviction.

RESOURCES AND FURTHER READING:

^[i] <https://www.prisonpolicy.org/reports/violence.html>. Specifically, **lack of employment opportunities increases the risk** for gun violence, and felony convictions significantly restrict employment opportunities.

^[ii] Webster et al., *Reducing Violence and Building Trust*, Johns Hopkins Center for Gun Policy and Research, 2022; **68% of incarcerated people** sampled in New York prisons reported some form of childhood victimization. Similarly, over **90% of youth in the Cook County** (Chicago), IL juvenile detention facility reported that they had experienced one or more traumas.

^[iii] [According to the Prevention Institute](#) a growing number of safety plans across the country include upstream strategies such as **youth employment**, neighborhood economic development, **safe parks**, **restoring vacant land**, and reducing **alcohol outlet density**.

^[iv] In 2021, DLS created a 100 page document outlining the consequences of convictions including [Licensure for numerous occupations may be restricted, denied, or revoked due to a felony conviction](#). (Pages 48-63 of the PDF); [Felony convictions also result in the mandatory limitation or revocation of federal benefits, employment, and even volunteer opportunities](#). (Pages 66-99 of the PDF).

^[v] See, e.g., Thomas B. Marvell and Carlisle E. Moody, "Prison Population Growth and Crime Reduction," *Journal of Quantitative Criminology* 10, no. 2 (1994), 109-40 (finding that higher incarceration rates were generally related to lower index crime rates but had little or no impact on murder, rape, or assault); Steven D. Levitt, "Alternative Strategies for Identifying the Link between Unemployment and Crime" (2001) (finding a very modest association between incarceration rates and property crime rates but no association between incarceration rates and violent crime rates); Robert H. DeFina and Thomas M. Arvanites, "The Weak Effect of Imprisonment on Crime: 1971-1998," *Social Science Quarterly* 83, no. 3 (2002), 635-53 (finding that higher incarceration rates were associated with lower crime rates for burglary, larceny, and motor vehicle theft, but not for murder, rape, assault, or robbery), http://www.antonioacasella.eu/nume/DeFina_Arvanites_2002.pdf; Tomislav V. Kovandzic and Lynne M. Vieraitis, "The Effect of County Level Prison Population Growth on Crime Rates" (2006) (finding no association between incarceration rates and crime rates); Oliver Roeder, Lauren-Brook Eisen, and Julia Bowling, *What Caused the Crime Decline?* (2017).