

**Testimony in Support of SB 113**  
**Civil Actions - Public Nuisances - Firearm Industry Members (Gun Industry Accountability Act of 2023)**  
**Maryland Senate Judicial Proceedings Committee**  
**February 7, 2023**

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Thank you, Chairman Smith, for the opportunity to testify in support of SB 113. I am a professor at the Johns Hopkins Bloomberg School of Public Health and Distinguished Scholar for the Johns Hopkins Center for Gun Violence Solutions. My testimony is offered by me individually, and it does not represent the official position of the Johns Hopkins University.

During the past thirty years, I have conducted research on gun laws in Maryland and in other states and communicated with many law enforcement officials charged with keeping the public safe from gun violence. Maryland has adopted several measures that our Center's research indicates are effective in reducing gun availability to criminals. But there is an important gap in Maryland's gun laws that hinders law enforcement's ability to keep guns from individuals who commit violent crime that SB 113 seeks to fill. The federal Protection of Lawful Commerce in Arms Act (PLCAA) gives special protections to firearms sellers against litigation for reckless business practices that create significant harm to others. Passage of SB 113 would require firearm sellers to establish reasonable measures to prevent illegal straw purchases, trafficking, and theft of firearms and make violators open to litigation brought by Maryland's Attorney General because violation of state law is an exception to PLCAA's special protections.

Research which I led provides evidence that undercover stings exposing illegal and negligent practices, lawsuits, and, in some cases, prosecutions of scofflaw gun dealers dramatically reduced the diversion of guns from licensed gun dealers to criminals in Chicago, Detroit,<sup>1</sup> and New York City.<sup>2</sup> New York sued 24 gun dealers for practices that contributed to interstate firearm trafficking who settled their lawsuit by agreeing to adopt a series of specific policies to prevent illegal sales and theft. Ten of these gun dealers had electronic sales records that we linked with firearms recovered from criminal suspects and crime scenes by New York Police Department. We found an 82% decrease in the probability that guns sold by these gun dealers were subsequently recovered by NYPD after the dealers implemented these new measures.

A study of ATF gun trafficking investigations found that corrupt retail gun dealers accounted for more guns diverted into the illegal market than any other single trafficking channel.<sup>3</sup> A very small percentage of gun retailers sell the majority guns recovered from criminals.<sup>4</sup> The disproportionate sales of guns diverted for criminal use cannot be explained solely by differences in sales volume, customer demographics, or local crime rates.<sup>5</sup> There are egregious examples of such scofflaw gun dealers in Maryland whose guns were commonly linked to violent crime for many years before federal action was taken.<sup>6,7</sup> Weak federal laws and resource constraints hamper the ATF's ability to ensure gun dealers comply with gun laws.<sup>8,9</sup>

Passage of SB 113 would protect Marylanders against negligent business practices that channel guns to violent criminals.

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**Research Cited**

<sup>1</sup> Webster DW, Bulzacchelli MT, Zeoli AM, Vernick JS. Effects of undercover police stings of gun dealers on the supply of new guns to criminals. *Injury Prevention*. 2006; 12:225-230.

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<sup>2</sup> Webster DW, Vernick JS. "Spurring Responsible Firearms Sales Practices Through Litigation: The Impact of New York City's Lawsuits Against Gun Dealers on Interstate Gun Trafficking," pages 123-132 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds. Baltimore: Johns Hopkins University Press, 2013.

<sup>3</sup> Braga AA, Wintemute GJ, Pierce GL, Cook PJ, Ridgeway G. Interpreting the empirical evidence on illegal gun market dynamics. *Journal of Urban Health* 2012; DOI 10.1007/s11524-012-9681-y.

<sup>4</sup> Bureau of Alcohol, Tobacco and Firearms (ATF). *Crime Gun Trace Reports (2000): The Youth Gun Interdiction Initiative*. Washington, DC: U.S. Department of the Treasury, 2002.

<sup>5</sup> Wintemute GJ, Cook PJ, Wright MA. Risk factors among handgun retailers for frequent and disproportionate sales of guns used in violent and firearm related crimes. *Injury Prevention* 2005; 11:357-363.

<sup>6</sup> Brady Center to Prevent Gun Violence. *Death Valley: Profile of a Rouge Gun Dealer: Valley Gun Baltimore, Maryland*. Washington, DC, June 2006.

<sup>7</sup> *The Washington Post*. "The Dance of Revocation." December 14, 2010.

<sup>8</sup> Inspector General of the United States Department of Justice. Inspections of Firearms Dealers by the Bureau of Alcohol, Tobacco, Firearms and Explosives. Report I-2004-2005. Washington, DC, July 2004.

<sup>9</sup> Braga AA, Gagliardi PL. "Enforcing Federal Laws Against Firearms Traffickers: Raising Operational Effectiveness by Lowering Enforcement Obstacles," pages 143-156 in *Reducing Gun Violence in America: Informing Policy with Evidence and Analysis*, Daniel W. Webster and Jon S. Vernick, Eds. Baltimore: Johns Hopkins University Press, 2013.