

STATEMENT OF
ERIC E. STERLING, J.D.
SUBMITTED TO
THE MARYLAND HOUSE OF DELEGATES
JUDICIARY COMMITTEE
HON. LUKE CLIPPINGER, CHAIR
HON. DAVID MOON, VICE CHAIR
FEBRUARY 8, 2023

**IN SUPPORT OF
HB 413
Firearms – Right to Purchase, Possess, and Carry**

Chair Clippinger, Vice Chair Moon, Members of the Committee, I support HB 413 and urge a favorable report.

As background, I am a member of Bethesda Friends Meeting. I fear there are too many firearms in our communities, and that some gun owners inadequately secure them, tragically demonstrated recently at a Virginia elementary school. As a teenager, I had a handgun pointed at me, and it was traumatic. Thirty years ago, the cousin of my secretary was shot to death. In the 1980s, as counsel to the U.S. House Judiciary Committee, I managed the gun control legislation, and helped draft the original “Brady Bill.” I favor control of firearms.

Notwithstanding my personal experience, preferences or prejudice, we all must affirm it is conclusively established that the U.S. Constitution includes and guarantees an individual right to buy and possess firearms.ⁱ While the scope of exceptions to this right is being litigated in many courts at this time, it cannot be seriously asserted that the State of Maryland has the power to deny the exercise of a constitutional right because a person is a medical patient and uses a medication pursuant to Maryland law, namely cannabis.

The Committee should be aware that last Friday, Feb. 3, 2023, Hon. Patrick R. Wyrick, Judge, U.S. District Court for the Western District of Oklahoma, in a 54-page opinion, struck down the Federal restriction against the receipt and possession of a firearm by a person who uses marijuana (18 U.S.C. 922(g)(3)).ⁱⁱ

I was appointed by Gov. Martin O’Malley in 2013 as one of the first Commissioners of the Natalie M. LaPrade Maryland Medical Cannabis Commission and served until 2017. I have met countless Maryland medical cannabis patients. Today there are over 162,000 certified medical cannabis patients in Maryland.ⁱⁱⁱ These medical patients are not, by virtue of their medication, unfit from being careful firearms owners. Every member of the General Assembly – regardless of their views on firearms – should be indignant that medical patients are discriminated against, even if the discrimination regards their legal right to obtain and possess a firearm. Sadly, with their serious, painful and often disabling medical conditions, these men and women are often stigmatized, and especially so because of their medication. It is wrong for the law to compound this stigmatization.

You are lucky -- you can guarantee the constitutional rights to over 160,000 Maryland residents by enacting HB 413. The opportunity to guarantee a constitutional right is rare.

I urge a favorable report.^{iv}

ⁱ *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. ____ (June 23, 2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008).

ⁱⁱ *United States v. Jared Harrison*, Case. No. CR-00328-PRW, U.S.D.C. W. D. Okla., Feb. 3, 2023; Kyle Jaeger, “Federal Court Strikes Down Gun Ban For People Who Use Marijuana, Calling Government’s Justification ‘Concerning’” MarijuanaMoment.Net, Feb. 6, 2023, <https://www.marijuanamoment.net/federal-court-strikes-down-gun-ban-for-people-who-use-marijuana-calling-governments-justification-concerning/> (includes motions for the United States and the Plaintiff).

ⁱⁱⁱhttps://mmcc.maryland.gov/Documents/2023%20_PDF_Files/Patient%20Stats/commission_stats_patients_Bi-weekly02.01.pdf

^{iv} Eric E. Sterling has lived in the 18th Legislative District for more than 25 years. He was Executive Director of the Criminal Justice Policy Foundation from 1989 to 2020.